



P E N N S Y L V A N I A LANDOWNER

VOLUME VI • NUMBER 4

DECEMBER 1993

Defending the Fifth Amendment of the U.S. Constitution

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

Members of the Pennsylvania Landowners' Association were in appropriate company as most of the national leaders of the wise-use and property rights movement were in attendance at the third annual "Fly-In For Freedom" held September 18-22 in Washington, DC. Over 425 activists, from 33 states, participated in an American grassroots effort to balance the needs of people and the environment by carrying their message to Congress, the media and other national associations and groups.

The camaraderie and cooperation among the many diverse interest groups were proclaiming a very clear message: One of unity and accord to restore our property rights as guaranteed in the Fifth Amendment of the United States Constitution "...nor shall private property be taken for public use without just



Representative Jimmy Hayes (D-LA – center), pauses to offer continued support of private property rights during the recent "Fly-In For Freedom" in Washington, D.C. with PLA staff and Board members. From left to right, Sue Carver, Mary Wirth, Robert Brace and Lorraine Bucklin.

compensation." Farmers, recreationalists, natural resource producers, private property rights activists, and others whose livelihoods are dependent upon using their land proceeded to emerge the halls of Congress urging legislators to act responsibly by upholding the U.S. Constitution.

Individuals from across the nation expended their time and personal resources, collectively succeeding, despite specific organizational agendas, to advance the common good of the property rights movement.

As opposition to the destruction of freedom in the name of environmentalism was voiced, it became increasingly apparent that grassroots America was not going to settle for anything less than the guarantees set forth in the U.S. Constitution!

National Biological Survey

Grassroots Wise-Use and Property Rights Movement Make Advances for Rural America

To the dismay and disapproval of many advocates of private property rights across the nation, H.R. 1845, the National Biological Survey Act (NBS) was recently passed into law by Congress. H.R. 1845 creates an office within the Department of Interior to map, assess, protect and manage all public and private resources of the United States.

Organizations that have actively opposed the NBS, in its unamended status, felt it was a license to trespass and steal private property, private forests, private wetlands, and private resources without the knowledge and consent of its citizens. Additionally, the bill would provide authority for bureaucratic "blank check" land acquisition and bypass Congressional authority and authorization.

Through the urging of grassroots activists, the efforts of a Congressional bi-

partisan coalition were heard and a number of amendments to H.R. 1845 were unanimously passed which substantially strengthened property rights protection for landowners. A partial listing of those amendments follow:

Amendment Offered By:

Rep. Charles Taylor (R-NC),
Rep. Gary Condit (D-CA), and
Rep. Richard Pombo (R-CA)

—requires written permission in advance of entry from the property owner to avoid trespass by government agents. It also instructs the NBS to obey all state and Tribal laws relating to private property and privacy. Additionally, requires agents to notify the landowner of entry and to inform the property owner that any raw data collected on his land would be available free of charge.

Amendment Offered By:

Rep. Cal Dooley (D-CA)

—ensures that the scientific data and research gathered and developed by the survey is reliable, trustworthy and complete. Requirements to select independent reviewers from among individuals recommended by the National Academy of Science are included. Also, the review process must consider all information that is relevant to the validity of the research in question to keep government research from becoming self-serving and isolated from the real world.

**"The survey will
cost \$180 million
in its first year,
and it will be an
ongoing process. It
will never end."**

Amendment Offered By:

Rep. Billy Tauzin (D-LA)

—eliminates volunteers (environmental extremist groups) from participating in the survey process. It is essential that the data gathering and research function be conducted by individuals who are well trained, experienced professionals, whose performance will be subject to the evaluation and control of the Department of Interior.

Amendment Offered By:

Rep. Richard Lehman (D-CA)

—prohibits the NBS from enlisting other agency personnel. A person who is an officer, employee, or agent of the survey may not perform any function of the survey on land in which any officer, employee, or agent of the survey owns any interest or conduct any activity for or on behalf of any private person.

**"...the value of
property cannot
go up, but it can
go down under
this scenario."**

Amendment Offered By:

Rep. Robert S. Walker (R-PA)

—authorizes the survey for only two years, provides funding of \$171.5 million for 1994, and restricts Secretary of Interior Babbitt from unauthorized increases in funding.

Amendment Offered By:

Rep. Jimmy Hayes (D-LA)

—requires surveys to be conducted on federally owned lands before they may be performed on privately owned lands. Additionally, provides protection so that private landowners cannot be held liable for any injury of a survey agent.

At a NBS Congressional hearing, Rep. Jimmy Hayes (D-LA), a loud critic of the survey and champion of private property rights, commented that under these inventories “the value of property cannot go up, but it can go down under this scenario.” This statement was in direct contrast to comments previously offered by Secretary Babbitt stating property values will go up!

Despite Secretary Babbitt’s past testimony explaining that the NBS was just science and data collection, the Administration’s real agenda became clear when it withdrew support for H.R. 1845 as amendment after amendment was added protecting the rights of property owners.

The bill’s sponsor, Rep. Gerry Studds (D-MA) who serves as the Chairman of the Environment and Natural Resources

**“...the survey
has an exquisitely
simple, yet
awesome mission...
catalog everything
that walks, crawls,
swims, or flies
around this
country.”**

Subcommittee, Merchant Marine and Fisheries Committee, recently stated that, “the survey has an exquisitely simple, yet awesome mission...catalog everything that walks, crawls, swims, or flies around this country.” Congressman Studds added “The survey will cost \$180 million in its first year, and it will be an ongoing process. It will never end.”

Thankfully, not all members of the House share Congressman Studds sentiment! With the unanimous passing of the amendments, the House has spoken clearly that while environmental protection is important, property rights come first.

These votes were critical, as the overwhelming margin favoring property rights protection may set the tone for Congressional reauthorization of the Endangered Species Act and Clean Water Act.

The battle is far from over, however! In the Senate, Environment and Public Works Chairman Max Baucus (D-MT) has introduced companion legislation S.1008, which is not inclusive of the House amendments. It is imperative that your voice of opposition be heard by both U.S. Senators, Wofford and Specter. Senator Wofford serves on the committee of jurisdiction and can have a direct effect in defeating final passage of the NBS. **Take action today! Continue to demonstrate grassroots ability to slow or block environmental initiatives that do not protect property rights!**

Letters should be addressed to Senators Wofford and Specter as follows:

THE HONORABLE HARRIS WOFFORD
U.S. SENATE
WASHINGTON, D.C. 20510

Telephone or fax responses to:
Telephone: (202)224-6324
Fax: (202) 224-4161

THE HONORABLE ARLEN SPECTER
U.S. SENATE
WASHINGTON, D.C. 20510

Telephone or fax responses to:
Telephone: (202) 224-4254
Fax: (202) 224-1893

“If you like what's happened under the Endangered Species Act, if you like what's happened under the wetlands policy, you are going to love the National Biological Survey because it is coming your way.

Maybe this is what we need...for the country because finally the whole country will wake up and realize what is happening to private property rights.”

Rep. Jon Doolittle (R-CA)

GOOD NEWS

EHB EASES UP ON LANDOWNERS.

The Environmental Hearing Board ("EHB") recently held in *Alpen Properties v. DER* that a new owner of real estate does not become liable for violations of the Solid Waste Management Act solely on the basis of ownership of the property where the violation occurred.

The EHB opened: "A real estate buyer's sophistication as to real estate sales and purchases and the visibility of the SWMA violations on the property it purchases does not create liability in the purchaser for violations of the SWMA on the purchased property under a theory of caveat emptor, even where the deed conveying title to the property contains *no warranties*....DER's philosophical approach to this statute's interpretation is ill-conceived because it discourages the redevelopment and reuse of urban industrial and commercial facilities, thus encouraging the contraction of new facilities only on "green fields." Nothing in the statute remotely suggests such an intent by the legislature.

HIGH COURT CONFIRMS ENVIRONMENTAL RIGHTS AMENDMENT NEEDS LEGISLATION.

Although the Supreme Court's flip-flop in the *Boyd Theater* case was disappointing and bad news, not everything in the Court's opinion was entirely adverse to landowners.

In 1971, Pennsylvania voters adopted the Environmental Rights Amendment to the Constitution which recognized the "right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment." Using this provision of the Constitution, citizens groups and agency bureaucrats frequently sought to block land use and development projects, including one case involving construction of a battle tower at the site of the Battle of Gettysburg. In the *Gettysburg Case*, a majority of the Supreme Court agreed that the Environmental Rights Amendment authorized the Commonwealth to act in matters of purely historic concerns—but ultimately held that the Amendment was not self-executing, and legislative action was necessary to accomplish the goals of that Amendment. In its *Boyd Theater* case, the Court expressly confirmed the Amendment is not self-executing.

Hopefully, the Court meant what is said. If it did, government bureaucrats can't go around restricting private property rights based on policies, whims or personal preferences but rather implementation of land use restrictions based on the Amendment must be spelled out in specific legislative enactments.

RURAL COUNTIES SEE THE LIGHT

Although the Key 93 Bond Question passed with 993,384 voting for it to over 560,000 voting against, voters in eleven counties in Pennsylvania turned it down. Some, such as Warren, Venango and Elk counties, overwhelmingly. These eleven counties (listed on page 14) are bedrock PLA areas and PLA activists in these areas "got the message out to the voters." Congratulations.

The response to the PLA message throughout Pennsylvania was encouraging and represents a good start in making sure issues of the type involved in Key 93 are subjected to voter scrutiny and meaningful debate. It is clear that with enough notice and hard work PLA members can influence public policy in statewide property rights issues.

BAD NEWS

HIGH COURT FLIP FLOPS ON HISTORIC PRESERVATION

On July 10, 1991, in the *Boyd Theater* case, the Pennsylvania Supreme Court found that the Philadelphia Historic Preservation Ordinance "which authorize(d) the historic designation of private property...without the consent of the owner, is unfair, unjust and amounts to an unconstitutional taking without just compensation in violation of Article I, Section 10 of the Pennsylvania Constitution" and thus unenforceable. On November 9, after 18 months of "reconsideration," our beleaguered Supreme Court reversed itself and upheld the constitutionality of the Ordinance. The Court previously had acknowledged the notion that the Pennsylvania Constitution could provide greater protections of property rights than the United States Constitution but, in its flip-flop in the *Boyd Theater* case, the Court basically relied on and applied the federal Constitutional standards. Now, in order to prove an unconstitutional regulatory taking of property in Pennsylvania, a landowner has to show that there was a physical intrusion by government or that the property has been rendered valueless by the regulation.

The majority of Justices (all of whom are elected by us) believe and hold that Article I, Section I of the Pennsylvania Constitution is not a source (beyond the Fourteenth Amendment of the United States Constitution) of additional rights for property owners in Pennsylvania.

KEY 93 BOND QUESTION APPROVED

As reported elsewhere in *The Landowner*, Pennsylvania voters approved a \$50 Million Recreation Bond Issue on Election Day, but by a substantially smaller margin than expected. Voters, apparently enticed by the recreational goodies promised by the promoters of Key 93, lost sight of the fact that the \$17 Million Bond proceeds would bail out and thus reward the people who mismanaged our State Parks to begin with.

FOREST SERVICE GETS A NEW CHIEF

An Oregon wildlife biologist who urged logging cutbacks to save the northern spotted owl from extinction was chosen today to become the new chief of the Forest Service.

The biologist, Jack Ward Thomas of La Grande, Oregon, who led a scientific team advising President Clinton on the threatened spotted owl, will take the job on December 1. The appointment does not require Senate approval.

The appointment was praised by environmentalists but criticized by timber industry officials.

Mark Rey, vice president of the American Forest and Paper Association said, "He doesn't have the administrative or management experience that is required." This appointment does not bode well for Pennsylvania landowners, particularly those who live in or near the Allegheny National Forest.

CLINTON WETLANDS PLAN DOESN'T HELP MUCH

President Clinton's Wetlands Plan, released on August 24, promised much but appears to deliver little. Every bet is hedged and viewed as a whole, the Plan may be more restrictive than the existing wetlands protection regulations. First and foremost, it is a "plan" and contains, for all practical purposes, merely proposals.

(Continued on next page)

The Plan does not support a legislative approach to protecting property rights so the Administration will likely oppose HR 1330 and similar reform bills which would provide such protection.

Treated in some corners as a "done deal," the Plan only proposes to make the SCS the lead agency for wetlands delineations and Swampbuster and Section 404 determinations on agricultural lands. It hasn't happened yet and don't rely on what SCS representatives tell you until the Memorandum of Agreement between Environmental Protection Agency, SCS and the Corps of Engineers is available and its provisions are known. This is how you get in trouble—when one agency claims to speak for another but does not have the authority or guts to follow through on what it told you.

The much heralded Environmental Protection Agency/Corps of Engineers' final rule on Exempt Prior Converted Croplands is confusing and characteristically vague. Don't rely on second-hand reports or word of mouth. Check before you act on the assumption that your activity is exempt.

Given the environmentalist/preservationist leanings of the Clinton Administration, landowners should not be encouraged by these proposals.

"The Special Watch"

Bill Theis, spokesperson for Indiana's Stop Taking Our Property, recently addressed three Chesterton High School environmental classes on the topic of Indiana Dunes National Lakeshore expansion. At one point, a shy but determined young lady stood up and challenged Bill's property rights stance.

"Isn't acquisition of private property in order to expand the park for the good of all?" she insisted. Bill, a former educator, realized it took great courage for her to speak. Rather than embarrass the young lady in front of her peers, he took another tack.

Noticing an expensive watch on her hand, he exclaimed: "My! That's a lovely watch you're wearing, may I see it?" Blushing, the young girl handed it over. Bill held the watch up for the entire class to view.

"Isn't this the most beautiful watch you've ever seen? She's obviously taken excellent care of it." To the young lady he said, with a frown, "I'm worried you might lose or break this gorgeous watch. Then none of us would be able to ever enjoy looking at it again."

Bill walked over to a nearby file cabinet and placed the watch on top. "For the good of all," he said to the class, "I think we'll just put this watch on the shelf to protect it." The young lady was speechless. "Oh, I forgot," Bill said and reached into his pants pocket, "I can't just take your watch without paying for it. That wouldn't be legal. Is a quarter enough? Or do you have \$7,000 to hire a lawyer to sue me for the watch's fair market value?"

Red-faced, the girl sputtered, "That's my watch. It's worth a lot to me. I don't want to sell it."

Bill grinned at her, "That's exactly how I feel about my house on the river."

The students got the message. When it came time for them to write position papers on the dunes expansion issue, 95 out of 100 students wrote in opposition – including the young lady with the watch.

Reprinted by permission of Stopwatch

Some Facts About America's Forests

There is a widely held perception that the nation's forests are in decline, a result of too much harvesting and general mismanagement.

However, a close review of two important U.S. Forest Service reports suggest America's forests are in far better condition than many believe. The reports, from which the facts below were taken, include the agency's 1992 *RPA Assessment*, and a 1991 report entitled *The Condition and Trends of U.S. Forests*.

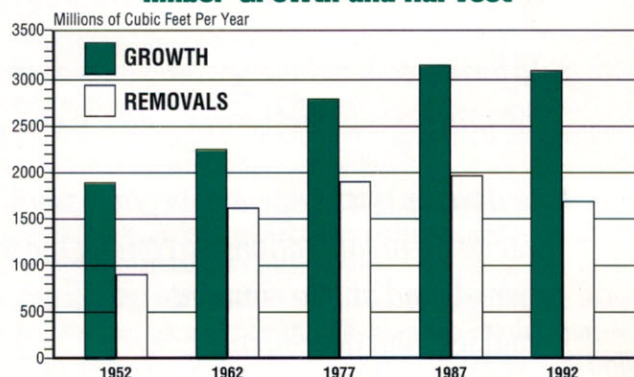
- The nation's forest land area is still about two-thirds the size it was in 1600. This in spite of the conversion of 370 million acres of forest land to other uses, principally agriculture.

Add to this the enormous harvest that has been necessary to build this nation's homes, warm its citizens and fuel its early-day engines.

To this total, add all of the losses to forest fires, diseases and insect infestations. Even after all of this, the nation still has two-thirds as much forest land as was here when the Pilgrims landed.

- More trees are growing in America's forests today than at any time since the early 1900's.
- In 1900, forest growth rates were a fraction of harvest. Today, annual forest growth exceeds harvest by 37%.
- Net annual growth has increased 62% since 1952, and growth per acre has increased 71%.
- Nationally, standing timber volume per acre in U.S. forests is 30% greater than in 1952.
- Annual growth in national forests now exceeds harvest by more than 55%.
- 47% of the nation's standing softwood sawtimber inventory is located in federally-owned national forests.
- 70% of America's national forest land base is in land use categories where timber production is forbidden. 30% remains open to varying levels of harvest activity.

Timber Growth and Harvest



Growth in National Forests has exceeded harvest every year since 1952, and annual growth now exceeds harvest by more than 60%. In 1991, about 300,000 National Forest acres were harvested. Only about 30% of the total National Forest system is open to harvesting, and the 300,000 harvested in 1991 equal one half of one per cent on the National Forest harvest land base.

Sources: New Perspectives, 1992; Forest Statistics, 1987

Reprinted by permission of Evergreen Magazine, Sept./Oct. 1993.

Coming to Harrisburg in 1994

Pennsylvania Land Use Summit

"PLUS"

Sponsored by

the Pennsylvania Landowners' Association and other organizations interested in restoring balance and reason in land use regulation.

Featuring

Nationally known speakers, serious candidates for statewide office, panel discussions and workshops on critical issues.

Proposed Summit Objective

- 1. To convene leaders and opinion makers representing all segments of the Pennsylvania private sector whose business activities and economic well being are dependent on the use and development of land and natural resources.*
- 2. To discuss and become better informed about Government regulatory initiatives which severely limit or entirely preclude such use and development.*
- 3. To form a consensus regarding the nature and extent of the problem and to assess and debate the prospects for restoring balance and reason in environmental regulation.*
- 4. To develop a strategy, and begin to implement it, perhaps through a coalition formation of interested organizations, to combat the severe erosion of the right to use and enjoy privately owned land and to eliminate or roll-back excessive Government imposed impediments to land use and development.*

Watch For Additional Information Soon!!!

ESA Still Causing Havoc

Montana farmer learns hard way grizzly bear has the greater rights

By Dave Shiflett

Reprinted by permission from Scripps Howard News Service

Americans are called upon these days to exercise a high level of empathy, whether it be walking a mile in the shoes of the homeless, the insane, or even the spotted owl. By seeing things from the other fellow's perspective, we produce harmony. But not all of us are successful.

John Shuler failed — in fact he failed quite miserably. At a vital moment, he was unable to see things from the perspective of a bear. It is costing him big time.

The story began a few years ago near Dupuyer, Montana. A grizzly — call him Sean — had been on a sheep-eating rampage, which caused wildlife officials to relocate him near John Shuler's ranch.

John, being a sheep rancher, was profoundly grateful. After all, since 1986 he had lost around 100 sheep and 6 cows to grizzly attacks (total cost: \$10,000) and no doubt was hoping a bear like Sean would come along.

On the night of September 8, 1989, Shuler heard a ruckus in his sheep pen and dashed out to investigate. He soon discovered that there were four grizzly bears among his sheep, eating them with gusto. Then his attention was drawn to a large shape rising some 30 feet ahead. It was Sean, chewing on a ewe and obviously startled to be interrupted.

"What gives?" Sean surely wondered, and in an effort to telegraph his frustration, the 400-pound visitor bared his teeth and charged.

If John had been a New Yorker, he might have recalled the story of that mad street person who had terrorized a Manhattan neighborhood. He would have remembered that authorities there insisted that nothing is to be taken personally by such attacks, but that mad people are merely different and deserving of advanced levels of sympathy, even as they push a butcher knife through your liver.

Unfortunately, John's thoughts were elsewhere. He knew there was a rogue bear in the area; in fact, game wardens had been on his property hunting this particular animal, whom they considered unreformable and had vowed to kill.

Benighted by this knowledge, John saw nothing but hostility bearing down on him. It happened that he had brought along a .375 caliber Holland & Holland Magnum rifle, which he pointed at Sean and fired. Sean bolted into the darkness; John hoped that tomorrow he would find the carcass.

Early the next morning, John looked about his property, realizing that if the bear were merely nicked, the local populace should be informed (nothing's worse than having a wounded grizzly bear banging about the neighborhood). He soon spotted Sean, sitting on his haunches, looking grumpy. When their eyes met, Sean again sought to express his frustration by baring his teeth and charging.

Sean ran purposefully, but perhaps he was in a hurry to wage peace. John understood none of this, and again raised his gun. This time, he killed Sean.

Now, from John's point of view, Sean was a dangerous bear. It is also the case that the grizzly-protecting Endangered Species Act allows for self-defense: "Notwithstanding any other provision of the ESA, no civil penalty shall be imposed if it can be shown by a preponderance of the evidence that the (respondent) committed an act based on a good faith belief that he was acting to protect himself or herself, a member of his or her family, or any other individual, from bodily harm, from any endangered or threatened species." But from the point of view of Federal Administrative Law Judge Harvey Sweitzer, John had provoked the attack, and therefore could not claim self-defense. The judge cited Montana law (designed with humans in mind, one assumes): "A defendant, who provokes an encounter as a result which he finds it necessary to use deadly force to defend himself, is guilty of an unlawful homicide and cannot claim that he acted in self-defense."

Where had John gone wrong?

He had "provoked" the attack by responding to the cries of alarm from his sheep. And he was particularly in error the next day. In intentionally seeking out the bear," the judge wrote, "he unjustifiably, reasonably, and intentionally placed himself in dangerous circumstances, circumstances upon which he may not now rely to establish a good faith belief that he was acting in self-defense." The judge levied a fine of \$4,000.

Sean, God rest his hairy soul, is regaling his pals around the heavenly honey pot even now. "I was provoked, I tell ya! Provoked!" From Sean's perspective, John had no right to enter his sheep pen that September night and interrupt Sean's feast. Nor did John have the right to seek out the bear just because he feared a wounded animal might pose a danger to his family and neighbors. If Sean hadn't been killed, he might have made a dandy judge.

But as John awaits for the result of his appeal, he wonders if it really is a provocation to protect your property, and is it really fair to apply human standards to such cases?

Sean sure didn't act like a human. Humans, for one thing, are not known to break into a neighbor's sheep pen, eat the animals raw, and then charge a man who carries a .375-caliber Holland & Holland. Who's provoking whom? And in the event that they are shot by such a gun, humans don't hang around all night on the gunman's property, then charge him the next morning.

Sean wasn't a human—he was a rampaging bear—and John wonders why he's being punished for treating him like one. It is a good question, for which the judge has supplied a superb answer: Shut up.

Not In My Backyard...

"Sites of exceptional County significance merit quick, strong and complete protection." Remember those words!

Now that harvest is in, the elections over and the holidays upon us we can relax a little and get back to enjoying the good life. There are, however, a couple of minor problems. Instead of middle class tax relief and reduction of the budget deficit we're getting an increase in each. "Oh well," we think, "Clinton is apparently no worse than Bush." Bush promised no new taxes and deficit reduction while Clinton promised tax relief and deficit reduction. I guess we've reached the point where we should take all these campaign promises like grains of salt.

"Sites of exceptional County significance merit quick, strong and complete protection."

As a matter of fact, campaign promises are something like wetlands reform promises from our friends in Congress and the General Assembly. Frankly, I get a little tired of hearing about Tom Ridge's H.R. 1330. He has ridden that horse pretty hard. And remember Senators Fisher and Brightbill who introduced wetland reform bills in the State Senate, and State Representative Fargo who introduced legislation in the House. These legislator friends of ours all introduced bills that would give landowners some relief on excessive wetlands protection regulation...if they would ever pass. But that's the big if! It is one thing to introduce a bill. It is quite another to develop and implement a strategy to get the bill passed. In the cold, harsh world of political

reality, a promise to introduce legislation, particularly by a member of the minority party, is probably illusory.

The problem is not that these legislators are not friends of landowners and supporters of property rights; it's just that in the present political climate they can't deliver. We have to learn to avoid succumbing to that comfortable feeling that seems to overcome us everytime some nagging regulatory problem is "addressed" by having one of our friends introduce legislation. As long as we're in the minority or perceived to be, real relief or reform just isn't going to happen.

The way it is now, when a bill is introduced, we simply assume the problem is being taken care of and we go back to sleep or to the good life but, unfortunately, that is a mistake. Inside the Beltway, or even inside the County Planning Office, the wheels continue to spin and churn out ever more restrictive and intrusive environmental regulation.

On wetlands, Representative Gary Studds (D-MA) has introduced legislation, H.R. 3465, which is purported to implement President Clinton's much ballyhooed Wetlands Plan. Without getting into all the details, neither the Clinton plan nor the Studds Bill provides any significant relief to landowners.¹ Tom Ridge's H.R. 1330 wasn't perfect but did at least offer some real relief, if it ever passed. And wait until the anti-development, preservationist advocates in the Clinton Administration and Congress shift into high gear on H.R. 3465 and other environmental legislation. That should really keep you on your toes.

For example, the principal environmental focus in Congress next year will be on the Endangered Species Act ("ESA"). The ESA brought us the Spotted Owl controversy and devastation of the timber

industry in the Northwest. Readers of *The Landowner* know that the ESA touched down in a big way in Pennsylvania with the designation of the two or three mussels in French Creek as endangered. The preservation plan for these mussels hasn't been unveiled yet but all of you who live near French Creek should stay on the alert for that. The preservation plan is what eliminated all the timber industry jobs in the Northwest.

"The way it is now, when a bill is introduced, we simply assume the problem is being taken care of and we go back to sleep or to the good life but, unfortunately, that is a mistake."

To deflect all the negative criticism and political fallout surrounding ESA enforcement, Secretary of Interior Bruce Babbitt has espoused the National Biological Survey ("NBS"), a "holistic," "macro-management" approach to preserving biodiversity, as the best means of protecting all species. The NBS will involve having hordes of United States Fish and Wildlife Service ("FWS") biologists fan out all over the countryside to inventory and assess entire eco-systems, in theory so wise decisions can be made on which and how habitats and

1. While paying lip service to some landowner concerns, it institutionalizes a national policy of protecting and restoring wetlands and "No Net Loss."
2. It should come as no surprise and give a clear indication of where Representative Studds stands on property rights when you learn he voted against Representative Taylor's amendment to the NBS Bill which prohibits entry onto private property unless the landowner consents in writing, is notified of entry, and notified that any data collected must be made available at no cost if requested by the landowner (the amendment passed 309 to 115, with 14 not voting).

Don't Bet On It!

By Henry Ingram, Esq.

species should be given ESA protection. Representative Studds also introduced this legislation, H.R. 1845. Happily some of its more intrusive features have been softened in the House as is reported elsewhere in this issue of *The Landowner*.² Secretary Babbitt is quoted in the New York Times as believing that existing laws give enough authority to protect the habitats and endangered species and that the NBS is merely a better means of providing protection. We better watch out for this one.

The property rights movement has grave concerns, and rightly so, about the efforts of environmentalists to pressure Congress into strengthening the ESA and implementing the NBS. Pennsylvania landowners should also have grave concerns, particularly since the Fish and Wildlife Service is to be the moving force in the NBS. In recent times we have seen a shift in the role of the FWS. Once thought to be a friendly, advisory and even benign bureau, it has taken all the trappings of an enviro-police agency, operating in a high-handed, dictatorial fashion. If Secretary Babbitt and Representative Studds get their way, the role

“It is one thing to introduce a bill. It is quite another to develop and implement a strategy to get the bill passed.”

and authority of the FWS will expand dramatically.³ Many commentators believe that, after wetlands protection regulation, ESA/NBS based mandates are the next and perhaps final step in imposing national land

use planning. Local governments which have traditionally and constitutionally maintained authority over land use issues will be held in a vise-like grip by unelected federal, preservationist bureaucrats. “C’mon,” you say, “it can’t be that bad! We’ll talk to our friends in Congress and they’ll introduce a bill...whoops!” As we learned, that isn’t going to solve the problem.

“Local governments which have traditionally and constitutionally maintained authority over land use issues will be held in a vise-like grip by unelected federal, preservationist bureaucrats.”

Now let’s go back to the beginning. What is all this about “quick, strong and complete protection?” It’s the draft recommendation of the Erie County Planning Department for protection and preservation of “natural” values identified in a Natural Heritage Inventory (“NHI”). NHIs are underway in at least 28 counties in Pennsylvania. In the NHI in question, areas of “exceptional natural significance” are to be given “complete protection.” The kicker is that most areas identified consist primarily of private property. When you ask elected County officials what it means, they tend to shrug their shoulders or say “Don’t worry about it; it’s just some planning we have to do.” NHI bureaucrats usually dodge the question because they know the answer. The answer is these “values” are not to be disturbed by land use or development. And don’t kid yourselves about this either.

My point here is that NHI’s are going on in our backyards under the auspices of relatively unsophisticated but nevertheless preservation oriented planners who are separated only by a thin veneer of bureaucracy

from local elected officials whom you and I know, elect, have access to and with many of whom we may even work or socialize. We know these people and can or should be able to influence them to rein in the preservation planners and environmental bureaucrats.

If this is going on at the local level—in our backyards where we can exert the most

control politically—just imagine what happens at the national level in Washington, D.C., where an almost impenetrable wall of bureaucracy screens out or dilutes our influence and control. There, the voices most being listened to in the councils of government and by the media are those of the anti-development, preservationist extremists. In the Clinton Administration, the extremists are singing to the choir.

Landowners are now getting it with both barrels at both ends of the Government spectrum. Don’t succumb to that comfortable feeling when some friendly legislator tells you he’ll introduce a bill. The people out there who want to take control of your land, both inside and outside of government, not only do it for a living (and because of your high taxes and widespread financial support given to anti-development, preservationist advocacy groups—a handsome living at that) but also because they believe in and enjoy what they are doing. Worse yet, at the moment, our legislator friends are in the minority. You better watch out!

WAKE UP PENNSYLVANIA.

3. On November 8, 1993, the Wall Street Journal commented on the growth in personnel and budget of the FWS. Since 1985, the number of employees doubled. Between 1988-1992 its annual appropriation rose from \$426 million to \$764 million. And we’re supposed to be cutting back!?

DER Solicits Comments on Wetland Permit Program

The Commonwealth of Pennsylvania Department of Environmental Resources

Water Obstruction and Encroachment Permit Program

Editor's Note:

PLA felt our membership should be aware of recent correspondence between the Department of Environmental Resources (DER) Bureau of Dams, Waterways and Wetlands and our office. Please observe that the initial request from DER allows a very limited time for interested parties to respond after U.S. Postal Service delivery.

COMMONWEALTH OF PENNSYLVANIA
Department of Environmental Resources
Post Office Box 8554
Harrisburg, Pennsylvania 17105-8554

November 15, 1993

Bureau of Dams, Waterways and Wetlands

Telephone: 717-787-6826
Telecopier: 717-772-5986

To Interested Parties:

Knowing your interest in the Department's water obstruction and encroachment permit program, the Bureau of Dams, Waterways and Wetlands is soliciting your comments about the permit application and review process. The intent of this solicitation is to identify major points of concern as part of an overall effort to create a more streamlined and user friendly process. This initial effort is the first step in a Department wide restructuring of the permit application and review process.

We are requesting your comments by December 1, 1993. We realize that is a very short time frame, however, at this time we are not requesting detailed analysis but rather general comments and concepts on how the process can be improved and an initial identification of provisions of Chapter 105 which could be revised. Your written comments should be directed to me at the above address.

Sincerely,

Eugene E. Council
Chief
Division of Waterways Management

RECEIVED
DATE
11-22-93

PLA Responds to DER Request

Pennsylvania Landowners' Association, Inc.

Post Office Box 391
Waterford, Pennsylvania 16441

December 1, 1993

Eugene E. Council, Chief
Division of Waterways Management
Department of Environmental Resources
P.O. Box 8554
Harrisburg, PA 17105-8554

RE: Chapter 105 Permit Program

Dear Mr. Council:

The Pennsylvania Landowner's Association ("PLA") and its members are interested in the Department's water obstruction and encroachment permit program, particularly as it pertains to wetlands, and appreciates the opportunity to submit what are admittedly general comments. As you point out in your November 15th letter, the deadline of December 1, 1993, for comments was very short indeed, particularly considering the comment period included the Thanksgiving holiday and the opening day of deer season.

This leads nicely into our first comment. The Bureau of Waterways, Dams and Wetlands ("Bureau") does not hesitate to impose very short turnaround deadlines on permit applicants for responses to review letters and other requests for information. These deadlines are often imposed without any consideration of the applicant's situation, particularly the fact that many applicants do not have technical staff and resources and are likely to be employed full-time, earning a living. The Bureau seems unable or unwilling to distinguish between large organizations with technical resources, such as mining companies or large real estate developers, and the ordinary citizen, the so-called "little guy." On the other side of that coin, the Bureau often takes months and, in many instances, years to deal with a permit application. This disparity is truly remarkable. Not only is it unfair, it destroys public confidence in the Department.

Second, the Bureau is perceived by the public as a negative force. Bureau permit reviewers and technical staff seem determined to find things wrong with applications and are always looking for ways to say no. It is almost as if the granting of a permit would be a defeat for the Department. Many Department employees are perceived as viewing normal land use as the functional equivalent of environmental harm, something to be prohibited rather than regulated through the issuance of permits.

PLA has several other comments and concepts concerning how the process could be improved and suggestions for revision of the regulations but in the time allotted can only outline them in this letter. These include:

1. The Bureau often imposes requirements based on "policy," sometimes only on whim, which are not based or even spelled out in the regulations.

(Continued on next page)

(Continued from previous page)

Eugene E. Council, Chief

December 1, 1993

Page 2

2. The Bureau frequently delegates too many decisions or defers too much to other agencies, notably the Pennsylvania Fish & Boat Commission and Pennsylvania Game Commission, on permit determinations. The Bureau is perceived as using other agencies to kill projects so the Department can avoid taking responsibility for an adverse decision.
3. Many Bureau personnel are perceived as arrogant and dictatorial. Requests for information or the opportunity to have input on decisions are brushed off on the basis that if the regulations don't absolutely require it, the Bureau doesn't have to do it. The public is left with the impression that Bureau personnel forget they are public servants.
4. Concepts such as "water dependency" and "alternatives analysis" are meaningless to persons who only own the property involved in permit application. The same is true for "mitigation" in many cases.
5. The Bureau should, in appropriate cases and upon request, conduct wetlands delineations for persons with limited resources who need permits.
6. The Bureau should encourage the use of state owned lands as wetlands replacement sites for mitigation purposes. The Department claims that there is a strong public interest in wetlands preservation and augmentation. The Commonwealth ought to "put its land where its mouth is" and relieve the ordinary citizen with limited land resources of some of the "public" mitigation burden if a project is otherwise "permissible."
7. The regulations have a disturbing tendency to treat all wetlands as equal, particularly in the categorization of Exceptional Value Wetlands in §105.17. For example, by definition and operation of the regulations, any wetland within the floodplain of a wild trout stream is accorded special protection. This is excessively restrictive and creates only a moving target since all wild trout streams are not identified and protecting the wetland in question may not be even remotely relevant to preservation of the stream.
8. In general, the regulations are replete with vague, subjective and undefined terms such as "significant, adverse impacts, cumulative effect and substantial threat." These terms create nightmares for permit applicants and are seized on by Bureau personnel to demand costly but frequently irrelevant demonstrations. As the regulations are phrased, almost any issue in the permitting process can be subjected to endless technical debate and overweening scrutiny. Chapter 105 should be revised and recast in understandable terms and in plain English.

In conclusion, PLA urges the Department to carefully consider the foregoing as it reviews the process in its overall effort to streamline and make the process more user friendly. As a final thought, efforts of this nature are frequently viewed by the regulated community as little more than lip-service unless there is some positive reaction and response by the Department which is communicated to the general public.

Very truly yours,

Lorraine Bucklin

Asst. Executive Director

So now you have to get rid of that tree. You're probably planning to haul it off to the landfill-if you can sneak it past your ten-year-old. The kid, schooled in the bah-humbug, zero-growth spirit of our times, has been carping about your environmental boorishness since the day you brought the tree home. He didn't care for the colored electric lights, either. That tree's gonna die, Dad. That electricity was produced with coal, Dad. Coal means carbon dioxide. Way to go, Dad! Kill a tree, fill a dump, suffocate a planet, but have a happy holiday.

Well listen up, kid. You're dead wrong. The environmentally conscious dad like me deposits his tree at the bottom of a landfill. A deep landfill, where it won't rot, won't do anything except sit tight for about a million years.

You know what coal is, kid? Dead trees. Eight hundred million years ago the earth's air was mostly carbon dioxide. Then green plants came along and began sucking it all up. They thrive on it. For green things, carbon dioxide is sweet purity, while oxygen is dirty waste. And when those green things died, they sank to the bottom of the swamp. After a while they sank deeper. That's coal, kid; yesterday's landfill. We dig it up. We burn it. We unbury the long-dead trees. The carbon pours back into the air.

If you're worried about that, Junior, what do you do? Go down to Brazil and admire the rain forest? Not on my credit card you don't. So long as it's standing still, not growing, not sinking into a swamp, the rain forest takes no more carbon out of the greenhouse air than it puts back in. Sure, the greenery sucks in carbon. But lots of ungreen things live in the forest too—rot, mold, bugs. And the little bugs work every bit as hard as the trees, composting dead leaves, biodegrading everything in sight, and sending all that carbon dioxide straight back to where it all came from. The air.

It comes down to this. Every human on the earth emits about 25 pounds of carbon into the air every day, directly or indirectly. That carbon either came out of air by way of trees, tulips, turnips or anything else that's green and growing. So anyone who wants to help with the carbon dioxide problem for real has to find a way to pull a few pounds of carbon back out of the air and lock them back up in some place safe.

Go work for the lumber industry, for example. The lumber people grow new trees,

Bury that tree, bury it deep

By Peter Huber
Reprinted by permission of FORBES
magazine, January 20, 1992.
(c) Forbes, Inc., 1992

EDITORS NOTE:

Although the following article is a little premature, we believe that as the holiday season approaches many of our PLA families will participate with the Christmas tree tradition as the story denotes. Keeping this in mind, continue to be environmentally conscious and dispose of holiday ornamentation in a manner that will benefit all.

then cut 'em down and grow some more. The trees for paper pulp are mostly cultivated deliberately. Even if they're harvested from the wild, something usually grows in their place. New growth, whether planned beforehand or spontaneous afterward, decarbonates the air.

But where does the carbon go after the tree is cut down? If the wood is burned or

allowed to rot, the carbon goes back into the air, and you're back where you started. Use the wood to build a house, though, and the carbon stays put so long as the termites don't get to it. Use the wood to make paper pulp, and the carbon goes wherever the newspaper or the disposable diaper goes. Burn the newspaper, compost the diaper, and once again, you're back where you started. But if you bury them deep-if you plant some new coal, so to speak-then you make real progress.

The trick is to make sure that the new growth keeps arriving and the old growth keeps departing. That's where the landfills come in. About two-thirds of what we put into them is carbon based. If you chuck plastic, you're just closing a loop-the carbon came out of the ground as oil, it returns as landfill. But bury a newspaper or a dirty diaper and you do some real good. Paper, wood, diaper fillers-all are about half carbon. For every 2 pounds of McDonald's packages or well-soiled Luvs you send to the dump, you bury about a pound of carbon. Some of that will decompose and rot, but much of it won't. After all, if it were all rotting away, the doom-and-gloom crowd couldn't complain that there's no room left for our garbage.

You say you'd rather compost the garbage? So far as greenhouse problems are concerned, biodegrading things is no better than incinerating them: Instead of feeding a man-made fire, you feed the gut of some bit of slime mold. Either way, the calories get burned up and the carbon goes straight back into the air. Worse still, some of the carbon goes back into the air as methane, a much worse greenhouse gas than carbon dioxide. Call me a rapacious despoiler of the earth, kid, but this is fact: Plant, chop and bury is the only surefire way to suck carbon dioxide out of the air and put it back into the ground.

So long as we're digging carbon out of the ground, it's irresponsible not to put some of it back in. Don't tell me that nobody will take it: People who dig dead trees out of holes in the ground just have to accept responsibility for filling those holes back up again. Don't tell me there's no room out there: What came out of a hole yesterday can go into a hole tomorrow. This is called recycling. Planting some carbon now and then is the only honest kind of recycling for people who aspire someday to cruise around in hot rods with their friends. So stop lecturing me about killing the planet, kid, and give me a hand burying that tree.

Updates

Alaska v. United States

In recent months, the state of Alaska filed suit seeking damages of \$29 Billion against the United States in the Court of Federal Claims alleging breach of the Alaska statehood compact (essentially a contract). Alaska argues that the United States has broken the compact by failing to give Alaska 90% of revenues from mineral leasing on federal land as originally agreed upon in 1958.

Initially, Congress recognized that for statehood to be successful, Alaska must be in control of its own resources and among other things must have an economic base centered on its mineral resources. Shortly after statehood, the federal government began locking up areas that could produce those royalties. The compact granted Alaska title to their lands, but the federal government is restricting access. 104 million acres have been placed "off limits" to mining and essentially all other development.

Although the intent of Alaska is earnest, the Department of the Interior has stated that it does not take Alaska's lawsuit seriously. PLA will continue to update members as advancement is confirmed.

Wetland Reform Anticipated in 1994

For the first time since 1977, it is expected that Congress will enact Clean Water Act Reauthorization legislation in 1994 that will address the federal wetlands regulatory program that is established by Section 404 of the Clean Water Act. We are hopeful that this legislation will contain wetland reform provisions.

As advocates, we must continue to remain active and passionate to bring fruition of our many years of efforts. The issue of wetlands is being addressed by members of the House and Senate as forty-one U.S. Senators have signed letters to the President seeking his assistance in developing a balanced federal wetlands policy. Additionally, the chairman of the three Congressional committees of jurisdictions for wetlands, the Senate Environment and Public Works Committee, the House Merchant Marine and Fisheries Committee and the House Public Works and Transportation Committee have all committed to enact wetlands legislation this Congress.

Recreation Bond Issue Referendum Passes

Key 93, the \$50 Million Bond question on the general election ballot to fund parks, libraries, zoos, wildlands and historical sites, appears to have garnered bipartisan support and passed easily on November 2, but by a smaller margin than expected by its supporters.

The Referendum obtained its most vociferous support from non-profit conservation and charitable organizations which stood to gain funding from the bond proceeds and from ongoing funding contained in the legislation authorizing the bond issue. Many of these organizations regularly solicit contributions from the general public to support their way to the tax-payer trough. The next time the Sierra Club or the Audubon Society comes knocking on your door for financial support, tell them to talk to their legislator!

Because the ballot question was phrased in such a manner that voting against it would be tantamount to opposing motherhood, apple pie and Chevrolet and its well-heeled proponents made such outlandish and emotional claims for Key 93, PLA did not expect that the voters would disapprove it. Rather, PLA and its ally, the Unified Sportsmen of Pennsylvania ("USP"), concluded that opposing voices should be raised so that a well informed public debate could begin on the important policy issues raised the way the Pennsylvania General Assembly dealt with the problem of deterioration and DER's mismanagement of our State Parks.

Instead of dealing with the problem up front and imposing discipline on the already bloated DER bureaucracy, the General Assembly pulled the old hidden ball trick and opened up the Realty Transfer Tax fund to ongoing raiding to fund a host of anti-development projects and initiatives.

Key 93's advocates didn't tell the ordinary citizens that in addition to borrowing \$50 Million to pay for past sins, the cookie jar was going to be left open in the future to the tune of up to \$25 Million a year to buy more land and finance more "recreation" initiatives.

\$17 Million of the bond proceeds will be allocated to the DER. By their own figures, DER's Bureau of Forestry is only cutting approximately 25% of their annual allowable cut of mature timber in the state forests, allowing the standing timber to decay. Timber harvesting is one of the most critical tools of forest management. The revenue lost by these poor management and stewardship practices could offset or minimize the amount taxpayers have just approved. DER's Bureau of Forestry has lost \$100 Million in the last three years by not harvesting their allowable timber cut.

PLA and USP believe that the resources to fund the rehabilitation and restoration of these government facilities are already available, making it unnecessary for legislators, once again, to come to taxpayers with their hands out!

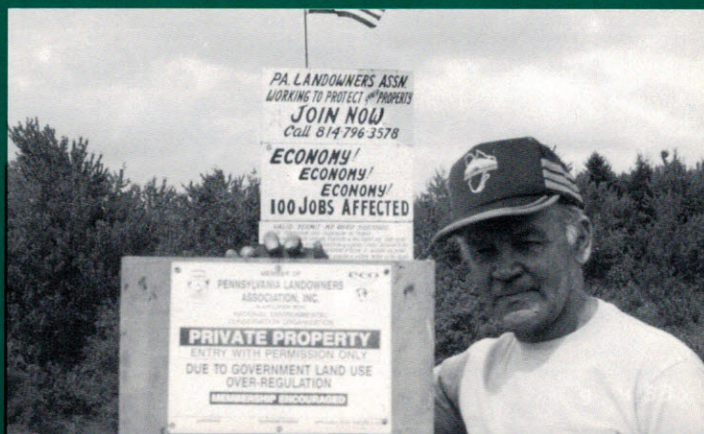
KEY 93 County Results

	Approved	Opposed
Adams	8,208	6,798
Allegheny	133,087	60,097
Armstrong	9,052	7,385
Beaver	26,319	14,611
Bedford	4,207	4,297
Berks	25,221	15,321
Blair	14,855	8,423
Bradford	5,079	4,062
Bucks	43,983	20,227
Butler	18,274	14,305
Cambria	18,934	10,887
Cameron	476	673
Carbon	4,526	2,243
Centre	16,078	8,167
Chester	39,358	16,311
Clarion	3,903	5,097
Clearfield	8,785	7,247
Clinton	3,080	1,873
Columbia	6,239	5,221
Crawford	4,917	6,461
Cumberland	20,968	10,363
Dauphin	27,117	13,035
Delaware	43,531	18,701
Elk	2,956	5,227
Erie	26,638	22,243
Fayette	9,036	5,744
Forest	407	695
Franklin	8,462	4,868
Fulton	1,236	1,354
Greene	2,783	2,755
Huntingdon	3,648	3,288
Indiana	7,297	6,183
Jefferson	4,299	4,119
Juniata	3,054	2,049
Lackawanna	24,868	9,803
Lancaster	19,450	14,409
Lawrence	10,482	6,539
Lebanon	8,370	5,482
Lehigh	25,909	12,090
Luzerne	24,808	13,005
Lycoming	7,874	6,349
McKean	4,824	2,870
Mercer	8,443	6,813
Mifflin	3,775	2,109
Monroe	9,011	5,302
Montgomery	69,722	22,329
Montour	1,569	1,125
North Cumberland	8,432	4,355
Perry	3,912	2,998
Philadelphia	70,894	24,402
Pike	2,494	1,465
Potter	1,466	2,186
Schuylkill	22,048	11,730
Snyder	3,321	2,148
Somerset	10,965	6,707
Sullivan	731	956
Susquehanna	3,998	3,073
Tioga	3,808	3,642
Union	3,827	2,045
Venango	4,891	7,184
Warren	2,537	4,015
Washington	21,870	18,063
Wayne	3,319	2,362
Westmoreland	24,785	19,323
Wyoming	2,790	2,196
York	22,178	12,642
Total	993,384	560,052

(Source: Bureau of Elections-Unofficial Returns)

PLA Member Awaits Justice

PLA member Ed Davailus stands near a billboard that he has erected along I-380 in Gouldsboro, Lackawanna County, Pennsylvania. These signs are contributing testimony to his long, to date, unsuccessful regulatory wetlands battle. Since August 20, 1985, Ed has been unable to pursue his livelihood through utilization of his property for peat mining. Many years of correspondence, meetings, lawyers, consultants and engineers have followed bearing a personal price tag in excess of \$170,000. After appeals, hearings, and reappeals, Ed is awaiting a possible resolution by the Department of Environmental Resources.



Your Support Is Appreciated

To each and every member of PLA who continues to support the efforts of this organization, YOU are appreciated and valued as a dedicated participant of PLA. In support of our endeavors, please continue to patronize the following members who uphold your views on private property rights and chose to renew their PLA membership in a category designed to provide needed revenue to proceed with our educational objectives. These subsequent supporters represent additional members who have joined or upgraded their membership status since our last publication.

Business I

Brown Timber & Land Co., Inc. Poorbaugh Timberland
The Clinton Press Inc.

Individual V

Associate I

PNC Bank, N.A.
Ray Showman Jr. Excavating
Ed Bartosek - AGRI Sales
Clifton Manor Restaurant

Individual IV

Sybil M. Janes
Hepburnia Coal Co.

If your name, association, business, or corporation has been inadvertently omitted or listed incorrectly, please contact our office so that we may rectify your affiliation.

Natural Heritage Inventory Study

As reported to PLA by Erie County Council, consideration for adoption of the Natural Heritage Inventory Study (NHIS), in its present form, has been tabled by Council for an indefinite period of time.

Apparently due to the concern for property rights assertively displayed by Erie County landowners and NHI coalition members, Council presently has removed the study from active consideration. It is the understanding of PLA that if the study was acted upon and defeated, future county funding may be jeopardized for similar initiatives.

Erie County Coalition Against Natural Heritage Inventory members will continue to monitor and explore the possibilities of petitioning council to bring the study forward on the agenda for a conceivable defeating vote.

PLA ON THE MOVE

Working to Protect Your Property Rights

At the expense of their families, personal time, energy and monetary resources, PLA directors and staff continue to represent YOU and defend YOUR property rights! Here's where your message has been taken.

- Titusville Area Chamber of Commerce Legislative Breakfast Meeting, Titusville, PA-represented
- Concerned Citizens of President Township Legislative Meeting, Venango, PA-panelist
- Media Interviews: AP Harrisburg, Allentown Morning Call, Titusville Herald, Oil City Derrick, Philadelphia Inquirer, York Daily Record, Uniontown Gazette, Pittsburgh Post, Pottsville Republican, Harrisburg Patriot, Erie Morning News, Brown-Thompson Newspapers, Thompson Newspapers, Radio Pennsylvania Network, WJRS, WJET-TV, WICU-TV, WSEE-TV
- PLA Property Rights Meeting with Congressman Tom Ridge, Dillsburg, Pa-host
- Concerned Taxpayers Groups of Erie County Informational Meeting, Erie, PA-participated
- Local Promotional Exhibits
- Gem City Outdoorsmen Club, Fairview, PA-guest speaker
- Fly-In For Freedom, Legislative Lobbying, Washington, DC-participant
- Alliance for America Wise-Use Panel Discussion, Washington, DC-panelist
- Environmental Conservation Organization (ECO) Informational Wetlands Exchange, Washington, DC-participated
- Congressional Property Rights Task Force Coordination Meeting, Washington, DC-participated
- Pennsylvania Independent Landholders Association Informational Exchange, Washington, DC-participated
- The Lake Erie Group of the Sierra Club and Tri-Beta Biology Society of Gannon College, Wetlands Panel Discussion, Erie, PA-panelist
- National Wetlands Coalition Annual Members Meeting, Washington, DC-represented

PENNSYLVANIA LANDOWNER BOARD OF DIRECTORS

Keith Klingler
President
Titusville, PA

Robert Brace
Vice President
Waterford, PA

Norm Clark
Springville, PA

Herman Espy
Spruce Creek, PA

Harry Fox
Dillsburg, PA

Hank Ingram, Esq.
Pittsburgh, PA

Bob McColly
Ligonier, PA

Scott Miller
Warren, PA

Don Ranck
Paradise, PA

Mark Troyer
Waterford, PA

EXECUTIVE STAFF

Rhonda McAtee
Executive Director
Waterford, PA

Lorraine Bucklin
Asst. Executive Director
Harborcreek, PA

Pennsylvania Landowner is published quarterly as a member service by the Pennsylvania Landowners' Association, Inc. (PLA)—Reproduction or use of editorial or graphic contents in any manner is welcomed with permission. To reproduce or to comment on newsletter content, change of address notices or subscription, requests should be directed to the Pennsylvania Landowners' Association, Inc., P.O. Box 391, Waterford, PA 16441, 814/796-3578.

Please Enroll Me As A Member Of PLA To Help Secure The Right Of The Individual While We Respect The Environment

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 other business 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 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.

☐ 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

☐ **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.

☐ **Wetlands Videotape (VHS)** ☐ Part I ☐ Part II

"Our Environment, Whose Property?"
\$15.00 Donation each. Please send me a copy of
this limited edition PLA videotape.

☐ **YES!** I wish to subscribe to ECO-LOGIC, the
monthly publication of the Environmental Conserva-
tion Organization. I understand ECO is a national
property rights organization of which PLA is affiliated.
I have enclosed \$15.00 for this annual subscription.

PLEASE NOTE: All membership fees of \$100 or
more are inclusive of 12 complimentary issues of
ECO-LOGIC.

Please complete this information:

Name _____

Address _____

County _____

Acreage Owned _____

Phone Number (_____) _____

Township _____

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 \$ _____

**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 up to 4 weeks for delivery of membership card.

Pennsylvania Landowners' Association, Inc.

P.O. Box 391
Waterford, PA 16441

Address Correction Requested

BULK RATE
U.S. POSTAGE
PAID
Permit No. 7
Waterford, PA