PENNSYLVANIA LANDOWNER

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Pennsylvania Farmer Denied Supreme Court Hearing

On June 26, 1995, the United States Supreme Court, without explanation, refused to hear Erie County farmer Robert Brace's appeal of an adverse decision by a three judge panel of the United States Court of Appeals for the Third Circuit. The High Court's action crushes Mr. Brace's hopes of restoring the decision of now retired federal District Court Judge Glen Mencer which had vindicated Brace's reliance on the "agricultural exemption" — for normal farming activities — to relieve him from wetlands enforcement by the EPA and the U.S. Army Corps of Engineers. Judge Mencer, who heard the testimony and viewed the Brace homestead farm near Waterford, Erie County, ruled that Brace's activities were normal and necessary farming activities. He recognized that drainage of farm soils in this region was essential to make the land productive for vegetable farming and declared the farm to be exempt from federal wetlands regulation.

The government appealed Mencer's decision and the Third Circuit reversed and held that Brace's refurbishing and maintenance of the drainage system on the farm required a Section 404 permit and found that Brace had violated the Federal Clean Water Act by removing sediment blocking his drainage system and redepositing it on the farm fields from which it had washed in the first place.

The Third Circuit's decision sent shock waves through the nation's farming communities and farm organizations from New York to California, many of whom supported Brace's petition to the Supreme Court by filing *Amicus Curiae* briefs. The American Farm Bureau Federation, which has member organizations in all 50 states and represents 4.4 million farm families, the Farm Bureaus of California, Pennsylvania and New York and the National Cattlemen's Association, represented by the nationally prestigious Chicago law firms, Jenner & Block and Mayer, Brown & Platt, together with the Pacific Legal Foundation urged the High Court to hear Brace's appeal and reverse the Third Circuit.

One brief stated:

- Although the court of appeals' decision will have nationwide impact, amicus Pennsylvania Farm Bureau, which represents over 26,600 families in the Commonwealth, notes that it is of special and immediate concern to the approximately 5,800 farms located in northwestern Pennsylvania. The topography and quality of the land farmed by petitioner Brace is typical of that region, where poor drainage that diminishes crop productivity and yield is the norm. Similar conditions exist in portions of New York State, where amicus New York Farm Bureau represents over 25,000 member families. In the southwestern portion of Chautauqua County, New York, alone, hundreds of farms would be directly impacted by the court of appeals' decision, as would thousands of farms statewide. The Third Circuit's misconstruction of the CWA harshly limits the ability of Pennsylvania and New York

(continued on page 2)

"I just don't understand how unelected bureaucrats and the Courts can ignore the intent of Congress or how one federal agency, the Department of Agriculture, can urge me to do something that the EPA and COE later turns around and says is so illegal as to justify fining me hundreds of thousands of dollars and ordering me to destroy the drainage system my Dad put in."

Robert Brace

Pennsylvania Farmer Denied Supreme Court Hearing – *continued from page 1*

farmers to use historically proven soil management practices, thereby jeopardizing their ability to meet needed levels of feed crop production and casting doubt on the economic viability of both the farms themselves and the families who operate them.

Another brief stated:

- If farmers and ranchers are subject to regulatory oversight every time they alter the mix of activities on their lands, they will not be able to manage their properties effectively, and will be exposed to the constant and paralyzing risk of bureaucratic intervention. Congress never intended to create this situation, nor did it even intend to regulate farming at all. Rather, it sought to prevent the conversion of nonfarm wetlands into agricultural or industrial uses, and to prevent the filling of wetlands by nonfarm developers or industrial concerns. By specifically exempting agriculture, Congress maintained a policy begun by the founders of the United States… keep the federal government out of regulating the day-to-day activities of agriculture.

Over 35 property rights advocacy groups also joined in a separate collective *amicus* brief prepared by Defenders of Property Rights which urged the Supreme Court to consider the "takings" and fundamental fairness issues in the case. Despite the obvious national concern over the apparent evisceration of the agricultural exemption by the Third Circuit's decision, the Supreme Court declined to review that decision.

Asked for his reaction, Mr. Brace stated: "What really bothers me is a regulatory philosophy which motivates unelected bureaucrats to employ the full might of the federal government to coerce compliance with an agency's wishes regarding how ordinary citizens use their own property. How is the average person supposed to know that his 137 acre, three generation family farm, located above the headwaters of Elk Creek, is navigable waters of the United States and that routine maintenance of farm drainage ditches is a violation of the Clean Water Act? And even if the regulators want to call my farm navigable waters, what gives them the right to make me ruin it?"

"Regrettably," Brace said "I've gotten to know the ways of the legal, legislative and judicial systems since I got into this snarl. They aren't much help to ordinary citizens like me.

> **"The drainage exemption is very clearly intended to put to rest, once and for all, the fears that permits are required for draining poorly drained farm or forest land of which millions of acres exist. No permits are required for such drainages."**
>
> **Senator Muskie**
> **(1977 Clean Water Act Debate)**

[During the 1977 debates on amendments to the Clean Water Act,] Senator Bentsen stated: 'I find it offensive that before a small farmer can dig new irrigation ditches he must first write the U.S. Army for permission, complete the necessary Federal forms, and then wait an average of 125 days while his request is shuffled from one bureaucrat's in-box to another. I also find it offensive that a farmer who has paid hard-earned money for new land 2 years ago may now be prohibited by the Government from improving that land for agriculturally productive uses, and will not receive a penny in just compensation for his loss of income from the property.' Senator Hart replied that the exemption 'does exempt activities which are normal farming or agricultural activities, run by individuals or family farmers.' Senator Hart stated that '[e]very proposal before the Senate, every one, is designed to exempt those normal activities from that kind of overregulation by the Corps of Engineers or anybody else. Any argument that is made on the floor to the contrary simply misrepresents one or the other of the proposals–upon which we will be asked to vote before this debate is over.'

As Senator Muskie, one of the principal Senate sponsors, explained, '[t]he drainage exemption is very clearly intended to put to rest, once and for all, the fears that permits are required for draining poorly drained farm or forest land of which millions of acres exist. No permits are required for such drainages.'

In my case, the court of appeals has required a permit for precisely the 'draining [of] poorly drained farm[land]' that Senator Muskie explained was to be exempt. I just don't understand how unelected bureaucrats and the Courts can ignore the intent of Congress or how one federal agency, the Department of Agriculture, can urge me to do something that the EPA and COE later turns around and says is so illegal as to justify fining me hundreds of thousands of dollars and ordering me to destroy the drainage system my Dad put in.

And I can't believe that the government would want or be able to put me in a regulatory Catch 22 and keep me there for nearly 10 years. My only alleged violation was that I didn't have a Corps of Engineers permit to clean sediment out of my farm drainage ditches and put it back on the farm fields from which it washed in the first place. Instead of simply ordering me to stop while I applied for a permit, the government tried to coerce me into complying with its restoration orders, thus destroying my farm I worked years to improve, under threat of enormous fines, penalties, and even jail. To make sure that citizens like me can't escape their clutches, the regulators went on to adopt a policy that they won't process permit applications when the applicant is said to be "in violation." I could never claim my farm exemption or try to get a permit once the regulators said I was in violation. What is worse, when the government issues a Notice of Violation in situations like this, there is no appeal or forum in which to claim your exemption. You have to wait for the government to sue you. In this case it took three years for the government to get around to filing suit and then three more to get to trial. And when the government finally sues, the imbalance of resources between the federal government and ordinary citizens like me is shocking. We're simply overwhelmed by raw government power."

Now that the Supreme Court has denied Mr. Brace's petition, the case will resume in the District Court which is directed to determine if civil penalties should be levied against him and to enforce the government's restoration order. Mr. Brace is conferring with his lawyers concerning the resumption of the case.

Sadly for the Brace family, wetlands reform legislation now being considered by Congress and the General Assembly of Pennsylvania is likely to come too late to save the farm and end this regulatory nightmare.

PLA WETLAND REFORM EFFORTS ARE RECOGNIZED...

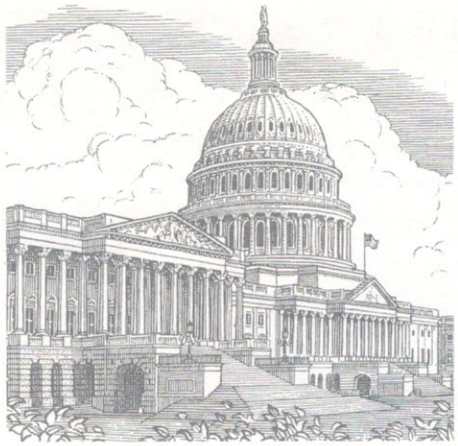
...but your help is still needed!

House of Representatives Passes Clean Water Act Reauthorization Including Wetlands Provisions

On May 16, 1995, the House passed H.R. 961, the Clean Water Act Reauthorization, by a vote of 240 to 185. Representative Bud Shuster (R-PA), Chairman of the House Transportation and Infrastructure Committee and the committee that has jurisdiction over the reauthorization of the Clean Water Act including wetlands, is pursuing an ambitious committee agenda which includes wetland reform as a high priority for the 104th Congress.

H.R. 961 will provide common sense and balance to the wetland program through the following provisions:

- Classifies wetlands into three categories according to ecological significance.
- Requires "clear evidence" of wetlands hydrology, soil and vegetation in order for a positive delineation to be made.
- Federal jurisdictional wetlands must have water present at the surface for 21 or more consecutive days during the growing season.
- Contains compensation provisions through H.R. 925, the Private Property Protection Act, as indicated in the May edition of PA Landowner.
- Requires the Army Corps of Engineers to make a decision on a permit application within 90 days.
- Directs the Corps and other federal agencies to seek, in all actions, to minimize the effects of the 404 regulatory program on the use and value of privately owned property.



Senate Offers Resistance to Comprehensive Wetlands Reform

Senator John Chafee (R-RI), Chairman of the Senate Environment and Public Works Committee, which oversees wetland jurisdiction, does not favor comprehensive wetland reform. Therefore, passage of meaningful legislation will be difficult in the 104th Congress. However, committee members, Senators J. Bennett Johnston (D-LA) and Lauch Faircloth (R-NC), introduced S. 851, the Wetlands Regulatory Reform Act on May 25. This legislation has enjoyed bipartisan support and is similar to the wetlands provisions contained in the recently passed House version of the Clean Water Act reauthorization. However, one significant difference exists.... the lack of a compensation provision in the Senate bill when private property is "taken" through implementation of the federal wetland program. Although PLA has repeatedly been informed from several sources that this is the "best" piece of legislation that can be anticipated from the Senate, PLA is unable to support this proposal as it does not address a statutory compensation mechanism for landowners when private property rights have been diminished.

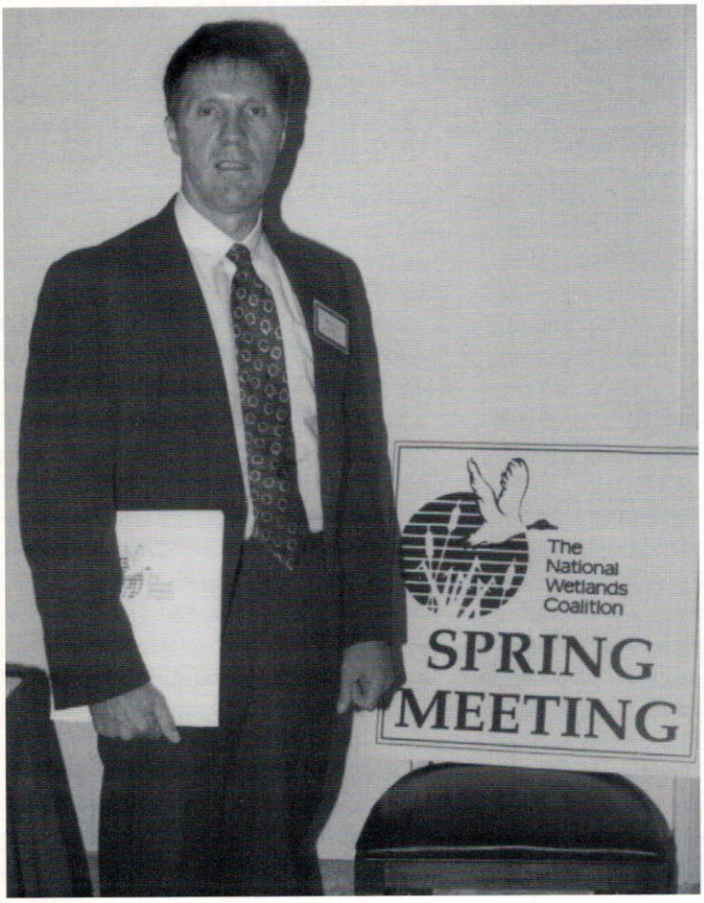
If wetlands reform would occur within the Senate, the Clinton Administration, which lobbied hard against passage of the House bill, has threatened a presidential veto.

Subsequently, we encourage you to contact your U.S. Senators, Rick Santorum and Arlen Specter, and urge support for more meaningful wetlands reform. (Please see newletter insert.) Secondly, their actions can advance additional senatorial support to override a presidential veto.

During the recent nationwide lobbying endeavor, "Fly-In for Freedom," held in Washington, D.C., Lorraine Bucklin (right), PLA Assistant Director, commends Chairman of the House Transportation and Infrastructure Committee, Congressman Bud Shuster, (R-PA) (left) on his wetlands reform efforts.

Thank You Loyal PLA Members

Sincere thanks to all members who have promptly forwarded their 1995-1996 membership renewals. Through membership contributions, PLA can effectively continue working to protect private property rights. Your timely response is appreciated and subsequently saves PLA additional postage fees for duplicative reminders. Volunteers are currently processing memberships. Watch for yours to arrive soon.



PLA Board members continue to work diligently for wetland reform at both the state and federal levels. Shown in the photo is PLA Delegate and Board member, Harry Fox, Jr., in attendance at the National Wetlands Coalition Spring Meeting in Washington, D.C.

WETLANDS are threatening DRYLANDS

America has lost drylands at alarming rates due to protection of wetalnds, according to the Competitive Enterprise Institute, (CPI). In 1991, net disappearance of drylands exceeded loss of wetlands by roughly 30,000 acres. By 1994, this disparity climbed to nearly 80,000 acres. CPI projects in 800 years the entire Unites States will be under water!

We Haven't Achieved a HOME RUN –But We Are On FIRST BASE

commentary

BY LORRAINE BUCKLIN

Many of us believe that through the new Ridge Administration and by the results of November's national elections, that legislative and regulatory reforms which recognize the private property rights of all landowners are inevitably going to occur. Don't be mislead! Without further grassroots urging for passage of balanced legislation and responsible actions from you, (writing to legislators and participating in the "posting for support" program) comprehensive change will not occur at the state or federal level.

As a realization check, take into account that many legislators, at all levels of government, question legislative reform measures by asking where the monies will be derived to compensate landowners when government policies severely restrict viable use of private land (regulatory taking) i.e. wetlands, scenic river designations, endangered species act, rails to trails, etc. However, those same legislators continue to support government funded programs like the Wetlands Reserve Program (WRP) which pays landowners for 30-year or permanent easements and cost shares wetland restoration construction. Eligible lands include all agricultural lands which can be restored to wetlands together with adjacent lands on which the wetlands are functionally dependent. The Wetlands Reserve Program was authorized by the 1990 Farm Bill to restore and protect habitat for migratory birds and other wildlife. Should wildlife take priority over human life? How do you justify tax dollars to compensate landowners participating in this program when others continue to receive no compensation when denied use of their land through permit denials or other restrictions?

Recently, Governor Tom Ridge announced Land Trust Grants totaling $2.9 million, awarded under the Keystone Recreation, Park and Conservation Fund Act (Key '93). These grants were approved for 15 land acquisitions and three planning projects to assist land trust organizations and conservancies in protecting "critical habitat and open space areas." Again, we ask, why can't this funding be utilized to compensate landowners that have had their properties confiscated through regulatory programs?

If you think everything is going to be OKAY regarding environmental land use restrictions and private property rights, you'd better think again. YOUR property may be the next to be confiscated and perhaps that will be the motivating factor to get YOU involved in the process!!

Wetland Proposal Introduced by Ridge Administration

The recent wetland proposal by the Ridge Administration offers little hope for regulatory relief for landowners within the Commonwealth. Conforming state requirements to federal regulations is a worthy first step but does not eliminate the need for comprehensive wetland legislation. PLA has been assured that Governor Ridge, who has been a champion of private property rights in the past, is concerned about environmental land use restrictions on privately owned land. However, the main issues of wetland reform have not been addressed through this recent proposal.

The major components of the proposal with limitations include:

- A proposed policy change would adopt the 1987 U.S. Army Corps of Engineers Delineation Manual which would enable the state to use the same process and procedures for identifying wetlands as the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (CORP).

- Exempt prior converted wetlands, which are agricultural lands that were in production before 1985 and are still used for production.

- General permit for private residences in established subdivisions up to one-half acre. Permit applicants would be required to contribute to the National Fish and Wildlife Foundation at a rate of $500 for .1 acre and up to $7,500 for a half-acre.

As Pennsylvania's General Assembly continues to postpone wetland reform, the state's bureaucratic agencies proceed with their authority which escalates the need to pass balanced and fair wetlands legislation for all citizens of the Commonwealth. Please contact your state legislator urging his support of wetland reform and see the insert in this publication for additional calls of action.

"To sin by silence when they should protest makes cowards out of men."

Abraham Lincoln

PLA's Concerns

The 1987 manual continues to restrict use of vast amounts of "dry" land and does not solve the existing regulatory definition of a wetland.

The original intent of the 1977 Clean Water Act never intended regulation of farm land and normal farming practices such as maintaining drainage ditches. However, bureaucratic policies initiated by unelected officials have the same effect as law. Technically, prior converted wetlands are already exempt from regulations, but in reality, bureaucrats continue to regulate them under agency policy.

Congress and our state legislators need to rein in the bureaucrats by more clearly defining the agricultural exemption.

The general permit does not address problems on privately owned properties which are not located in "established subdivisions."

A landowner currently owning property in an established subdivision would have to pay an additional fee to use his own land plus continue to pay a mortgage and taxes. Additionally, this requirement adds to the cost of owning a home, as these fees will subsequently be passed on to the home buyer.

Only a very select group will benefit from this initiative.

GOOD NEWS

PLA Presents Congressional Testimony To Standing Room Only Crowd

On June 13, 1995, the U.S. House of Representatives Committee on Resources, Task Force on Private Property Rights, held Congressional hearings in Washington, D.C. PLA Assistant Executive Director, Lorraine Bucklin, presented testimony on behalf of the association, as well as property owners throughout the nation.

The Task Force, chaired by Arizona Congressman John Shadegg (R), listened intently as panelists described personal situations in which property rights have been lost and livelihoods have been destroyed due to government land use over-regulation. The over-whelming interest and attendance by landowners and ordinary citizens from various geographic locations across the nation provided members of Congress with an understanding of the severity of the injustices incurred and of the immediate need for legislative reform.

Although the House has enacted private property rights legislation in the 104th Congress, many issues which continue to alter private property rights still need to be addressed and reformed legislatively as articulated by panelists throughout the hearings.

U.S. Fish and Wildlife Service says No! to Wood Turtle

A coalition of environmental organizations and interested individuals submitted a petition in December of 1994 to the U.S. Fish and Wildlife Service (USFWS) seeking the enlistment of the wood turtle as a threatened species under the Endangered Species Act.

The petitioners indicated that the wood turtle was biologically threatened due to continuing habitat loss, water pollution, commercial pet collection, logging and development in riparian areas.

Surprisingly, the USFWS determined that the petition did not present enough substantial information to warrant the turtle's listing.

BAD NEWS

Do You Want Another Regulatory Program?

As recently listed in the Federal Register, another regulatory program, which will undoubtedly reduce your property rights, is being considered. This initiative is purportedly aimed at boosting tourism and economic development.

Upon designation, the National Scenic Byways Program would include a corridor management plan designed to protect the "unique qualities" of a scenic byway. Policy calls for local community commitment to undertake actions, such as zoning and other protective measures, to preserve the scenic, historic, recreational, cultural, archeological and natural integrity of the scenic byway and adjacent area. The proposal states that all elements of the landscape—landform, water, vegetation, and manmade development—contribute to the quality of the corridor's visual environment.

The nature of the proposed regulation isn't surprising given the make-up of the committee that participated. Of a 17-member delegation, representatives of such groups as recreational users, historic preservationists and scenic preservationists served but not one representative advancing the interests of private property rights was included.

PLA plans to submit written comments to the Federal Highway Administration regarding the deficiency to include private property rights in this initiative.

Centrally Planned Growth Management Called For By Preservation Committee

Recently, the Pennsylvania Fish Commission released a 60 page report prepared by the self designated "Pennsylvania Biodiversity Technical Committee" entitled: A Heritage for the 21st Century: Conserving Pennsylvania's Native Biological Diversity. The Report decries the alteration of Pennsylvania's "natural communities" by "agriculture, extraction of minerals and other sources, and land development for house, roads and commerce." Commissioned in 1992, the Report was sponsored by the Department of Environmental Resources, now the Department of Environmental Protection, the Fish Commission, the Game Commission (as the three state agencies purporting to be responsible for conservation of natural resources), the Western Pennsylvania Conservancy and the Nature Conservancy. Funding was provided by Penn State, the Academy of Natural Sciences and the five sponsors.

Basically, the Report calls for old style, command and control, central planning of all land use in Pennsylvania, to preserve and restore biodiversity which is stressed and threatened by "habitat fragmentation" (i.e. entirely normal land use and development by humans engaged in essential life activities) and makes 14 recommendations. The final and most ominous recommendation is for Pennsylvania to adopt a Growth Management Plan containing the following elements:

- developing, through the State Planning Board, a comprehensive land use and growth management plan which sets goals and criteria for municipalities and counties;
- requiring municipal comprehensive plans and zoning ordinances to incorporate a plan for the protection of natural resources identified as requiring protection by federal, state, or county agencies, or by the municipality, with documentation included in the plan. Natural resources here includes, but is not limited to, wetlands and aquifer recharge zones, woodlands, steep slopes, farmland types, floodplains, unique areas, and historic sites; and requiring that county comprehensive plans outline areas for conservation of important natural resources.

The Report, not unexpectedly, is a one-sided document which reflects a bias against development and growth and advocates and is likely to be read as mandating protection by "conservation" of a broad spectrum of natural resources. There is not one mention of private property rights or any recognition of the needs of the human population of Pennsylvania (except, by implication, its need to enjoy "wilderness experience"). The underlying theme is that conventional land use is the functional equivalent of environmental harm.

The Report was spawned during the Casey Administration and may not be endorsed in its entirety by the new Administration. Ironically, while the Report calls for improved coordination of Pennsylvania's "chaotic framework of land use and growth

management" and a unified, centralized approach, two of its co-sponsors, the Fish Commission and the Game Commission, fiercely resist all efforts to combine those agencies into a unified, centralized state resources agency. If the Ridge Administration buys into this Report without adequate consideration and accommodation of other equally compelling public interests, for example, private property rights, economic development and employment, the people's right to freely use and develop their land may itself be endangered.

Obviously, increased public knowledge of special ecological resources is of general benefit. The problem is what is done with the knowledge. Implementation of a narrowly focussed, anti-development growth management plan by unelected regulatory bureaucrats, using discredited command and control management techniques, will be divisive and impede both resource protection and development. More innovative approaches, such as the French Creek Project where all public interests are to be accommodated, seems to PLA to be a much better approach, truly serving the public interest.

High Court Dashes High Hopes of Property Owners

SPECIES HABITAT PRESERVATION HELD TO OVERRIDE PROPERTY RIGHTS

In a long awaited decision, *Babbitt v. Sweet Home Chapter of Communities*, the U.S. Supreme Court upheld and apparently vindicated the regulatory program implemented by the U.S. Department of Interior Endangered Species Act that outlaws land use which disturbs the habitat of so called "endangered species."

In this case, the High Court reversed a decision by a federal Court of Appeals which held that the ESA did not authorize habitat preservation on private property unless there was actual injury to or destruction of the species being protected. Simply stated, the Court of Appeals had held the government couldn't control use of your land to protect habitat if the endangered species wasn't there or wasn't being directly injured by your activity. The Supreme Court disagreed.

Justice Stevens, writing for the five Justice majority, relied on and quoted the Court's earlier decision in *TVA v. Hill,* which involved the infamous Tellico Dam/Snail Darter controversy:

"The plain intent of Congress in enacting this statute [the Endangered Species Act], we recognized, was to halt and reverse the trend toward species extinction, whatever the cost."

It never seems to occur to courts in their sometimes slavish desire to vindicate the intent of Congress to put that intent in perspective. The snail darter controversy was just the beginning back in 1973. Since then, ordinary citizens and now, at last, Congress have recognized the economic devastation and human suffering that ESA enforcement has caused. The Supreme Court appears to have slipped out of the mainstream.

In his dissent, Justice Scalia got it right when he said:

"The Court's holding that the hunting and killing prohibition incidentally preserves habitat on private lands imposes unfairness to the point of financial ruin-not just upon the rich, but upon the simplest farmer who finds his land conscripted to national zoological use. I respectfully dissent."

This decision stands for the unfortunate notion that the Court will allow unelected bureaucrats to do virtually anything they want if Congress gives them broad statutory authority. If the Supreme Court won't rein 'em in, it's time the people told Congress in no uncertain terms, enough is enough!

Due Process of Law?

PLA MEMBER CONTINUES 10 YEAR EFFORT TO REGAIN USE OF PROPERTY

After 10 long years, PLA member Ed Davailus has been unable to work his peat mining operation in Covington Township, Lackawanna County, Pennsylvania, due to a wetlands permit denial by the Department of Environmental Resources (DER).

Indeed, Ed has been a victim of the Commonwealth's regulatory and judicial system. Although he has continued to pay a mortgage and taxes (approximately $50,000.00 in property taxes since 1985), Ed has been unable to utilize 45 acres of his property due to wetland regulations.

Throughout Ed's wetland nightmare, he has stated that the DER denied him reasonable use of his land without just compensation. Ed's claim arose in 1988 when the Department of Environmental Resources denied him application to extract peat from a 45 acre portion of his property. In October 1988, he appealed directly to the Environmental Hearing Board. While awaiting the outcome of the appeal, Ed initiated a lawsuit against the DER. In July 1991, (note the lapse in time) the Environmental Hearing Board upheld DER's position. The Commonwealth Court affirmed that decision in September of 1992. In January 1993, the Supreme Court of Pennsylvania denied Mr. Davailus' Petition for Allowance of Appeal.

After much procedural haggling, the Court of Common Pleas Order, which addresses Ed's lawsuit, maintains that the Environmental Hearing Board has exclusive jurisdiction to determine whether the DER action's constitutes a taking while Mr. Davailus reasons that the Court of Common Pleas has exclusive jurisdiction under the Eminent Domain Code.

In previous Commonwealth cases, the court clearly establishes that the Environmental Hearing Board has exclusive jurisdiction to determine whether a taking has occurred when a citizen complains that the DER's exercise of police power is an unconstitutional taking of property. However, Ed has filed an appeal to the recent Court of Common Pleas Order and is prepared to move forward with filing the application to the Pennsylvania Supreme Court in the near future.

In the midst of this legal quagmire, on behalf of his constituent, State Representative Frank A. Serafini wrote a letter to the Office of the Attorney General stating that "the Department of Environmental Resources has misused its power, acted with disregard to the public good and has treated Mr. Davailus in a manner unbefitting a public agency."

Meanwhile, 10 years have passed and as this case is bounced about the judicial system, Ed is still not able to use 45 acres of his property nor has just compensation been granted to him. Is this what we refer to as due process of law?

PENNSYLVANIA LANDOWNER

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Please indicate: ☐ New Member ☐ Renewal

☐ **INDIVIDUAL I** 25.00
Any individual supportive of private property rights *(owning 0 to 15 acres)*

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(owning 16 to 100 acres)

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(owning 101 to 250 acres)

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(owning over 500 acres)

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☐ **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 other business entities whose activities involve ownership, use and/or development of acreage in excess of 100 acres but less than 500 acres.

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Same as 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.

PLA Educational Materials

☐ **POSTING FOR SUPPORT**
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

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☐ **USA v. Brace & Brace Farms Videotape (VHS)**–
"One farmer's battle with federal wetland provisions." $15.00 donation.

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"Our Environment, Whose Property?" $15.00 Donation each.

Please complete this information:

Name _____

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County _____

Acreage Owned _____

Phone Number (_____)_____

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How many acres of land posted? _____acres

Membership Amount $_____
Less 50% reduction in fee if "Posting for Support" participant – $_____

Amount of signs purchased + $_____

Additional contribution (If any) + $_____

Total remittance enclosed $_____

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Pennsylvania Landowners' Association
P. O. Box 391
Waterford, PA 16441
Please allow up to 4 weeks for delivery of membership card.

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

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