



Pennsylvania

Landowner

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PROPERTY RIGHTS ACTIVISTS UNITE IN D.C.



Photo Courtesy of Oregon Lands Coalition

Hundreds of "Fly-In-For-Freedom" participants gather at the nation's capitol during opening night ceremonies.

Over the last several years, grassroots organizations like PLA have erupted nationwide. With ever increasing land use regulations threatening resource based industries and affecting private property ownership, individuals have begun to see the need to organize in order to more effectively make their voices heard.

Recently, many of these organizations united in a "FLY-IN-FOR-FREEDOM" campaign in our nation's capitol to lobby Congress for changes in laws governing wetlands, endangered species, scenic river and national park designations, grazing and recreational issues and a host of other land related topics currently having adverse affects on property owners and land users.

PLA representatives united with nearly 400 individuals from over 23 states to deliver a message to elected representatives that "people are part of the environmental equation" and that private property rights are fundamental to maintaining our democratic free enterprise system.

Many issues were promoted by PLA representatives with a focus on differentiating between conservation and preservation policies. The wetlands issue was the primary topic of discussion, with PLA members encouraging congressional representatives not currently cosponsoring H.R. 1330 to sign on their support. Many congressional offices stated their appreciation for the information presented to them and acknowledged that some type of comprehensive legislation is a must. In spite of this fact, 11 Pennsylvania Con-

gressmen still have not signed on as co-sponsors to H.R. 1330. They include Thomas Foglietta (D-1st), William Gray (D-2nd), Robert Borski (D-3rd), Richard Schulze (R-5th), Gus Yatron (D-6th), Curt Weldon (R-7th), Peter Kostmayer (D-8th), Paul Kanjorski (D-11th), John Murtha (D-12th), Lawrence Coughlin (R-13th), William Coyne (D-14th), and Joseph Gaydos (D-20th). Representative William Goodling recently signed on his support while Representative Gus Yatron withdrew his after heavy environmental pressure. **MEMBERS MUST WRITE TO THESE REPRESENTATIVES ENCOURAGING THEM TO BECOME A COSPONSOR OF H.R. 1330.** Letters may be addressed as follows:

THE HONORABLE _____
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

Additionally, both Senator Specter and Senator Wofford **have not** signed on to S. 1463, the companion bill to H.R. 1330. Letters should be addressed to:

THE HONORABLE _____
U.S. SENATE
WASHINGTON, D.C. 20510

Don't depend upon others to protect **your** property rights. The future rights to use your land depends upon you voicing your concerns. Letter writing is essential! Do your part today.



While at the "Fly-In-For-Freedom" campaign, PLA Executive Director Rhonda McAtee presented Pennsylvania Congressman Tom Ridge (left) and Louisiana Congressman Jimmy Hayes (right) with Special Plaques of Recognition for their exemplary efforts on behalf of private property rights.

ECO: PROPERTY RIGHTS' NATIONAL ADVOCATE

The Environmental Conservation Organization (ECO) continues to be the national networking system for hundreds of property rights/land user groups nationwide. State organizations representing like-minded conservationists concerned with today's land use issues and bureaucratic over-regulation have continued to join ECO's membership rolls to more effectively lobby Congress and to disseminate critical information to other groups. Recently, ECO's membership topped over 7 million members nationwide.

New advancements are also in the plans for ECO's future, including the launching of a new monthly publication planned for early 1992. Currently, ECO offers a variety of benefits to its members and member groups by providing various programs and services to create a more effective networking system. Included in these are:

PART: otherwise known as the Political Action Response Team, a critical component by which ECO notifies participating members of specific bills moving through Congress and solicits member action at key times.

ECO-LINK: a program by which state organizations can participate to receive critical information via computer which keeps member organizations 'up-to-speed' on current developments in Washington and around the country.

POSTING FOR SUPPORT: adopted in 1989 from PLA's concept of posting and has been initiated in 17 states. PFS has proven to be an effective way to educate the public about property rights issues and solicit public support.

DATA BASE: ECO representatives are always available to answer questions for participating members

and provide information on issues of concern.

A national meeting is planned for February 21 - 24 in San Antonio, Texas. Several guest speakers are planned including Congressman Jimmy Hayes of Louisiana and Dixie Lee Ray, a highly noted author on environmental land use issues. Property owners depicted in PLA's videotape entitled "*Our Environment, Whose Property?*" are also expected to be on hand to update members on the progression or outcome of their respective cases. PLA members are welcome to attend. For further information on attending the convention or participating in the Political Action Response Team, members may contact Henry Lamb, Executive Vice President, at P.O. Box 9, Maywood, Illinois, 60153 or by calling (708) 344-0700.

Coalition Interests Promote "Common Sense"

As the need to provide a common sense, rational approach to wetland preservation increased across the Commonwealth, the Pennsylvania Wetlands Protection Coalition became a reality. The coalition includes private industry, associations and landowners who represent taxpayers and citizens who live and work within the communities of the state. The coalition encourages the enactment of balanced legislation to provide clear and precise wetland definitions; a

comprehensive system of mapping and classification; an expeditious permitting process; and protection of private property rights.

Through the collective efforts of the coalition to encourage a common sense legislative solution, a series of "nonsense" stories were collected from individuals, organizations, newspapers and governmental testimony from across the state of Pennsylvania. By exposing these facts, the coalition hopes to alert legislators and the media to their

friends', neighbors', and employers' cry for a state legislative solution that will address both protection of private ownership rights, as well as protection of wetlands considered truly valuable.

Following on pages 4 and 5 are samplings of "nonsense" stories from the coalition's newest publication entitled "*Common Sense*." Members interested in obtaining a copy of the entire booklet may contact Lorraine Bucklin at (814) 796-3578.

PENNSYLVANIA WETLANDS PROTECTION COALITION

ASSOCIATION MEMBERS

Association Builders & Contractors
Association PA Constructors
Atlantic Dairy Cooperative
Buchanan Ingersoll
Columbia Gas of PA
Consulting Engineers Council of PA
Dairylea Cooperative, Inc.
Delta Development Group
F. C. Brown & Associates
General Contractors Association of PA
Greater Pittsburgh Chamber of Commerce
Hardwood Lumber Manufacturers Association
Independent Oil & Gas Association
International Paper
Mercer County Alliance of Economic Development
National Federation of Independent Business
PA Aggregate & Concrete Association
PA Association of Realtors
PA Bankers Association
PA Building & Construction Trades Council
PA Builders Association

PA Cable TV Association
PA Chamber Business & Industry Economic Development
PA Chamber of Business & Industry
PA Coal Association
PA Farmers Association
PA Farmers Union
PA Gas Association
PA Horticulture Trade Alliance
PA Land Improvement Contractors Association
PA Landowners Association
PA Manufactured Housing Association
PA Manufacturers Association
PA Oil & Gas Association
PA Partnership
PA Rural Electric Association
PA State Grange
PA Telephone Association
PA Travel Council
PA Utilities Contractor's Association
Philadelphia Electric Company
Stratford Development, Inc.

LAND USE PROBLEMS? LEGAL QUESTIONS?

The firm of Buchanan Ingersoll, P.C. contains a reputable staff of attorneys dedicated to representing private land rights. Their environmental law section is available to help you with legal questions and assistance. For more information, members may contact Hank Ingram in Pittsburgh, PA at (412) 562-1695 or John Ward in Harrisburg, PA at (717) 237-4815.



Tales From The Trenches

TROY

BRADFORD COUNTY

A farmer in Troy requested a permit for a pond. *"All I got is the runaround."* After trying for two years, he is "just plain angry."

"We can't even get answers from these people (EPA). After all, we pay taxes on this land, we use this land for our cattle and to produce food for them. They have to have water."

... HENRY ABMA

SELLERSVILLE

BUCKS COUNTY

Sellersville will spend about \$4,000 to remove fill dirt that it placed in a wetland in West Rockhill during the improvement of the borough's water treatment plan last year.

The borough had to remove the material, the state Department of Environmental Resources decided.

The borough was cited by the DER last year for wetlands violations as the result of grading done for an addition onto the treatment plant, according to Borough Manager Richard D. Coll.

The addition was to satisfy the conditions for a stream discharge permit for the DER.

The DER did not fine the borough for the infraction.

Coll said that he was somewhat disappointed the borough had to remove the fill dirt, which he contends did not make "one iota" of difference in the stream.

The stream is an unnamed tributary to Three Mile Run Creek.

... DOYLESTOWN INTELLIGENCER
June 17, 1991

PENN DOT

CAMBRIA COUNTY

Spokesmen for the state Department of Transportation said the new regulations have driven up taxpayer costs by \$2.5 million and lengthened the time it will take to build a four-lane Route 220 between Altoona and Tyrone.

Dain Davis, a PennDot environmental engineer, said the number of projected acres had quadrupled - from 8 to 36 acres over the 500-acre project site - since the regulations went into effect. PennDot will build nearly 50 acres of wetlands at a cost of \$50,000 an acre to replace those in the project area, he explained.

Asbury Lee, a PennDOT spokesman, said plans call for the \$100 million-plus project to be completed in 1992.

Both Davis and Lee said wetland rules are likely to pose similar concerns when expansion work on Route 219 between Somerset and Maryland begins.

... JOHNSTOWN SUNDAY TRIBUNE - DEMOCRAT
December 2, 1990

BLOOMSBURG

COLUMBIA COUNTY

Delmar Zeibloff feels that wetlands are policed randomly, and officials sometimes look the other way. *"DER has way too much power. Property owners should be reimbursed."* Zeibloff has 40 acres under consideration right now. The previous owner did not do anything after the floods of '72 and '76. When Zeibloff bought it in 1984, he put the water back in its boundary. The cost was about \$60,000. He was told by the Game Commission to change it back. He checked with Columbia County for wetlands, but they had no designations. He has movies of the previous owner farming the land before the floods to indicate that it is not wetlands. He has spent \$50,000 - \$60,000 in legal fees and on ecologists. Now town supervisors have rezoned the land facing his for an industrial park so that he can't put in any more houses.

... DELMAR ZEIBLOFF

ALBION

ERIE COUNTY

Albion is a rural community of 1,500 that is just beginning to recover from the devastation of a tornado disaster in 1985 which literally sawed the community in half. Recently, funds became available for a much-needed federally subsidized rural housing project. The developer, knowing that "wetlands" were not always what they appeared to be, hired a consultant to locate a site. What transpired was that the developer found that virtually all undeveloped land in this tiny rural community could be classified as wetlands, including a flat grassy field of dandelions adjacent to the local elementary school. My staff toured all of the "ineligible" sites and was dumbfounded at how far afield the process had gone. Fortunately, the housing project will be built on the outskirts of town. However, if the current definition of wetlands remains, Albion has lost nearly every inch of commercial or residential property. All hope for growth in this isolated rural town would be lost.

... Testimony of CONGRESSMAN TOM RIDGE

MILLERSVILLE BOROUGH and MANOR TOWNSHIP LANCASTER COUNTY

We strongly believe ... the bureaucratic morass of state and federal agencies will cost us in excess of \$500,000 due to lack of coordinated efforts, mingling of different agencies' agendas as it relates to archaeology and a total indifference of agency personnel towards the economics of land development.

To date, wetland associated work has cost us \$27,440. This figure includes investigation, site redesign, engineering drawings to date and does not include the cost of the wetland mitigation plan (\$8,700 plus revisions required by

COE and DER), implementation of the mitigation plan (estimate \$5,000 - \$7,500), plant materials (estimate \$8,000 - \$10,000), excavation or labor (estimate \$5,000 - \$8,000). In fact, since we do not have approval yet, and it appears that the COE will have even more requirements than indicated in our proposed plan, we believe that our costs could escalate to \$65,000 very easily. The total affected area involves approximately 0.22 acres for roads and approximately 1,750 feet of stream bank that was designated as "top of bank" wetlands or approximately 0.201 acres. These figures represented a total cost to mitigate of about \$154,400 per acre.

... LANDCASTER LAND DEVELOPER

McKEAN COUNTY

Mr. Petronzio bought 13.9 acres in McKean County in 1979, at a time when a permit was only needed for a building if more than 10 acres were involved. He planned to build a hunting camp. There are two lakes on the property, full hemlocks, cherry trees, some wet spots. Mr. Petronzio cleared out the land and laid a slab port. He was originally taken to court because he was allegedly going to build a water well under pressure and a sewage system. Petronzio won the case because there was no proof. Soon after, the Army Corps of Engineers were 'sicked' on him, and his property was declared a wetland.

"If they want to occupy my territory, I think that they should pay for it."

... LEO PETRONZIO

GROVE CITY

MERCER COUNTY

In 1983 Thomas Construction started a 50 acre planned residential community in Grove City. All necessary approvals were obtained from local municipalities and DER before they broke ground.

"DER representatives have been on the property over the years for various reasons and have never mentioned the word 'wetland'."

During the permitting process to extend the sewer lines, DER requested a wetlands survey. A hired consultant determined that there were wetlands on the parcel as well as in Woodland Manor. Even though the Manor was approved years ago and there were now 17 families living here, he felt DER would also be interested in that property.

A biologist from the Bureau of Dams and Waterways informed us *"that we needed a permit to disturb the wetlands and build the project. The permit would take at least six months and would probably be denied."*

"In Woodland Manor, we violated the law and are subject to civil and criminal charges as well as fines yet to be determined. Three of the lots were determined to be unusable and eight to ten others need permits. None of the wetlands on the property could be touched. If we got a permit to build on the upland portion of a lot, the wetlands on that lot would have to remain untouched. That means the homeowner could not landscape his property or plant grass. One of the three lots that are unusable has been sold. Mr. Buckley advised us to inform that party that they own a wetland and can't touch it."

What was once a \$600,000 asset turned into a \$750,000 liability. We still have a \$150,000 bond posted with the township to finish the installation of the road and utilities. If we finish the road, we will disturb wetlands; if we don't finish the road, the

township will take our bond. We are also liable to refund money to four current landowners.

A rough estimate of loss of tax revenues to the area is \$75,000 annually, which doesn't include the loss of jobs or sales to local material suppliers.

The current regulations that are being enforced by DER are sending this state further into financial quicksand. The frustration in dealing with representatives of DER whose only response to a question is, 'I don't know, I'll check with Harrisburg,' is intolerable. The arrogant, unprofessional manner in which they conduct business is inexcusable."

... ERIC KENT THOMAS

BLAIN

PERRY COUNTY

A dirt farmer for 36 years, Frank Rice feels he is a conservationist. He has practiced strip cropping, diversion terraces and sod waterway establishment. Rice has also installed drain tiles for "practical purposes."

"If left go, unchecked, this has to be the most dramatic thing brought upon the agricultural community by our government."

... FRANK E. RICE

MILFORD

PIKE COUNTY

I am very concerned about our loss of rights as provided by the Constitution and Bill of Rights due to the over-zealous activities of the Environmental Protection Agency. I specifically cite Article V you know, the one about not being deprived of property without due process, etc., etc.?

Here's an example. My husband and his brother are being prosecuted by EPA as criminals. Their crime is building a pond on their own property, property they have owned all of their 40-plus years; property they have taken care of and paid taxes on. They have been indicted for "illegal filling at wetland sites." I'm also concerned that EPA is able to call building a pond a "filling of a wetland."

Additionally, while EPA (and others) talk about the importance of wetlands, they have never done any testing on site to prove that my husband and his brother have indeed "destroyed" the environment! What happened to "innocent until proven guilty?"

It seems that EPA, with their new-found absolute power, attacks the small businessman. Is this because they know that the resources of the small businessman will be quickly depleted? (Resources here mean mental and physical as well as financial). ... CAROL WALTER RAMAGOSA

PETERS TOWNSHIP WASHINGTON COUNTY

Our subdivision plan was approved by the township and the county. The plan was recorded. Two homes were started. The Corps of Engineers approved; the Fish Commission shut us down! One agency doesn't seem to know what the other is doing. I now have a \$60,000 unusable lot, five other lots were made marginal, pay \$40,000/year interest on the land, \$22,000 interest on the development loan, pay tax on land I can't use and pay \$44,000 interest on two homes under construction. It has cost me \$200,000 in engineering and compliance fees and in loss of use of the land.

... TED TAYLOR

FEDS PROPOSE NEW WETLAND DEFINITION

Governor Casey States Rejection

Late this summer, EPA Administrator William Reilly unveiled a proposed manual designed to change and clarify the criteria used in defining wetlands. This transpired at the urging of Vice President Dan Quayle and the President's Council on Competitiveness. In short, the new proposal seeks a requirement of 15 consecutive days of surface water as opposed to saturation for one week 18" below ground surface. To date, environmental activists have outnumbered the regulated community in getting their comments to EPA on the proposed changes. Of approximately 12,000 comments received by EPA, nearly 8,000 strongly objected to the proposed change.

Additionally, hearings held in late September by Pennsylvania Representative Peter Kostmayer (D-8) uncovered Governor Casey's opposition to the new proposal. In his testimony, the Governor stated "... I have directed that Pennsylvania not accept the revised federal wetlands guidelines. The Bush Administration's new wetlands policy is all wet. We reject it, and we will not abide by it." It was also quite evident that Representative Kostmayer supported the

Governor's position.

Letters by members should be sent to Governor Casey, Congressman Kostmayer, and the EPA stating support for the proposed change. While PLA would like to see an even more defined and realistic definition, this change would at least be a step in the right direction.

Members should also be aware that use of the 1989 manual at the federal level was banned by a legislative amendment under H.R. 2427 and the 1987 criteria is now being used to delineate wetlands. While discontinuing the '89 manual was encouraging, all federal agencies previously operated under their own individual guidelines, creating problems with inconsistency. This was due to no one single document being employed and in place in 1987. Additionally, due to Governor Casey's remarks, the State Department of Environmental Resources is still operating under the 1989 manual. All of this again creates a morass of problems and confusion for private landowners and permit applicants trying to work through the system.

For the official record, comments to EPA will only be accepted until December 14, 1991. **Letters should be sent to Gregory Peck, Chief, Wetlands and Aquatic Resources Regulatory Branch, Mail Code (A-104F), US EPA, 401 M Street, SW, Washington, DC 20460. Letters to the Governor may be addressed to The Honorable Robert Casey, Governor, Commonwealth of Pennsylvania, Harrisburg, PA 17105. Letters to Rep. Kostmayer may be addressed to The Honorable Peter Kostmayer, 2436 Rayburn House, Washington, D.C. 20515.**

Additionally, the Environmental Conservation Organization has produced a pamphlet designed to assist landowners who have had property designated as wetlands. The pamphlet provides detailed information on the 1987 methodology being used by various agencies, as well as information related to the 1989 manual. The purpose of the booklet is also to assist property owners in filing appeals regarding wetland designations. For further information, or to obtain a free copy, members may call the PLA office.

'PROPERTY RIGHTS' CENTRAL THEME OF CONGRESSIONAL HEARINGS

October marked the month for recent hearings held by the House Public Works and Transportation Committee on the issue of wetlands. Congressional representatives holding seats on the committee heard from their colleagues, environmental interests, and those from the regulated community regarding associated problems with the current regulatory process. Much support was given to H.R. 1330, The Comprehensive Wetlands Conservation & Management Act of 1991, with a great deal of emphasis being put on the current infringement of private property rights and the need for compensation to private landowners. As was expected, environmental interests displayed opposition to this bill, demonstrating once again their apathy regarding private land rights.

PLA was also represented in Washington and had the opportunity to present comments on behalf of our members and property owners nationwide.

Following the testimony presented by PLA and four other concerned interests, Congressman Charles Taylor of North Carolina presented a summation worthy of reprinting. His comments follow on page 7.



Presenting testimony during Congressional hearings were from left to right: David Mumpers, Director, Environmental Affairs, Weyerbaeuser Corporation, William Hazeltine, Ph.D., Butte County Mosquito Abatement District (CA), Bernard Goode, former chief of the regulatory branch for Corps of Engineers, (Ret.), Rhonda McAtee, Executive Director, PA Landowners' Association, and Peggy Reigle, Chairman, Fairness to Landowners Committee.

REPRESENTATIVE TAYLOR SUMMARIZES THOUGHTS ON HEARINGS

Members of the panel, it's going to take more people to spend their time, as you're doing, and their resources, to be heard and to get out to the members of this body.

How many of you are aware, for instance, of the Watershed Protection Act, which flows from the Clean Water Act, that's going on in many states? And how many of you are aware of the rare and endangered species debate and old growth controversy that we are living with? No one seems to want to talk about the benefits of new growth, which are much greater than old growth, but we're going to dictate a lot of the policy of this country based on old growth. How many of you are aware of Wild & Scenic River designations and what happens as far as the setbacks and potential condemnation? Even wilderness legislation and the implications it has for communities when you designate more and more areas wilderness. How many are aware of the viewsheds that we're demanding for grave sites now? Acre after acre of viewshed are being proposed for a corpse! The types of policy that are going on all across this country that are aiming point after point, driven by organizations that have millions of dollars to do nothing but lobby and drive this type of legislation aimed primarily toward taking private property and private property use.

"It was the ownership and the right to have private property that created this nation. It's the one thing that gives us freedom. It's the factor you do not find in Eastern Europe."

I would gladly provide every organization with a copy of the Constitution and some of the historical



Rhonda McAtee (left) and PLA Vice President Robert Brace (center) discuss wetland issues with Congressman Charles Taylor (R-NC) (right) upon conclusion of Washington hearings.

background of this country. It was the ownership and the right to have private property that created this Nation. It's the one thing that gives us freedom. It's the factor you do not find in Eastern Europe. They have government, they have central control, they have regulations, they have everything except private

Brandeis has a stone with a quote. He points out that the greatest threat to liberty is from men of zeal, well meaning but without understanding. If we do not see the future movement that is coming to destroy private property, people who are taking legitimate problems — and we do have legitimate environmen-

"Every corporation, every development, every company, whether it's an oil company or the Red Cross, has the right to private property, and you have to protect it for all of them, or you can't protect it for any of them."

property and the right to own that private property. Therefore, without the ownership of that property, they have no freedom. As we take private property from our citizens, we destroy that freedom. Every corporation, every development, every company, whether it's an oil company or the Red Cross, has the right to private property, and you have to protect it for all of them, or you can't protect it for any of them. Right on down to the mom and pop stores and property owners. Before you leave these buildings you might visit the capitol where Justice

tal problems that we need to concentrate on and work with — but when they take those problems and are driving the destruction of private property from this country, they're driving the freedom from the country.



Comments by Rep. Charles Taylor during wetlands hearings conducted by the House Public Works & Transportation Committee, Subcommittee on Water Resources, October 31, 1991. Edited for clarity.

ENDANGERED SPECIES ACT

Another Law To Take Our Land?

An endangered species is defined as "any species which is in danger of extinction throughout all or a significant portion of its range . . ." A threatened species is defined as "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." These definitions may help in part to clarify and understand the protection that is extended to all species of animals, including birds and mammals, and also plant species as provided under current legislation.

The Endangered Species Act of 1973 is widely regarded by its proponents as one of the country's most

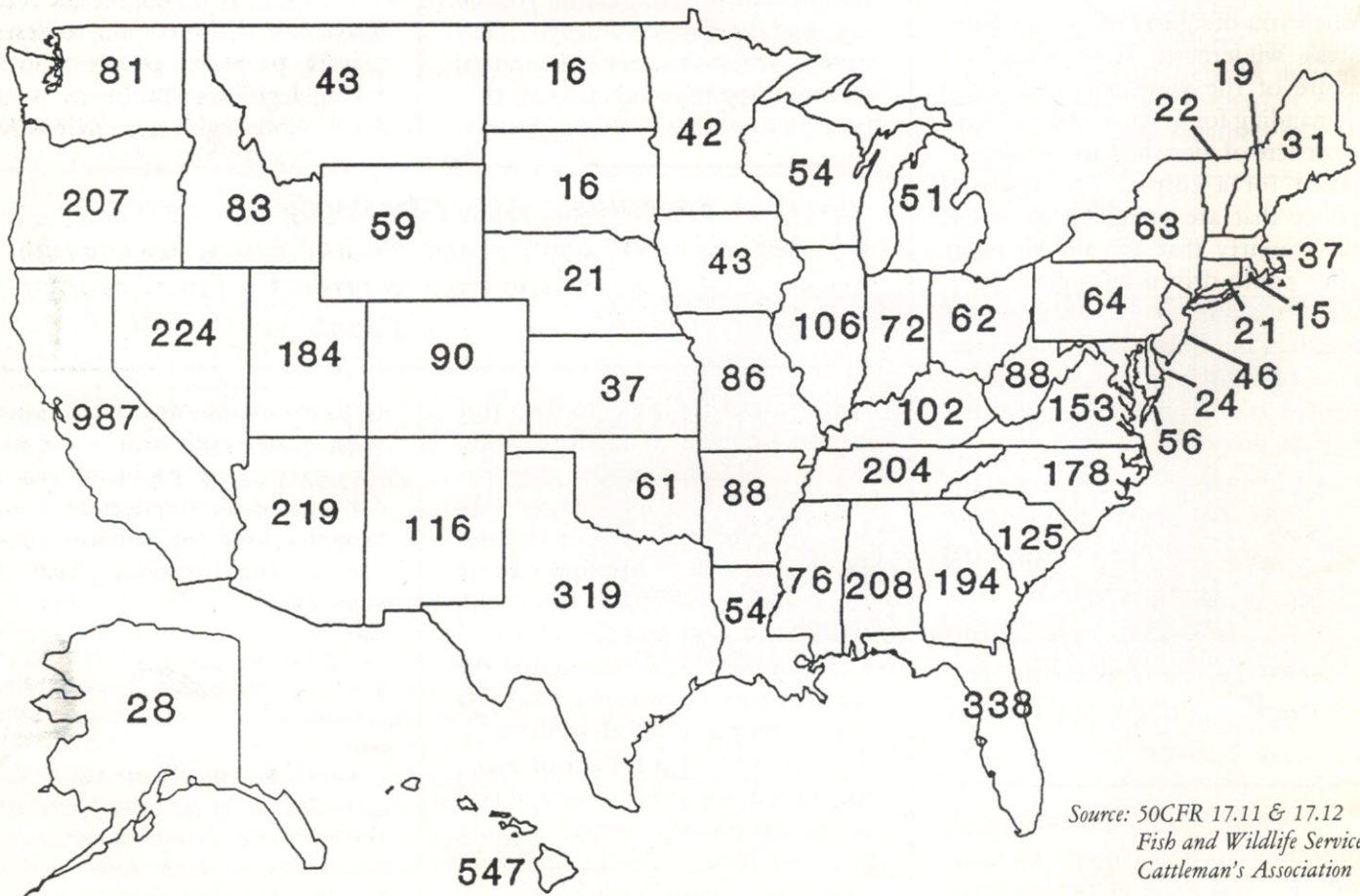
important and powerful environmental laws and also serves as an international model. However, the Endangered Species Act, as presently administered, focuses only on biological matters and gives no consideration to the impact of human activity or economic effects. Under current legislation, federal agencies seek protection of various species, and decisions are made without regard to jobs, economics, or human health and safety factors. The use of privately owned property can be ordered totally discontinued if an endangered or threatened species is found to exist.

As the reauthorization of this act expires on October 1, 1992, a variety

of controversies continue from coast to coast regarding existing endangered species and "candidate" species. Perhaps even more importantly, as 1992 draws near, consideration should be given for language in the bill to include human needs and protection of private ownership rights, while balancing the environmental equation.

The map shown below includes the number of listed and proposed species for protection under the current act, as illustrated per state. For a more detailed listing of threatened and endangered species for your state please call the PLA office at (814) 796-3578.

Endangered Species Act (Number of Listed and Proposed Species)



Source: 50CFR 17.11 & 17.12
Fish and Wildlife Service
Cattleman's Association

UPDATES

• **SCENIC RIVER DESIGNATIONS** - It has been brought to PLA attention that Congressman Peter Kostmayer (D-PA) is introducing a proposal that would authorize a study to designate approximately 1380 miles of rivers in Pennsylvania as potential Wild and Scenic Rivers.

During the period in which a river is being studied for federal protection under the Wild and Scenic Rivers Act, water resource development projects requiring federal clearance would generally be prohibited. Such projects may include water withdrawal structures, irrigation works, dams and channelizations.

If legislation is enacted, the federal government would maintain the right to condemn private property ¼ mile from the high water mark on each bank, regulate the use of the land through "scenic easements," and prohibit new commercial activity along the river. Additionally, other activities could be prohibited that include commercial and private building projects within a ¼ mile of the shore, construction of docks, dams, and other impoundments, the watering

of cattle, and bridge building and renovation.

In view of the impact this bill could have on Pennsylvania landowners, it is pertinent landowners contact Representative Peter Kostmayer to express their concerns regarding this proposed legislation at: Interior Subcommittee on Energy and the Environment, H1-815 O'Neill House Office Building, U.S. House of Representatives, Washington, DC 20515

Complete List of Rivers for Proposed Inclusion in Wild and Scenic Rivers Bill

(River designations include portions only. Please contact PLA office for more detailed information).

- BEECH CREEK
- BIG BUSHKILL CREEK
- BLACK MOSHANNON CREEK
- BRANDYWINE CREEK
 - East and West Branch
- BROKENSTRAW CREEK
- CASSELMAN RIVER
- CLARION RIVER
- CLARK RUN
- CONEWAGO CREEK
- CONNEAUT CREEK
- FRENCH CREEK
- HAMMERSLEY FORK
- INDIAN CREEK
- KINZUA CREEK
- LAUREL HILL CREEK
- LEHIGH RIVER
- LICK RUN
- LOYALSOCK CREEK
 - Kettle Creek • Dry Run
 - Double Run
- MESHOPPEN CREEK
- MOSHANNON CREEK
- MOSQUITO CREEK

- MUDDY CREEK
- NORTH FORK
- OCTORARO CREEK
 - East and West Branch
- PENNS CREEK
- PINE CREEK
- RED BANK CREEK
- SINNEMAHONING CREEK
- SLIPPERY ROCK CREEK
 - Hell Run
- STONY CREEK
- SUSQUEHANNA RIVER
- WEST BRANCH SUSQUEHANNA
- SWATARA CREEK
 - Upper Little Swatara Creek
 - Lower Little Swatara Creek
- TIONESTA CREEK
 - East Branch
- TUCQUAN CREEK
- TULPEHOCKEN CREEK
- WOLF CREEK
- YELLOW BREECHES CREEK
- YOUGHIOGHENY RIVER

• **BOYD THEATRE** - As previously reported, Pennsylvania's Supreme Court recently ruled that the historical designation of the Boyd Theatre located in Philadelphia, Pennsylvania was unconstitutional. The ruling, which was based on both the state and U.S. Constitution's taking clause, was handed down on July 10, 1991, and was a significant victory for private property rights. The ruling met with much disapproval from the city of Philadelphia and the preservationist lobby who collectively sought a request for reargument. Although unusual, the court agreed to rehear the case on October 23, 1991. Several organizations, including PLA, filed an Amicus brief stating their support for the high court's initial decision. Hank Ingram, counsel with Buchanan Ingersoll and the firm filing the brief stated "It is one thing to say that the government can pursue policies which seek to protect historic and aesthetic values. It is quite another to say that the government can compel property owners to dedicate their property to protect those values without payment of compensation. Sections 10 and 27 of Article I can be harmonized by permitting the protection of historic property, but also by the payment of appropriate compensation."

A decision on the reargument is expected sometime in the near future.

The following article is an excellent example of the health hazards affiliated with wetlands and the need for these to be addressed. Provisions for control of health hazards are contained in H.R. 1330.

MALARIA ON THE RISE

Malaria, once thought to be nearly conquered, is on the rise again killing millions of people worldwide while the U.S. funding for research into the disease is falling, a new study says.

The Institute of Medicine, an affiliate of the National Academy of Science, said in a report that malaria, a mosquito-borne disease, has turned from a declining health threat into a vicious worldwide killer, causing up to 2 million deaths annually, and occurring in 102 countries including the U.S.

Malaria's resurgence comes 15 years after it was widely believed that the disease was on the brink of being totally eradicated, an impression that caused an international decline in research and control.

AP, Warren Times Observer.
October 9, 1991

Five New Appeals Filed on the ANF

By Mary F. Wirth



Once again timber sales on the Allegheny National Forest (ANF) are being delayed due to appeals. Five sales in the Sheffield ranger district have been appealed by two college students from Newark, DE. The students claim the environmental assessments of the projects fail to address many complex environmental issues, and proceeding would adversely impact and irreparably harm the natural qualities of the project area.

Area forestry professionals are outraged by what they claim are frivolous appeals. A spokesperson for the Pennsylvania Forest Industry Association (PFIA) stated, "These \$.29 appeals are allowing uninformed people ignorant of forestry practices to come in and stop forest management in our National Forests. These people are from another state, and will have no stake in the decisions they are appealing." The forestry professionals object to the fact that any person can appeal any sale for no other reason than they disagree with the decision. They claim preservation groups are using these appeals to clog up the system, increase costs to the Forest Service and delay timber sales long enough to put area mills out of business.

A recent study by the Public Timber Council of the National Forest Products Association documented the skyrocketing number of appeals being filed and the increasing volume of timber under appeal. They found that the appeals of

national forest timber sales and plans are costing the Forest Service, communities and the federal Treasury hundreds of millions of dollars each year. Potential economic loss in 1990 from appeals was an estimated \$195 million in federal taxes and \$179 million in payments to communities. In 1983-1985, an average of 170 appeals were filed per year, in 1990, 1,154 appeals were filed. The study found that over 30% of the timber volume sold by the Forest Service and Bureau of Land Management in 1990 is tied up in appeals. It is predicted to be much worse for 1991. As of August 1, 22% of the volume scheduled for sales has been canceled, delayed or withdrawn and estimates indicated the year to end with at least 37% of this year's scheduled timber sale program to be unavailable. It also stated only 9% of the appeals were upheld while over 70% were found to have no merit.

"Area residents need to understand what these appeals could mean to their communities. The Forest Service just came out with their report of distributions of over \$4 million from the ANF to communities for roads & schools. This money will have to be made up with higher taxes if lost due to decreases in timber harvesting. The cost in local jobs could also prove devastating."

The cost to the taxpayers for processing these appeals is also climbing. Since 1984 the agency is estimated to have spent over \$59.4 million processing the appeals. In 1990, the Forest Service estimates it spent over \$11 million, not includ-

ing the cost of litigation or legal support. For preservation groups, the appeal process is a way of driving up the costs of timber sales and reducing the available budget of the Forest Service. As the revenues from timber decreases, and the costs of the appeals increases, specific national forests will show large losses.

The appeal of the ANF Crazy Gray Timber Project in Forest county, filed by a group called Preserve Appalachian Wilderness in July, was withdrawn by the Forest Service and was recently reinstated. No appeals have been filed on the sale since it has been reinstated. That appeal met strong opposition from community representatives, school districts, area businesses, forest industry and other users of the ANF. The same groups are getting involved in the recent appeals. As a result of the Crazy Gray appeal, a coalition of groups and individuals was formed to fight future appeals and promote "wise use" rather than "no-use" of our national forests.

The spokesperson for PFIA stated, "Area residents need to understand what these appeals could mean to their communities. The Forest Service just came out with their report of distributions of over \$4 million from the ANF to communities for roads and schools. This money will have to be made up with higher taxes if lost due to decreases in timber harvesting. The cost in local jobs could also prove devastating." They also stated "We believe a legislative approach is the only solution and are seeking support of H.R. 2463, The Forest and Families Protection Act which would put some common sense and stability back into forest management on federal lands." This bill has strong support from forestry professionals as well as labor unions across the country.

PLA continues to monitor forestry appeals on the ANF and has filed for intervenor status on the above five noted sales. PLA also supports H.R. 2463, The Forest and Families Protection Act.

POSTING COAST TO COAST

Educational progress continues to be achieved through additional states becoming involved in a "posting" program. In recent weeks, Oregon Lands Coalition introduced a year-round "posting" program to generate public support by informing individuals of unfair land use controls. The signs invite questions from recreationists and sportsmen and enable landowners to educate the public concerning private property issues and the need for responsible management of our resources.

Kentucky successfully displayed their unity and desire for legislative changes by posting an additional 650,000 acres of land. Kentucky is one of 17 states currently participating in the "posting for support" program that PLA supports and encourages other states to become actively involved in.

Pennsylvania has also increased their sign participation, with several thousand more signs being displayed across the state. Pennsylvania's neighboring state, New York, has actively been sending a strong public message through several "posting" programs currently gaining momentum, especially in the Adirondacks.

Many of these "posting" programs stress the need for individuals to seek permission before entering private property. In addition, "posting for support" encourages landowner participation for organizational support through membership by individuals who seek land access.

The public awareness that these programs have provided over the years is similar to each sign being viewed as an individual pro-

testor carrying a message to our legislators. Order your signs today and make your legislators aware of this silent but highly visible protest against unfair land use policies.

PLA welcomes additional new Corporate, Business & Associate members to our Organization and an extension of gratitude to our loyal individual members who have renewed their support with memberships also. It is through membership dollars that continued grassroots efforts are being made locally, and at the state and federal levels to continue our plight in upholding our Constitutional rights.

Through the volunteer efforts of Board members and regional and committee chairmen, additional contacts may be made in your geographic location to enhance membership commitments. As always, your membership is sincerely acknowledged & greatly appreciated.

Corporate

Scott Campbell
Sunrise Ventures Inc.

Business

Ralph L. Hunter
Mead Lumber Company
Port Potato Farms
Jerry Port
Leet Brothers Farms
J & L Shafer Farms
Charles Romansky
Forest Land Services
H. & H. Materials
L. D. Sousa
Ganzer Equipment Co.

Sustaining Associate

McDanniels Machinery
TDK Coal Sales, Inc.

Associate

PA Mining Professionals
Colorado Association for
Property Rights
Olnabdaggon Society
Pennsylvania Independent
Petroleum Producers
Pennsylvania Forest
Industry Association
Babylon Hunting Club
Blue Mountain
Snowmobile Club

PLA ON THE MOVE

The voices of PLA members continue to be heard through the efforts of the Board of Directors and regional activists. Many functions and events are attended on behalf of the organization, including presentations which inform others of private property rights issues. Following are a few of the recent events at which PLA members were represented. However, it is essential that members remember how important their voices are and that progress depends upon their participation and activism.

ARE YOU DOING YOUR PART?

Have you written or called your Senator or Representative lately? One phone call or letter every year or every six months is not enough! Remember, protection of your property rights depends upon you!

- Shenango Valley Chamber of Commerce legislative reception (Grove City, PA)
- Timber industry property rights/posting program presentation (Kane, PA)
- North Penn Board of Realtors (guest speaker)
- Erie County Snowmobilers Association (guest speaker)
- PA State Snowmobilers Association (guest speaker, Harrisburg, PA)
- Fly-In-For-Freedom grassroots lobbying campaign (Washington, DC)
- Local Fairs (Booth exhibits)
- Newspaper Editorial Board meetings (statewide)
- Subcommittee on Water Resources Congressional hearings on wetlands (testimony presentation, Washington, DC)
- Subcommittee on Energy & the Environment (testimony presentation regarding proposed wetland definition, Philadelphia, PA)
- Meeting with state representatives (Waterford, PA)
- National property rights meeting (St. Louis, Missouri)

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"AND IT COMES WITH A
GUARANTEED EXEMPTION FROM
THE CLEAN WATER ACT. . ."

UNLESS ENVIRONMENTAL REGULATIONS BEGIN MAKING SENSE, YOU MIGHT AS WELL LIVE IN A TREE.

- Current environmental law allows agencies of the government to restrict, and often prevent the use of privately owned land—without compensation to the landowner.
- Every landowner needs to convince Congress that environmental law must respect individual property rights and economic opportunity.
- Join PLA and make sense out of environmental legislation.
- Tell a friend.

PLEASE ENROLL ME AS A MEMBER OF PLA TO HELP SECURE THE RIGHT OF THE INDIVIDUAL WHILE WE RESPECT THE ENVIRONMENT

NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

CONGRESSIONAL DISTRICT _____

PHONE # _____

ACRES OWNED (if any) _____

COUNTY _____ TOWNSHIP _____

- ☐ **WETLANDS VIDEOTAPE (VHS)—**
"Our Environment, Whose Property?"
\$15.00 Donation
Please send me a copy of this limited edition PLA video tape.
- ☐ **"POSTING FOR SUPPORT"** program — Yes, I wish to become a participant in this program. Please send me _____ signs. I have enclosed 40¢ for each sign ordered.
- ☐ **PART** — Political Action Response Team — Yes, I wish to participate in this program sponsored through PLA's national affiliate ECO. Please put me on the PART mailing list.
- ☐ **YES**, I will help the PLA to continue its fight to put PEOPLE back into the environmental equation, and to uphold the principle of private land ownership. Please find enclosed my contribution of _____.

Members are encouraged to participate in one of the following categories.:

- | | |
|---|----------|
| <input type="checkbox"/> INDIVIDUAL MEMBERSHIP
Any individual supportive of private property rights. | \$25.00 |
| <input type="checkbox"/> ASSOCIATE MEMBERSHIP
Not-for-profit organization supporting property rights issues. | \$50.00 |
| <input type="checkbox"/> BUSINESS MEMBERSHIP
Any business entity supporting the free enterprise system and the principle of private ownership. | \$100.00 |
| <input type="checkbox"/> SUSTAINING ASSOCIATE MEMBERSHIP
Inclusive of any corporate not-for-profit organization. | \$250.00 |
| <input type="checkbox"/> CORPORATE MEMBERSHIP
Any corporation supporting the above classifications.
Sustaining \$ 500.00 Gold Club \$ 5,000.00
Silver Club \$1,000.00 Platinum Club \$10,000.00 | |

- **Enclose form with check or money order payable to:**
Pennsylvania Landowners' Association
P.O. Box 391
Waterford, PA 16441

Please allow up to 4 weeks for delivery of membership card.

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Pennsylvania Landowners' Association, Inc.

P.O. Box 391
Waterford, PA 16441

ADDRESS CORRECTION REQUESTED

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Waterford, PA