



PENNSYLVANIA LANDOWNER

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Property Rights at Risk at Presque Isle

Brian Candela owns 22 acres near the entrance to Presque Isle State Park. He was shocked to learn that his land appeared on a list of properties to be acquired by the state. He learned about it, not from the state, not from officials at Presque Isle, but in an email from someone who saw the acquisition list and knew that Brian was not interested in selling his land.

Brian is not alone. In all, there are five property owners who operate businesses near the entrance to the park. Despite repeated statements from various officials that condemnation is not currently being considered as a method for acquiring the property, the landowners are nervous.

A plan has been developed that would transform 58 acres near the park into a grand "greenway" entrance, and add a five-story visitor center.

Talk about a visitor center, and reworking the park entrance, has emerged from time to time for several years. But, about three years ago, the Park Advisory Committee began to seriously develop the current plan. The \$25 million project could be approved by the state Department of Conservation and Natural Resources at any time. The decision will affect not only the land owners, but the thousands of visitors who use the 375-unit campground on Candela's property, and the patrons of the other businesses on the other land under consideration.

Among the concerns about the project is the process by which the project evolved and the process by which land use decisions will be made.

Under a system of representative government, public policy, especially policies that govern land use, should be made by locally elected officials who have a stake in the community and are

accountable to the community. The process should be open to the public and subject to critique and criticism at every step, and decided finally, by an open, public vote of the elected officials.

The Presque Isle plan was developed by a 15-member committee appointed by the Secretary of the Department of Conservation and Natural Resources, who is an appointee of the Governor. Committee members themselves nominate new members to the Committee, and the only elected officials involved are the members of the Erie County Legislative delegation, who are given an opportunity to "review and comment" on the nominees before appointment.

The result is a situation in which a handful of non-elected individuals decide how someone else's land should be used, without consultation or input from the individuals who own the land. This

process is becoming the norm; landowners are frequently the last people to discover that new laws or regulations restrict or eliminate the use of their own land.

The Presque Isle project raises issues that go beyond the entrance to the park. The members of the Advisory Committee are no doubt sincere in their efforts to improve the appearance of the park, and its service to park visitors.



Brian Candela (R) and brother Sean (L) stand in front of their pink Cadillac in Sara's restaurant which has been a nostalgic eatery for over 20 years at the entrance to Presque Isle.

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A Message from the President -

ELIMINATING PRIVATE PROPERTY

By Keith Klingler



It appears that Governor Ridge has taken a new approach to affect private landowners in a negative way. When our environmental Governor (Bob Casey) was running the show, his approach was a regulatory hammer hanging over the heads of all Pennsylvania's private landowners. He promoted the theory that the public good, (in his eyes), always took precedent over any individual rights. When running for Governor, Mr. Ridge promised to rid Pennsylvania of this kind of mentality and create a more customer friendly agency. This he did, but what has followed hasn't been a pretty picture. Governor Ridge with the help of one-time Western PA Conservancy head John Oliver, now secretary of the DCNR, has embarked on a new mission, the systematic elimination of private property.

Apparently our Governor, with the help of Mr. Oliver and many environmental groups, realized that regulating us to death wasn't politically possible, so they've taken a more direct approach. Since the new millennium began just a few short months ago, Pennsylvania has already lost nearly 18,000 acres of private property to state and Conservancy Land Trust purchases. The sad thing is that in most cases our own tax dollars are being used through "Key 93" and "Growing Greener" grants, to compete with the private sector for these properties.

Think about it, if you were at an auction bidding on an item and the fellow next to you bids higher than you can afford and gets the bid, how would you feel if you found out that he was a state agent and used your tax dollars to outbid you? That's what's happening with the land acquisitions using "Key 93" and "Growing Greener" monies. There is no price limit per acre, no plan as to location of these purchases and no local government control or input. One of the recent purchases approved by the PA Game Commission was for nearly 3,000 acres in Huntingdon County where a "Key 93" grant was used by the Western PA Conservancy to purchase the tracts. Mr. Oliver has made several statements promising County approval of purchases using these grants to avoid legislation making it mandatory. Knowing this, I called one of the commissioners who was very surprised to hear about the Game Commission acquisition and said he thought the Conservancy was going to keep the land. I proceeded to explain to him that Conservancies were simply middlemen or real estate agents for government and that they rarely keep land and pay taxes and assume all the responsibilities that go with land ownership. I also asked the Commissioner if he felt the county had enough public land. He said the government-owned land they had wasn't being fully utilized and he questioned the motives.

It's clear that Conservancies and the state have no intentions of slowing down this aggressive pace of eliminating private property. We need to stop the state from competing with its own citizens for land, or owning and enjoying private property for future generations will only be a dream.

Property Rights at Risk at Presque Isle

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It is certainly far more efficient to develop such plans in relative privacy, than to subject every consideration to public review and comment. But the value which must be weighed carefully is the value of private property rights, against the process by which those rights are infringed.

The Presque Isle project is so far along, and the tax-dollars involved are so enticing, that the property owners who may not wish to sell their land are at a distinct disadvantage. Had they been involved in the process from the beginning, in an open forum before elected officials, the plan might have evolved in a completely different fashion—or not at all.

When any government agency puts privately owned land in its acquisition sights, the landowner should be the first to know—not the last. Any decision to restrict, or eliminate the use of privately owned land, must be made only by elected officials, and then for justifiable reasons that are supported by the majority of the electorate. Retreat from this process is an erosion of the fundamental principles of freedom upon which our nation rests.

Who Owns America?

By Floy Lilley, J.D.,

based upon remarks made to

Southern Hardwood Forest Research Group,

Feb. 17, 2000,

Stoneville, MS

Who owns America is both the title of a current book by Harvey Jacobs and a good question to ask.

Exact ownership figures are difficult to come by. Landownership changes constantly and dramatically. It does not sit still to be counted. There are over fifty-eight thousand governments in our country. Not all data are maintained, or recorded in the same manner, or made available. The best acreage counts come from the Department of Agriculture, but, of course, their numbers do not include non-farm numbers. So, no certainties are possible, but approximations will suffice.

Best tallies place about forty to forty-four percent of the land area of these United States in the public column. That counts local, state and federal government land. What can be said about the remaining fifty-six to sixty percent that falls in the private column? Jacobs, referencing a 1993 study by Geisler, writes that seventy-five percent of all of that private acreage is in the hands of the top 5% of landowners. Those are "people" like Champion International Paper who counts one million acres of Texas within its total holdings.

The stunning figure is that 78% of all landowners hold title to a mere three percent of the private acres. As Jacobs has put it, "Despite the perception of widespread landownership among America's peoples, the 1980 study found private land in the United States in the hands of only 34 million owners. Nothing in the last two decades suggests that this pattern of private landownership is changing for the better."

If five percent of thirty-four million people hold title to the bulk of private real property, only 1.7 million people own most of America.

That's who owns America.

It gets messier for us advocates of private property rights.

Private ownership advocates, alert to regulatory takings, appear lulled and beguiled by a modern ritual of property *hara-kari* known as conservation easement. This freshest destruction of the fundamental stick in our bundle of real property rights is, like *hara-kari*, self-inflicted. Willingly, voluntarily and deliberately, landowners—large in numbers and small in holdings—are signing away the basic stick that is owner choice of land use and disposition.

There would certainly exist no building on a University of Texas campus from which I write if our great-great grandfathers

had snarled up land use in proscriptive and perpetual conservation easements. There would exist no University of Texas campus. Which of your homes and offices could have been built?

Are conservation easements the coin of land trusts or the coin of land agents? Bruce Yandle of Clemson University argues that they are too close to the government. The Nature Conservancy's (TNC) record of offering a tax benefit to owners who sell at a loss and then TNC gaining a "profit" when that land is resold to the federal government has prompted some, including this author, to refer to the Nature Conservancy as "pimps for the feds."

Just show me the records. Show me how many pieces of private land began with a conservation easement, transferred to land trusts, and finally transferred to the federal government. TNC earns \$10 million per year from sales of such property to the feds. Are there any heirs out there who won't eventually just get tired of paying taxes on land they can't use for future

development? Their land will end up federal land. We all know how beautifully managed it will be then.

But, before it eventually becomes federal land, land under conservation easements is still counted categorically as private. "Some 17 million acres of U.S. land is now controlled by land trusts. That's a lot of habitat, farmland, and open space, an amount close to the size of South Carolina," Yandle concludes in a December 1999 PERC Report.

Those acres are private in name only.

The right of land use choice is forever, in perpetuity, denied to any future owner.

Proponents of conservation easements point to Ducks Unlimited as the best performer in this politically correct field. Although Ducks Unlimited have not always been good friends of water rights, I will call them good guys until they begin to stop hunting rights. That litmus test will show that they, too, have crossed the line.

This piecemeal nationalizing of America has picked up pace. "Prior to 1950 there were fewer than 40 land trusts in the United States. There are now more than 1200 land trusts operating across the 50 states and U.S. territories (Land Trust Alliance)," Yandle's research reveals. If the chief driver behind this rush from rights is our death tax, repeal the death tax.

Show me what happens to the value of land with a perpetual cloud upon its title. Will its income stream rise? Will it be more valuable? Or, will your conservation easement mark you as an easy future picking for the feds?

It gets messier.

Clear pictures of even more clouded titles loom. Clouds will form from these five major elements:

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1. The Conservation and Reinvestment Act of 1999. The land grab bill called CARA is a hot pork plate about to be accepted or rejected. Chuck Cushman of American Land Rights Association documents daily CARA's unintended impacts upon private landowners.

2. New funds for acquiring wetlands. Millions in matching funds are already in existence for wetlands.

3. Fresh funds for transportation enhancements like bike trails. The 1998 Transportation Equity Act provides \$630 million for greenways and other open spaces.

4. Potential designation of Kyoto Lands to sequester carbon dioxide. The 6th Conference of the Parties of the United Nations Convention on Climate Change will present the implementation facts about land use rules for sequestering carbon dioxide to the member dignitaries this November at the Hague.

5. Newly proposed Forest Service Land Use Planning Regulations with their potential to guide even land use planning on private land nationwide. The Forest Service new management plan is a NO MANAGEMENT plan.

The fifth cloud formation deserves a few extra notes. If the forest regulations are permitted to wrap themselves around the proposed core idea of "ecological sustainability," then "good" forestry practices will mean "no" forestry practices.

All of the fine skills that forest service agents have in their tool kits will be disallowed. "Keep Human Hands Off" is the mantra of ecological sustainability. Rot away, blow down and burn up will be the forest practice across the land.

"Keep Out" is the regulatory sign even today within 150 feet of streams. In hilly terrain, this Best Management Practice restricts much land. Wetland issues prohibit any logging within any high water mark, but exactly what elevation gets you above that shoreline? For any potential upland wildlife and bird habitat anti-logging rules already constrict management skills on much acreage.

According to Dr. Kent Adair, retired Forestry faculty member of Stephen F. Austin State University in Nacogdoches, TX, politics is driving the newest harassment of human forest management. Adair reports that the federal agency OSHA has been entering east Texas forests after logging operations and measuring hinge wood visible on stumps to ascertain if the length of the hinge wood reflects that the tree was felled in an occupationally safe fashion. Unexpected fines are then levied on companies. When asked why OSHA felt inspired to start up this new inspection, Adair speculates that environmentalists desire a stack of sins, like dramatic fines, that could create the picture of a poor environmental performance record for Texas Governor Bush as he challenges Vice President Gore.

Perhaps the better question to have asked is not "Who owns America," but "Why does owning America matter?"

Adam Smith took for granted that everyone understood why private ownership matters. Private ownership of intellectual property today is propelling the greatest wealth creation engine the world has ever seen. Private ownership of personal property, like our money, is an intellectual issue that is bound to be revisited and affirmed in the near future. But, the present state of real property ownership (land) in America says we have lost this understanding as it entails real property.

A fundamental principle operates for all three types of property. That principle is that unless a man can keep what he produces, he is unwilling to work hard. As long as governments take the fruits of his labor, man knows his life is no better than that of a slave. As long as other men can whimsically and arbitrarily claim his efforts as their rights, no human has the longer time horizon necessary to make his own efforts worthwhile.

Private property is the key to human dignity.

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Ooops!

Secretary of Agriculture Dan Glickman announced in December that Pennsylvania had lost more than a million acres to "urban sprawl" since 1992 and spawned a rash of press releases about the need for stricter laws governing land use. Debra Tingley, of the Pennsylvania Builders Association, challenged the report saying that the numbers did not correspond to the number of building permits that had been issued during the period. Each house built during the period would have had to occupy 5.2 acres in order to correspond to the numbers Glickman reported.

Tingley was right; Glickman was wrong. The report, based on data analyzed by Iowa State University, was deeply flawed. "It's a real embarrassment," says Sarah Nusser, who was in charge of the University's computers. Revised numbers are expected in June.

Neither the USDA, nor any of the land preservation organizations that loudly decried the rampant "urban sprawl" when the report was issued, held a press conference to announce the error. The USDA posted a note on its web site cautioning that the numbers reported in December were "preliminary," and would be revised.

AMERICAN VALUES

By Henry Ingram, Esq.

Except for sports, C-Span, and some political talk shows like Hannity & Colmes, I don't watch very much television. As a consequence, I miss a lot of what the Networks palm off on their viewers as news and entertainment. Obviously what goes up on the screen is a reflection of our popular culture. It also reveals the level of our shared or common understanding as a nation and our whole value system. My sense from sporadic tube watching is that the big boys in New York and Los Angeles think we're all a little stupid, immune to poor taste and lacking what we used to call American values. At the risk of offending some readers who may be avid viewers, when I do catch network shows, it all seems pretty tasteless, unnecessarily vulgar and not particularly stimulating (as in "*Does it make you think about anything of importance?*"). The same goes for the "News." I get the impression that the lead guys are chosen for their looks and unctuous preachiness. They give 30 seconds or so of World or National news (*skewed toward the Left if you believe Rush or Michael Reagan*) and then switch you over to some breathless, on the scene reporter who provides, a shallow, pre-investigation of the facts, analysis of some tragic occurrence or act of human stupidity or evil which usually is blown out-of-proportion, brayed on and on about and repeated well beyond the point of being news.

What results is a reduction in the level of discourse to trivia. We spend hours hearing yak about Al Gore's new hair style or George W. in his early days as a hell raiser. Some reporter is probably investigating how many iced teas Mr. Gore had when he missed all the talk about political fund-raising at the Buddhist Temple in Los Angeles. What bothers me is that the mainstream press, or the media, or whatever you want to call it or them, and their editors, always seem to let politicians get away with deflecting any serious discussion of issues such as: "Who would you appoint to the Supreme Court?" or "Why shouldn't you cut taxes if we(!) are generating a surplus for the government?"

It is obvious that the media companies, publishers, producers, networks and studios bringing us the news and cultural stimulation (*a fancy term I coined for a level of entertainment just a little more edifying than WWF*) are satisfied to dumb us all down and pitch everything to the lowest common denominator. What is even more astonishing and galling is when some intellectual thug like Al Sharpton or some vacuous, air-head entertainer is interviewed on some public issue, purportedly to get the perspective of some imagined constituency—for balance I suppose. They have to have a pretty low impression of the audience when a network puts on some dippy TV personality to interview Puff Daddy on evolving trends in minority education.

Our legislators and other elected officials, as a whole, aren't much better. How many times have you seen a supposedly serious political figure flip flop on an issue; like Elian Goes or

Elian Stays or "Now we need relief from wetlands regulation and compensation for takings and now we don't." The media lets the politicians get away with it and they know a lot of us are too dumb or lazy to think it through and we'll soon forget the flips and the flops. As long as they look good and sound good, they can slide by and keep on saying whatever they think will curry favor (*and votes and contributions*) from whatever group or constituency they're proselytizing at that particular moment. Politicians must really believe that the public believes that consistency is the Hobgoblin of small minds. Don't even mention tired old notions such as keeping campaign promises!

How many times have you seen or heard some "all smiles" Congressman—Dick Gephardt comes to mind—try to pull the wool over our eyes. They tell us we can't have a tax cut because they can't figure out how "to pay for it." I have seen people start to scratch their heads and begin to think about that one. "Hmm..." goes the thought. "How will they pay for it?" But they forget — "we" are paying for it. All Gephardt and his cronies are doing is moving your tax money around and, in basest political terms, using your money to buy votes for them.

If something as obvious as that doesn't bother us, how can we cope with some real complex issues that the politicians scam us on?

In thinking about it, I blame the erosion of our fundamental values on our own intellectual laziness accelerated by the lack of clarity and gravitas in our public discourse. There is very little serious discussion—it's all Entertainment. Some editor writes something that we know is wrong but we shrug it off. It's time

to go to work or switch to the NACAR series on the tube.

But as the fallen Angel, Newt Gingrich, puts it: "Words are important." The way we talk about American values tells who and what we are and where we are going.

Let's think about some of these American values. Take, for example, in the Takings clause, the concept of "public use." It used to mean something. How about the concept or value of "multiple use" in the context of publicly owned lands. Or how about "wetlands?" Over time, the words haven't changed but the values underlying them have.

Let me give you some examples.

First, here is a press release from the Allegheny Defense Project:

Responding to a public call for forest protection, today Representatives Jim Leach (R-IA) and Cynthia McKinney (D-GA), along with 44 co-sponsors, re-introduced the bi-partisan National Forest Protection and Restoration Act (NFPRA) in the U.S. Congress. NFPRA would end the national forest commercial timber sale program, save taxpayer dollars, and re-direct funds to create jobs in critically-needed forest restoration, worker retaining, and development of alternative fibers and building materials. The bill has been endorsed by nearly 300 organizations, businesses, and religious groups (including the *Christian Environmental Council*), who have formed the National Forest Protection Alliance, a national grassroots coalition whose mission is to protect America's public lands from commercial exploitation.

"Our National Forests were reserved for the people of the U.S. over 100 years ago, and they should remain that way. The forests have provided clean drinking water for our communities, outstanding recreation for families, and unexcelled wildlife and fish habitat," said Congresswoman McKinney.

If you stop thinking right there, it probably sounds OK and you move on. That's wrong, however. National Forests weren't set up like National Parks. When Congress used your money to "do" the Forests, the "multiple use" concept was embedded in the legislation. The Supreme Court recognized that there exists a significant legislative difference between national forests and national parks. National forests "are not parks set aside for non-use," they were "established for economic reasons." 438 U.S. at 708. National forests, unlike national parks, are not wholly dedicated to recreational and environmental values.

This save the Forests stuff sounds good and makes "good press," but I don't have to tell readers of the *Landowner* about the devastation of our communities and disruption of the economy in Northwestern Pennsylvania if the ANF were to be locked up as a nature preserve. So far, no Pennsylvania Congressman has signed on to this legislation, but don't be surprised if one or two (*no doubt from the "sprawl" areas*) do sign on. How do you think the media will play that one? Most of them probably believe "multiple use" is a disease!

Let's take another one. We talk about it all the time. It's the bedrock constitutional principle: "...nor shall private property be taken for public use without just compensation." There was a time when we all knew what the last clause of the Fifth Amendment meant. If the Government has some [legitimate] use for your property, it could take it and pay you for it. Highways, schools, parks—we understood that.

Without going into a history of

"...nor shall private property be taken for public use without just compensation." There was a time when we all knew what the last clause of the Fifth Amendment meant.

If government goes too far or goes about it too irrationally, the Fifth Amendment may protect you ...

if you live long enough and have enough money to fight a major war against the Leviathan.

Regrettably, just like environmentalism, the Fifth Amendment is a rich man's game.

constitutional evolution brought on by the incredible growth of government regulation, suffice it to say the Courts had to step in to prevent the complete evisceration of the Fifth Amendment by excessive government regulation at all levels. *Pennsylvania Coal v. Mahon*, *Lucas*, *Whitney Benefits* and *Dolan and Nollan* stand out as beacons, even if somewhat faint ones, in the fog surrounding the Fifth Amendment. If government goes too far or goes about it too irrationally, the Fifth Amendment may protect you ... if you live long enough and have enough money to fight a major war against the Leviathan. Regrettably, just like environmentalism, the Fifth Amendment is a rich man's game.

But let's take a look at what's going on around the edges of the Fifth Amendment. Lo and behold, politicians are using it as a tool—some would say the tool is a bludgeon. Here is the way it works. A politician says to himself "I can take private property if I (*meaning the taxpayers*) pay for it. No problem. I have the money. Now all I have to do is conjure up a little public use. Make it sound like a highway, school or park—you know—the real public stuff."

For example, in Pittsburgh, the City wants Heinz to expand. Why shouldn't the City want that? It is a wonderful company which contributes greatly to all aspects of the community. But can the government take a neighbor's (*the little guy's*) private property to make it available to a multi-national corporation? Ketchup, pickles, jobs—sounds like public good although it may be not quite the same as public use, but us dim bulbs out

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there that the Mayor is dealing with may not recognize or care about the difference.

Or how about buying up a bunch of small businesses in downtown Pittsburgh so some out-of-town investors can develop the site and the Mayor will get a lot of credit for saving Pittsburgh. You could argue public good but it's a little harder to see public use in "take A's property and give it to B at taxpayers' expense." The solution: drag out the old "blighted area" designation. A "blighted area" designation supplies the public use and the politicians are off to the races. Talk about us being dumbed down. We may buy into that one but think about that third generation businessman whose family worked hard, provided jobs, paid taxes and in return gets the old "your property is in a blighted area" scam thrown in his face.

The same game seems to be starting at Presque Isle. Some swell Conservancy group gets a little edgy when the common man (*do they refer to us as Joe Sixpack and family?*) begins to "over use" the Park. "Better slow it down ... too much habitat fragmentation (*watch out when you hear that one...it's like "blight!"*) going on." And by the way, all those businesses near Waldameer are drawing people like flies. May be we better try to use some more politically correct fly paper—like a fancy new Visitors' Center. Let's make people focus on the better things—talk about habitat preservation, the DCNR, Rachel Carson, our natural heritage etc., etc. You can really do a lot if you can just slip your hand into the cookie jar through "Growing Greener" and "Key 93" money and various other sundry grants. At the end the taxpayer pays.

Let's see how this plays out. Have you ever seen a politician who didn't want to cut the ribbon on a new Visitors' Center? All you have to do is steamroll over some small business

owners. And—as would please Gephart and his pals—we (*meaning you, the taxpayer*) can pay for it. Public use, public good ... who cares? The public is asleep and if it wakes, it will be to the sound of some TV reporter gushing over how good we all feel about the brand new Visitors' Center.

All you have to do is look at the wetlands issue to see how we can be manipulated out of our fundamental American values which, after all is said and done, provide the underpinnings for our personal freedom and individual liberty. As the Virginia Slims people say it: "We've come a long way, Baby!"

I keep on my desk two maps of the United States. One shows acreage of "wetlands" declared by the United States in 1920 to be in need of drainage. We spent years and years and millions and millions of dollars to subsidize improvement of poorly drained land to enhance it for farming. Surely that was done for public good. The other map shows the same areas—now referred to as "artificially drained agricultural land." 87% of wetland losses (*you just have to accept that wetland loss is a bad thing because the media and the politicians say so*) were caused by government subsidized draining the "wet, swamp and overflowed lands," as a matter of public policy choice, beginning in the 1920's and continuing for 50 years.

Now we're going beyond the pale. We've come from "Drain the Wetlands" through "No Net Loss" (*and where do you start to count?*) and we're off to a goal of "Net Gain of Wetlands." Planners in their Guccis or Birkenstocks are scrambling to come up with ideas and schemes to get more wetlands. If you follow all this to its logical conclusion (*and if you assume for the sake of rational discussion that creating even more wetlands is a good idea*), it all comes down to cleaning up a mess the Government created and we have to pay for it. And you wonder why some people still trust government programs!

The heck with it. Let's watch NASCAR or pick up some pointers from Rosie O'Donnell.

VICTIM UPDATE: Bob Learzaf

Bob Learzaf was fined \$2,000 and sentenced to one year's probation by Judge Sean J. McLaughlin on April 26. Bob's crime: he refused to burn (or remove) a cabin from land he believes his family has owned since 1923. In 1928, the federal government bought the surrounding land which is now part of the Allegheny National Forest.

The feds believe that Bob's parcel was included in the 1928 sale to the federal government.

Bob has the original bill of sale which says otherwise.

Neither the Forest Service, nor the Judge, accept the original bill of sale as a valid conveyance of title.

Unless an appeal reverses Judge McLaughlin's ruling, Bob may enter his cabin one more time—under the supervision of the federal government—to remove personal belongings. After that, the feds will do whatever they wish with the property that Bob's uncle Mel paid \$150 for in 1923. For 77 years, the property belonged to the Learzaf family. Now, it belongs to the federal government. No, the property was not condemned by elected officials. No, the property was not purchased at fair market value. No, Bob was not given a choice; he was given a fine and a sentence and a record—for having the audacity to want to protect his private property.

Bob Learzaf is the last of 195 private property owners who have been removed—one way or another—from the Allegheny National Forest.

Farmers could violate Clean Water Act by simple act of plowing

U.S. Water News
April, 2000



A California farmer, rancher, and developer has been ordered by a federal judge to pay a fine of up to \$1.5 million for "deep plowing" his land. The judge ruled that the act of deep plowing violated sections of the federal Clean Water Act. This is a dangerous

precedent to set, that a farmer's plow, used as the most basic of farm tools, could be designated an instrument of water pollution.

U.S. District Judge Garland E. Burrell Jr. ruled that Angelo Tsakopoulos committed 358 violations of federal environmental law and gave Tsakopoulos the option of paying the entire amount or paying \$500,000 and financing an environmental restoration project on his ranch. Burrell said Tsakopoulos must either pay a stiff civil penalty or make appropriate restoration for "depriving the nation of wetlands that support wildlife and endangered species." Tsakopoulos vowed to appeal but said he will gladly pay for the restoration project on four acres on his ranch while his case makes its way through the 9th U.S. Circuit Court of Appeals.

The civil case pits government agencies that argue deep ripping destroyed sensitive wetlands and violated federal law against Tsakopoulos, who contends regulators have no right to tell farmers how and what to plow.

Edmund Brennan, an assistant U.S. attorney, said he was especially pleased "that the amount of the penalty is sufficient to take the profit out of the violations. People should take from this result the lesson that it costs more to violate the Clean Water Act than to comply with it," he said.

Tsakopoulos said the primary issue, to him, is not money or acreage—it's principle. Echoing a promise he made when he first went to court in the spring of 1997, Tsakopoulos declared his unshakable resolve to make the lawsuit "a national test case" that he will "take to the U.S. Supreme Court if necessary. The idea that a farmer's plow is a point source of pollutants is wrong," he said.

Tsakopoulos used deep ripping—a form of plowing used to get beneath a hard, relatively shallow layer of soil—to convert his pasture to vineyards and orchards. Specifically, Judge Burrell found that Tsakopoulos:

Violated the Clean Water Act by allowing deep rippers, without a permit, to "plow and cause fill to be deposited into" environmentally sensitive wetlands—swales and intermittent drainages—from 1995 through 1997.

Violated the federal Act by allowing disking of a vernal pool that was probably a home for fairy shrimp, a threatened species under the Endangered Species Act, before it was plowed.

Burrell found that Tsakopoulos' machinery caused dirt to be discharged into 28 swales or intermittent drainages and one vernal pool that, by their nature, are legally waters of the United States. A swale is a sloped seasonal wetland containing aquatic plants. Intermittent drainages transport rainwater. And vernal pools, which serve as wildlife habitat, are low points on the landscape that collect such rainwater.

In his ruling, Burrell noted the gravity of Tsakopoulos's conduct—particularly his "lack of earnest effort to comply with the Act"—but said a four acre restoration project would best serve public policy and negate the need for the full \$1.5 million fine. "Reaping such benefits at the expense of ...rare federal wetlands is intolerable under the Act," and calls for "a significant penalty to achieve...deterrence, Burrell wrote.

In an unprecedented ruling last year, Burrell found that plowing—the most basic of farming activities—may, in certain instances, run afoul of the Act. The judge rejected Tsakopoulos' challenge to the power of the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency to regulate "deep ripping" on his 8,348 acre Borden Ranch 10 miles east of Galt.

The EPA's counterclaim against him for water law violations—the first action of its kind in the nation—has been closely watched by farming interests nationwide.

Clearly, when Congress framed the Clean Water Act it had no intention of dragging farmers into court for polluting water because they used a plow. The court certainly has the right to interpret law, but it is absurd to think that the federal judicial system is going to take on the nation's farmers in a legal battle over point source pollution. The 9th U.S. Circuit Court of Appeals should reverse this ruling and bring some sense back to the enforcement of the Clean Water Act.



Marching Onward -

PLA CELEBRATES ANOTHER YEAR IN THE

For 13 years, PLA has been the leading voice for private landowners in the protection of their rights to own and use private property from the ever-increasing regulatory force of federal and state government's intrusion of the Constitutionally guaranteed rights to do so.

On March 16, 2000, at The Inn at Franklin, Franklin, Pennsylvania, more than 150 members, invited guests, and state and local legislators celebrated the accomplishments and achievements of the previous year. During 1999, PLA continued to educate its members, the public and our elected officials about the threat to property rights and government's seemingly insatiable appetite to control our lives and restrict our liberty. While we all recognize sound environmental stewardship as a virtue, we must not allow the government to dictate how it is to be achieved and suspend the Constitution along the way.

Our featured speaker for the evening was Mr. John W. Peterson, Executive Director of the National Watershed Coalition. Mr. Peterson has been a friend to the agricultural and forestry community for more than forty years, serving in various positions with the Soil and Conservation Service, (SCS), including both Assistant Chief and Deputy Chief. He witnessed the transition of the SCS to the "Natural Resources Conservation Service," and chose to retire in 1994 in order to work more closely with the nation's Soil Conservation Districts.

John enlightened the audience with his personal perspective on "Can Constitutional Government be Restored?" His historical documentation of the illegitimate



Mr. John W. Peterson

constitutional authority of most of what the federal government does today, makes it quite clear that the time has come to restore power to the states and people, to re-limit federal power in our fundamental law, and to restore constitutional government.

Senator Mary Jo White (21st District), was presented PLA's 1999 Outstanding Legislator of the Year Award for her outstanding commitment to the protection of private property rights. In her position as Chairperson of the Environmental Resources and Energy Committee, Senator White was supportive of amendments important to PLA and offered to SB

800, "Growing Greener" legislation. The amendment in part, would limit state land purchases to in-holdings. Future acquisitions of in-holdings would require a timber management plan to include timber harvesting without being subject to a natural or wildlands area designation.



PLA Board member Rhonda McAtee presenting Senator Mary Jo White PLA's Legislator of the Year Award.

Her hard work has ensured us that the appropriated monies will be used wisely in future programs and not used solely and largely for land acquisition.

KANE HARDWOOD, A Collins Company, Kane, Pennsylvania, was presented with PLA's 1999



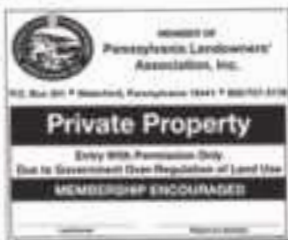
Dear Keith:

I am writing to thank you and commend you and the entire Pennsylvania Landowners' Association for your effective and consistent defense of property rights.

The recent article on "Strength in Numbers" (*PA Landowner Vol. XIII, No. 1*), should serve to encourage both landowners as well as Constitutionally committed Legislators. It certainly encouraged me as I read the article about the experience of one of my wonderful constituents, Mr. Bob Ibach. As I walked Mr. Ibach's property with him several months ago and saw what was being perpetrated on him, I recommended first of all that he pursue you and your organization. It was great to see how you responded, and to see the professional "private property" sign erected on Bob's property. Men like Bob who understand the importance of private property rights and who are willing to stand up for what is right are increasingly rare. I am thrilled and dedicated to helping and encouraging individuals like him to draw a line because the line they and you draw protect the rights of everyone.

Since the right to own and maintain private property is joined at the hip with freedom and individual liberty, we must together withstand the continued assault on this most precious and sacred right. Thank you again for your good work on behalf of every citizen of the Commonwealth.

Sincerely,
Samuel E. Rohr
State Representative
128th Legislative District



TRENCHES PROMOTING PRIVATE PROPERTY RIGHTS

Contributor of the Year Award. Since becoming a member of PLA in the late 1980's, KANE HARDWOOD has been, and continues to be an outstanding supporter and contributor to the Association. KANE HARDWOOD has enhanced our efforts to educate our members through the Newsletter Sponsorship Program which has allowed us to expand distribution of the *Pennsylvania Landowner*.

PLA also recognized the following businesses for their long time loyalty and service:

- Brookville Wood Products**
- Snyder Associated Companies, Inc.**
- Hyma Devore Lumber**
- Weaver, Inc.**
- K & J Coal Company**

PLA member Andrea Shaffer, Brookville, was the lucky ticket holder for the \$1,000 cash give-away.



PLA President Keith Klingler discusses with Mr. John Peterson the successes of PLA during the past years.



Dear Pennsylvania Landowners:

My best wishes to you on another gathering of Pennsylvania Landowners at your Annual Dinner. Please know how much I appreciate the invitation to join you. I regret that I am unable to be with you in person tonight.

As your United States Senator, I have enjoyed working with you on issues of importance to Pennsylvania Landowners. Knowing of your strong interest in the rights of property owners, I wanted to share with you my views on the issue before the Congress and assure you of my continued support.

As you know, our nation's Founding Fathers believed strongly in the sanctity of private property and considered its protection to be one of the foremost responsibilities of any just government. Accordingly, they included a guaranty in our Bill of Rights that "no person shall be... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation." I share our Founding Fathers commitment to property rights and recognize the importance of maintaining the integrity of the Fifth Amendment. With that in mind, I have and will continue to be a proponent of the rights of landowners as I serve you in the United States Senate.

While our fundamental rights on this matter are defined by the Constitution, in practice, property rights are infringed upon, or burdened by, onerous government actions. Property owners encounter unnecessary and unproductive delays in seeking remedies for "takings" — seizures of private property for government use or the disallowance of use of private property for a specified purpose due to government regulation.

Specifically, local, state, and federal agencies have imposed complicated, repetitive, bureaucratic hurdles that delay decision making and frustrate access to federal courts where a definitive resolution could be reached. In fact, for landowners who choose to fight their way through the bureaucratic maze all the way to a decision by a federal court on the merits of their case, it takes an average of 9.5 years. The enormity of this process makes it extremely and unnecessarily costly for landowners to pursue their cases to this end.

As you know, during the 105th Congress, Senator Orrin Hatch introduced the Private Property Rights bill, also referred to as the Takings bill. This legislation would simplify and expedite access to the federal courts for property owners seeking compensation for government regulatory action. I support this effort and voted to invoke cloture on the bill, which would have limited further debate and forced a final vote on the bill. This type of vote was necessary because Senate rules allow opponents of private property rights to delay and stall the bill. Unfortunately, the cloture motion was not passed and consideration of the bill was suspended.

Senator Hatch has introduced a similar takings bill this Congress, S.1028, which has been referred to the Judiciary Committee for review. In addition, Senator Chuck Hagel has introduced S.246, also titled the Private Property Rights bill. This legislation would require federal agencies to complete a private property taking impact analysis before taking any agency action, including the promulgation of a regulation, which is likely to result in a taking of private property. Senator Hagel's bill has been referred to the Government Affairs Committee.

As your Senator, you can count on my continued support as a strong advocate for the rights of private property owners. I look forward to the Private Property Rights bill coming before the Senate for debate and passage.

My best wishes to you for a successful Annual Dinner.

Sincerely,

Rick Santorum
United States Senate

Dear Friends:

May I take this opportunity to extend Greetings on the occasion of the 13th Anniversary Celebration of the Pennsylvania Landowners' Association.

Since its inception in 1987, PLA has played an important role in educating Pennsylvania's landowners about the threat to property rights and personal freedoms brought about through governmental intervention in land use development and has worked tirelessly to achieve some type of balance between citizens and their government.

The effort expended by your organization to bring the issue of private property rights to the forefront of public policy and debate is, indeed, commendable as is your commitment to conserving environmentally sound land use practices and natural resource conservation.

Very truly yours,

D. Michael Fisher
Attorney General

Rough road ahead for rail-trails

Chadds Ford Supervisors have withdrawn support for a feasibility study of a proposed rail-trail that would connect Chester Creek Trail, Darlington Trail, and Ridley State Park.

A "substantial" number of land owners attended a meeting of the Board of Supervisors on April 5th expressing their opposition to the proposed trail, and to the idea of expending tax dollars to study a proposal that could result in the taking of private property.

In January, U.S. Court of Claim Judge Eric Bruggink, ruled that the government must pay hundreds of Missouri land owners along the 200-mile Katy Trail. Another class-action suit has been entered in Kansas seeking compensation "not to exceed \$10,000" for landowners whose land may have been taken under the 1983 National Trail Systems Act (NTSA).

Kansas Congressman Jim Ryun has introduced legislation to amend the NTSA to require "fair and reasonable" compensation for land that is converted to trails under the Act. Henley Gabeau, director of the Road Runners Club of America, says Ryun's bill is "another huge stumbling block" that could mean years in court before a trail is developed.

BAD NEWS

CARA Passes House

The Conservation and Reinvestment Act (CARA), passed the House of Representatives by a vote of more than two-to-one, despite the efforts of hundreds of thousands of

property-rights activists across the country. The bill will provide \$2.8 billion annually to agencies of the government—without Congressional appropriation—for the acquisition of private property. John Peterson (R-PA 5th) attempted to amend the bill to require the federal government to bring current the PILT (payment in lieu of taxes) it already owes state and local governments before any new land can be added to the federal inventory. Peterson's amendment failed.

CARA still faces an uphill battle in the Senate. Pennsylvania Senators need to know how you feel about this important legislation. Aside from the gross expenditure, PLA opposes the bill because:

1. Governments already own more than 40% of the land, 33% owned by the federal government.
2. The "willing seller" provision in the bill does not prevent excessive regulatory restrictions to coerce owners into a "no choice" position.
3. The bill authorizes grants to non-government organizations to buy private property.
4. Private land withdrawn from the tax base increases the tax burden on the remaining land owners.

ESA Listing Threatens Wine Industry

California wineries are fighting against a little known creature called the California tiger salamander. In an effort to stop the spread of vineyards, environmentalists have curled up to this slimy critter. In January, the U.S. Fish and Wildlife Service gave the tiger salamander an emergency listing as an endangered species.

As we should all be aware of by now, this emergency listing has very little to do with the protection of the salamander and everything to do with more control over private property through excessive land use regulations. Anti-grape advocates are upset that their viewscapes are being destroyed. They've been successful in slowing down vineyard expansion by getting ordinances passed in some areas that would require permits for cutting down trees on private property and limiting land use for vineyards, to land that does not exceed a 50-degree slope.

Although very little is known about the California tiger salamander's habitat or population, smaller landowners are feeling the brunt of these regulations which are cutting into profits by limiting the use of their own land. Unfortunately for

these landowners, efforts for compensation due to this listing will surely be an uphill battle. Anyone caught harming the salamander or disturbing its habitat could face a \$50,000 fine and prison time. Tread lightly!

Farmers May Face Fertilizer Reductions

A USDA report released in May suggests that in order to curb farm runoff from fertilizer use, compensation costs to farmers would escalate to \$3 billion a year. The study is on the heels of the Clinton administrations attempts to reduce farm runoff into water-ways.

USDA's study considered several proposals for the reduction of nitrogen fertilizer. "Green payments" would compensate farmers for income losses due to lower crop yields. In addition, placing a 75 percent tax on fertilizer, regulating or limiting the use of fertilizer, or taking land out of production with a land-retirement program were other proposals.

A recent White House report concluded that the best way to repair damage to streams and rivers is to reduce fertilizer use by 20 percent and restore an additional 5 million acres of wetlands.

PLA Speaks Out Against Proposed Regulations

PLA was recently invited to offer testimony before the Local Government/Environmental Resources & Energy Joint Senate Committee focusing on legislation dealing with water resource management. Specifically, SB435 and 436, SB515 and SB980. Other organizations invited were: Pennsylvania State Association of Township Supervisors, Delaware River Basin Commission, 10,000 Friends of Pennsylvania, Pennsylvania Municipal Authorities Association, Heritage Conservancy and National Association of Water Companies.

"Although PLA recognizes the importance of sound land-use planning, we want to make sure that the planning considers economic development and individual liberty with as little government intrusion as possible," stated Henry Ingram, PLA Counsel and Board member.

Ingram went on to state three guiding principles of PLA's philosophy. "First, we believe in *less* rather than *more* government regulation," Ingram said. "Indeed, we have in the past advocated and continue to call for legislation to reduce the regulatory burdens on our members. We ask that you keep in mind that PLA is comprised of smaller landowners. If a regulation requires a permit application containing some study by a technical consultant, our project is probably dead on arrival because we can't afford the expense and don't have anyone to pass the cost on to. If a government agency requires 2 for 1 mitigation, we usually can't develop a site or even use the land,"

he stated.

"Our second guiding principle is if government regulation goes too far and a landowner can't use all or a portion of his property for any economically viable purpose, PLA believes that a compensable taking has occurred. If the restriction is for the public good, the public should pay for it or the government not impose the restriction. I know that some of you may think the Commonwealth can't afford to provide compensation or want to let the Courts decide on a case by case basis. But PLA members don't have the resources to go to court and the Commonwealth always seems to be able to find the money to acquire more land for itself. PLA believes that if the State wants to regulate out or exclude certain uses, it has the obligation to compensate the owner of the property so affected," he said.

"A third key principle for us is the notion that land use regulation should originate and be implemented primarily at the local level. Local elected officials are more accessible to our members, directly share our concerns, understand the local culture and face the same problems our members do on the same terrain. Our members' ownership of property is typically confined to one township or borough. Anything that excludes or prohibits a land use on our home turf just because it is allowed in a neighboring jurisdiction or is mandated as part of a statewide growth management regulation, or establishes funding priorities (may be putting us at the bottom of the stack), is, at best, problematic for PLA members," Ingram expressed.

(Those wishing to read PLA's testimony in its entirety, may visit our web site at www.pa.landowners.org.)

Battered Rural America

By Douglas E. Carlson

A recent report defines and describes a very frightening scenario of rural destruction. The report is titled, "Battered Communities—How Wealthy Private Foundations, Grant-Driven Environmental Groups, and Activist Federal Employees Combine to Systematically Cripple Rural Economies."

It is a report from the Center for the Defense of Free Enterprise, a non-profit educational foundation. The group was formed to promote and defend the principles of the free enterprise system in America. In the spirit of conservation, without a vital local economy, the citizens living in rural America will no longer remain the good stewards and caretakers of our wonderfully abundant rural ecosystems.

Groups dedicated to destroying scientific management of the forests, like the Sierra Club, and Heartwood, Inc., aid irresponsible green radicals like the Allegheny Defense Project (ADP), that claim that they are a "bio-regional organization dedicated to finding community-based solutions for restoring ecological integrity and for building sustainable economies."

The ADP has never contacted any local officials or

community leaders in Forest County, PA, in order to accomplish the so-called "community-based solutions" they tout for their supporters. Why are such radical groups successful at all in our rural areas in the United States, what kind of system allows the destruction of a local rural economy along with the damage to local ecosystems? The report explores and explains the how and the why.

The following ideas are amplified from the Battered Community report. Urban areas are booming but rural areas are currently suffering in unprecedented social and economic ways. That suffering can be partially linked to the complex, complicated governmental rules and regulations allegedly designed to protect the environment.

...continued on page 14

Battered Rural America

...continued from page 13

Particularly at the federal level, the actions of activist federal employees, funders in private foundations, and radical environmental groups are driving the attack upon rural America.

Rural America is where natural resource production is "King," and it is in rural America that the attack is in full swing. Water development, agriculture, mineral extraction (mining, gas, oil), timber, fishing, hunting, transportation, and industrial manufacturing are all being affected by "draconian" master plans from some faceless "Big Brother" and subsequently being driven to extinction. Why does the war seem to result from an unholy triangle of federal employees, private foundations and radical activists?

It may seem to be undue paranoia to state that rural America is targeted for dismantling, but not since the advent of the recent advocacy to stop all logging on our nation's National Forests. The Battered Communities report examines the connections between the portions of an unholy triangle and that is the picture that disturbs the most.

Under the *Wildlands Project*, (a radical preservationist plan to convert 1/2 of the USA into wilderness), the movement of rural folks into concentrated population areas is implied if not openly stated. How does this get done in a free society like America? Strike at the rural economy; drive the citizens to the city for employment and government assistance.

Is this just all a bunch of paranoid overstatement? Facts point in a different direction, this situation is happening in the US at this very moment.

Consider the following examples of rural folks being targeted by exterior forces bent upon ulterior motives. Remember the Spotted Owl? That endangered bird caused a suspension of timber harvest forest management in the Northwestern US. How did this affect the communities in Washington State? Washington has the worst urban-rural prosperity gap in the United States.

Over 100 special interest groups that are funded by such foundations as the Bullitt or the Brainerd Foundations are attacking rural economies. The use of Ecosystem Management is driving business and employment out of the rural areas of Washington. Yet the concept of Ecosystem Management is now being called into question by many resource managers, it is a tough thing to nail down as to just what it is or what it means.

The Endangered Species Act protection of the Spotted Owl has caused the closure of 212 sawmills, plywood, veneer, and pulp mills. From 1989 to 1997, about 26,380 jobs were lost due to the Spotted Owl.

David Keeley, Executive Director of the Ferry County Action League states that:

"The countless timber sale appeals and lawsuits brought by local environmentalists on federal, state and local projects are crippling this community. Hundreds of thousands of dollars are being spent each year by local government defending itself from the agenda of a small core group of environmentalists. It's as if they are intentionally trying to destroy this

community. I have yet to see this group actually do anything to enhance the environment or our quality of life in this rural county."

Does any of this sound faintly familiar?

The same thing is happening in Minnesota. After explaining the situation in St. Louis County, (oddly enough it sounds like Forest County, PA or any County USA for that matter), County Commissioner Dennis Fink summed up by saying:

"It seems clear to me that there is the intent to remove our population from rural areas and resettle them in more populated "Core Areas" with connecting corridors and buffer zones leaving vast amounts of our land to nature, itself, with little or no interference by humans. The evidence is in the actions: Government agencies buying up private property at excessively high prices. Private owners become willing sellers when encouraged by windfall profits. Is rural America being threatened by radical environmentalism? The answer is yes! And Federal land policies are leading the charge."

Kind of familiar and scary isn't it?

Mayor Glowaski of Orr, MN, is concerned by what he sees:

"As the Forest Service succumbs to the "Enviro-Pressures," they strangle our economic base and do not meet their forestry guidelines. Most of our residents are descendants of pioneers who want to carry on their heritage in a sustainable manner and pass this on to their children. As the USFS keeps succumbing to the pressures of eco-terrorists and their nice sounding "parent" organizations (the Sierra Club, etc.), our children's fears keep growing. Are we going to have to leave our homes? Is dad going to lose his job? Is dad going to get crippled or hurt by an eco-terrorist because he works in the forest? Why can't we hunt or fish where we used to?"

Rural folks and rural leaders continue to express their concerns but to seemingly deaf ears of state and federal government. Certainly, the environmental groups that advocate the radical proposals and actions do not care about the rural population; they seem to see the rural folks as being in the way of some great and glorious natural utopia. They see a wilderness without human beings (except themselves who are the worthy ones that appreciate the wilderness through greater understanding and intelligence.) Rural folks are pigs?

A little closer to home are the conditions found in New England's forests with the proposal of something called the Northern Forest Stewardship Area Act (S 546/HR 971). The bill will nationalize (something Russia was famous for, by the way), 26 million acres of forest in a 4-state area!

As the vice-president of the National Audubon Society, Brock Evans spoke concerning this plan:

"For a century, I think it's safe to say, timber companies up there have owned all 26 million acres. Once it was all public domain, then it went to the private domain where it's been for a very long time. I don't agree that we can't get it all back. You have lots of strong urban centers where support comes from. We should get it all. Be unreasonable. You can do it."

I can only guess that perhaps Evans forgot something called the United States Constitution and the Bill of Rights, oh well, it is a little thing compared to the fabulous Ecotopia he envisions. Those rural folks can "eat cake." An even more frightening thing comes out of something called the Maine State Planning Office.

This Maine government agency has published a report that recommends a tax on those living in rural areas ("a rural dispersion tax"). Who benefits? Who gets hurt? What we are seeing all across our nation and in our little Forest County, PA, is a concerted attack upon the rural way of life. Environmental laws have been hammered into weapons of war to destroy America's rural goods-producing economies.

It is hard to think that is what Congress had in mind when it passed those laws. It certainly is difficult to conceive that Congress intended federal agencies to be accomplices in the dismantling of rural America.

Normally, this kind of subject seems to be far too controversial to be believable. The trouble is, rural citizens across America are experiencing the very things described above. Paper monkey-wrenching (*appeals, lawsuits, etc.*), is done based upon the most frivolous suppositions and claims.

Politically, encouraged by outside support rather than tremendous local support, the Greens' radical environmental political party runs candidate for major seats in our government. Our choice becomes one in which rural folks get to vote for candidates who actually represent ideals far removed from our local experience. It has become very complex out there anymore. It has become very discouraging to see the attack and the character of the attackers. It is all so alien to us.

The final truth is this; rural people will be whipped if they do not fight. A man fighting for his home, a mother fighting for their children, these are dangerous people. Perhaps you may be feeling dangerous.

The fight is in the battlegrounds of the judicial system, voting booths and the halls of government. It is also in our minds. Educate yourself and fight a worthy battle.

Don't fight and you stand to lose it all!

Douglas E. Carlson is the Executive Director of the Conservation District & Planning Department, Forest County, PA, and a founding member of the Allegheny Forest Alliance.

"Posting for Support" Program Expanding

PLA has been heartened by the increase in interest in our "Posting for Support" Program among larger landowners in Pennsylvania. Our message about over-regulation of private property is resonating throughout the Commonwealth. Government at all levels continues to impose greater regulatory burdens on land use and our legislators are unwilling or unable to do anything about it. Levels of frustration are rising. Landowners in growing numbers are recognizing that posting for support draws attention to landowners' rights and the need for reform while simply implementing common courtesy—if you use something of mine, ask first.

To accommodate this increased interest and amplify our message by adding to the thousands of acres already in the program, PLA is expanding its "Posting for Support" Program to provide new, electronic services to both landowners and land users. To minimize the administrative burdens of the program, PLA is developing a computer aided system, including a unique ID component, which envisions that a prospective land user could call an 800 number, or access PLA's website to obtain permission and a landowner will know immediately when and what activities and by whom will take place on a particular property.

This innovative service will benefit the land user, who will be able to access the system, to seek permission, and it will relieve the landowner of the burden of dealing with every prospective land user.

The program is in the initial stages of development, and is being evaluated by the Property Rights Congress as a model to be applied nationwide. By providing incentive to landowners, the number of "Private Property – Entry With Permission Only Due to Government Over-regulation of Land Use" signs across Pennsylvania, and the nation, could expand dramatically, calling attention to the public and elected officials of the erosion of private property rights in America.

The program will be implemented first, in Pennsylvania. In July, at the **FREEDOM 21** Conference in St. Louis, the concepts of the program will be introduced to organization leaders from across the country for their input and support.

Look for more information on the program in the next issue of the *Landowner*.



Show Your Commitment to Property Rights!

The membership categories below were initiated with the presumption that those owning higher acreage were, in all probability, relying more on their land as a source of livelihood and therefore, had a much higher stake in the property rights debate. Since PLA relies solely on individual membership dues and contributions to meet its financial needs, we hope you will join under the appropriate category. If however, finances preclude you from meeting the suggested guidelines, your education on private property rights issues is more important than the amount of your membership, therefore, you may enroll in a more affordable classification.

PLA Membership Categories

Please Indicate: New Member Renewal

- Individual I** \$25.00
Any individual supportive of private property rights (owning 0 to 15 acres)
- Individual II** 35.00
(owning 16 to 100 acres)
- Individual III** 50.00
(owning 101 to 250 acres)
- Individual IV** 100.00
(owning 251 to 500 acres)
- Individual V** 200.00
(owning over 500 acres)
- Associate I** 100.00
Any business entity supporting the free enterprise system and the principle of private ownership (local businesses in communities)
- Associate II** 250.00
Trade Associations (State organizations supportive of private property rights)
- Associate III** 300.00
Major suppliers to land use entities (resource development, construction, agriculture)
- Affiliate** 50.00
Local or regional grass roots, non-profit organizations
- Business I** 750.00
Corporations or entities whose activities involve ownership, use and/or development of acreage in excess of 100 acres but less than 500 acres
- Business II** 1,250.00
Same as Business I but in excess of 500 acres

Any land owning member (excluding Individual I) purchasing PLA signs and participating in the "Posting for Support" program is entitled to a 50% reduction in membership fees for the current membership year.

Membership dues and contributions may be deductible as a "Business" expense. Please consult your tax advisor regarding your particular situation.

Enclose form with check or money order payable to:

Pennsylvania Landowners' Association
P.O. Box 391
Waterford, PA 16441

Please allow 4 to 6 weeks for your membership card.

PLA Educational Materials

- PLA's "Posting for Support" Program**
Yes, I wish to become a participant in this program. Please send me _____ signs.
I have enclosed 60¢ for each sign ordered.
- I am a current participant in the "Posting for Support" program.
- I am a new participant in the "Posting for Support" program.

*** NEW! RECENTLY UPDATED! ***

- USA v. Brace & Brace Farms Videotape (VHS)**
"One farmer's 13 year battle with federal wetlands provisions." *A must see for all land owners and resource providers!*
\$15.00 donation.
- Wetlands Videotape (VHS)** Part I Part II
"Our Environment, Whose Property?"
\$15.00 donation each part.

Name: _____

Address: _____

County: _____

Acreage Owned: _____

Phone Number: (____) _____

Fax Number: (____) _____

How many acres of land posted _____ acres

Membership amount + \$ _____

Less 50% fee reduction if

"Posting for Support" - \$ _____

Amount of signs purchased + \$ _____

Additional contribution + \$ _____

Total remittance enclosed = \$ _____

PRSRT
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P.O. Box 391 • Waterford, PA 16441

Return Service Requested

"Nor shall private property be taken for public use without just compensation."

Fifth Amendment, U.S. Constitution