



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

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Brace files takings claim in federal court

This month, Bob Brace started the last leg of his long journey through the nightmarish maze of government wetlands regulation by filing a takings case in the United States Court of Claims in Washington, D.C.

Brace seeks compensation from the federal government for substantial damages he incurred to comply with federal wetlands rules. Those regulations destroyed a key parcel of prime land on the Brace homestead farm and wasted 10 years worth of his personal sweat equity and another 10 years of expensive litigation in the Tucker Act Shuffle.

In his complaint, Bob is seeking compensation for his land, for which there is no longer any economically viable use, and for losses resulting from being unable to use the land since 1987.

Because of permanent restrictions imposed by the United States, his property cannot be farmed or developed. If Brace could put the land to its highest and best use, it would have a value in excess of \$3,000,000.

Ever since the wetlands environmental police showed up at his farm in 1987, Bob Brace has devoted a substantial portion of his life to two objectives: First, working within the confines of the system to defend his family's land in a lengthy Court battle challenging the federal government's takeover of normal farming in rural Erie County under the guise of wetlands regulation. And second, speaking out on the rapid erosion and ultimate destruction of Constitutionally protected private property rights that results from excessive environmental regulation by educating and encouraging landowners to stand up for their rights.

Bob's efforts, along with a handful of his supporters, led to the formation of PLA and gave a voice to property rights in Pennsylvania.

Brace and his family have been vilified and ridiculed by the media, regulatory bureaucrats, and those who make a living off regulation or "go along to get along."

He has also been abandoned by political leaders who jumped

on his bandwagon when they thought it was politically expedient, but jumped off when environmentalists turned up the heat. For example, it is no secret that Governor Ridge flip-flopped on wetlands reform after he was elected. Not only did Ridge leave Bob Brace and hundreds of similarly situated Pennsylvanians in the lurch, but he also went out of his way to scuttle Representative Howard Fargo's state wetlands reform legislation (House Bill 200), a measure that was patterned after then-Congressman Ridge's wetlands reform bill, H.R. 1330. Regrettably, the record of Pennsylvania's United States Senators on this issue is not too sterling either. Landowners like Bob Brace have come to know all too well the difference between campaign rhetoric and forthright legislative leadership and tough votes.

For the last 11 years, Bob Brace has been an outspoken voice for the Constitutional rights of ordinary citizens not only in Pennsylvania but throughout the nation. He has been a beacon of hope to the little guy who is being overwhelmed as the juggernaut of government control rolls over private property rights. He has traveled throughout Pennsylvania and the United States to carry his message to landowners and ordinary citizens, and he has received recognition and awards

for his unflagging defense of property rights.

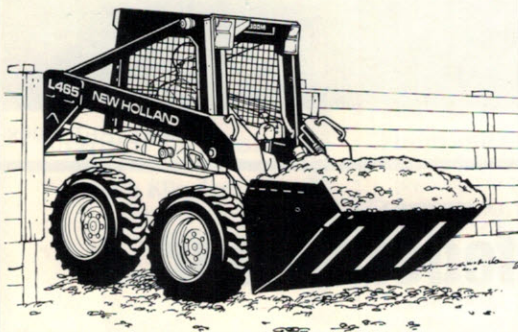
Much to his credit, Bob has also played by the rules, and his only uncorrected violation has been to continue speaking out against injustice and the erosion of our constitutional system. People who know what it's like to cope with aggressive environmental bureaucrats and lawyers are truly fortunate to have an advocate like Bob Brace whose personal philosophy and courage defines what it means to "take a stand for your land."

The question is now before the Court of Claims. Can the Government lock up your land for some bureaucratically contrived public purpose without justly compensating you? Does the takings clause mean what it says? Bob Brace hopes that the bedrock principles in which he so strongly believes will at last be vindicated.

Can the Government lock up your land for some bureaucratically contrived public purpose without justly compensating you?

Does the takings clause mean what it says?

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TOOLING DOWN THE ROAD TO SERFDOM

By Henry Ingram, Esq.

It's too bad there's no good talk radio on Saturday mornings in Pittsburgh. I was on my way to the office one Saturday this month and dialed up NPR, hoping to catch Click and Clack. Instead, I caught a report on the growing movement underway to ban drive thru windows at fast-food restaurants and other commercial outlets. Since I'm on the road a lot, I often use the drive thrus to save time by eating on the run. So I decided to listen up to see what kind of problems there could be to justify the ban. I thought: "Is the food unhealthy? Are we creating traffic safety problems?"

Nope. As the program droned on I realized drive thru opponents were really talking growth management, behavior modification in the public interest and specifically, the need to wean us average Joes away from using our cars as much as we do.

A city in North Carolina has banned any new drive-thrus and similar ordinances have been adopted in California. Apparently, the premise is that ultimately we should all be crammed back into densely populated, urbanized areas, park our cars and walk or take the family to McDonald's in a bus, hopefully one that runs on solar or wind power. The anti-drive thru advocates acknowledge the market demand for this convenience but figure that they know better than we how we should live our lives. So they go ahead and get a law passed that restricts our freedom to choose something as basic as where and how we purchase our convenience food. It doesn't seem to matter that drive-thrus are what the people want.

It is the same approach as when the federal government decided to ban installation of any new 3.4 gallon flush toilets. Some unelected bureaucrat or other do gooder decides to limit our personal preferences for some perceived greater good.

Some of you are probably wondering why I get so hot under the collar about government bans on drive-thrus and limitations on toilet flush capacities. I do because everyone seems to be so complacent and willing to just let it happen. Hardly a day goes by without a government bureaucrat imposing some restriction on our personal activities or freedom to do what we want, the way we want to. These restrictions are always justified as being in the public interest: to protect the environment, save the Indiana Bat or save us from ourselves and our inappropriate personal preferences.

In this country, much of this stuff just seems to slip into our lives without us knowing how or even worrying about it. We don't even think about where the roads paved with good intentions can lead. And this, of course, is what Friedrich Hayek was writing about in *The Road To Serfdom** – a book which used to be on required reading lists but probably now is either banned

on college campuses or relegated to the trash heap of politically incorrect ideas.

What Hayek was warning his readers about is the erosion and ultimate destruction of individual liberty and freedom that accompanies the expansion of government control over private property, the means of production, the distribution of wealth that occurs in a market economy and personal choice. He was warning about Totalitarianism and Communism, but in today's context, it is a little more subtle.

Because the process restricting our personal freedom is so gradual, the ordinary citizen, preoccupied with earning a living and raising a family, seems to be content to just let Government do it. We live our lives and blissfully assume that our elected officials will take care of us and do the right thing.** And we rely too much on lessons we learned in grade school about the Constitution, which most of us assume will protect us from the more egregious abuses of power by those who govern us.

Everything is complicated by the fact that the Government at all levels has gotten smarter and knows how to package its agenda to make it sound like we're all getting something for nothing and, in the bargain, solving every problem mankind encounters. Unless we really take the time to think about it, we don't connect the dots. Or we begin to worry when it's too late, after we learn that eight government agencies can be involved when you want to develop your property, which someone by a stroke of the bureaucratic pen has declared to be a wetland. We don't see a problem when our laws tell us we have to build a fancy and costly new school rather than fix up the old one or greatly increase spending for education when enrollments are declining. We don't get excited when someone reports that anti-development, environmental interest groups consider it a success when they control enough votes (by no means a majority) in the United States Senate to filibuster much needed legislation to reform the most intrusive of federal environmental regulatory programs. We sit back when our neighbors are ensnared in bureaucratic red tape and Draconian enforcement litigation. We don't pay attention when PLA President Klingler warns us about the blueprint for the future being proclaimed from on high by the bluebloods on the 21st Century Environment Commission.

This is why I get a little hot under the collar.

** All you have to do is read the newspapers once in a while to knock that assumption into a cocked hat. Did you see the AP story that ran in the October 6 Pittsburgh Post Gazette about Medicare funds being wasted? According to AP, more than 90% of recent payments for day treatment for seniors or \$229,000,000 went for "highly questionable" or "unallowable uses" - the "worst error rate" the Inspector General "has ever encountered." That's a lot of money down the government waste tube. Where is the outrage?

* Hayek, Friedrich A. von, U. of Chicago Press, Chicago 1944

But it is not all our fault. Even if you want to get involved and try to understand the issues, it takes an inordinate amount of time and a keenly developed sense of smell to figure exactly what is going on and being done to us.

A prime example is the recently issued, much ballyhooed *Report of the 21st Century Commission*. Go back and read President Klingler's article in the *Landowner* about the Commission and its makeup and philosophy. Now take a look at the Commission's glossy, 90 page Report. The crème de la crème have now laid it all out for us.

You may not have read it, but I can tell you it's very slick and you have to know how to read between the lines. The Report is full of touchy/feely jargon, euphemisms and buzzwords which may be gobbledygook to the average reader*** but mantra to the Growth Management fraternity. As a result, unless you have an interpreter or translator, it is difficult to understand exactly what is being said. To me some of what is being said is downright misleading – but more about that later.

As a side note, one darkly humorous but deeply disturbing part of the Report deals with our constitutional rights. Early in the document (p. 12), where the Commission lists its "fundamental" beliefs, the Report states:

"The constitutional rights of individuals, including private property rights, must be respected."

"Respected." That's a nice, neutral sort of word, passive and not too strong. Notice that the Commission didn't use "protected", "defended", "advocated", "guaranteed" or even "supported" – just "respected." The Commission just can't seem to bring itself and take a strong stand on property rights. Thus, in the Report's next breath, out comes belief No. 13 (bad luck for property rights?!):

"At the same time, individual behavior and the quality of life of others are inextricably linked. We must foster a goal of assuring the best quality of life for all Pennsylvanians."

What does that say about the Commission's view of the Constitution? It sounds to me like it means property rights are supposed to give way to restrictions on the use of property necessary to assure quality of life. . . but for who?! Does it mean take from those who have and give to those who don't?

The Commission's beliefs no doubt are held in good faith and accordingly deserve to be "respected." But regrettably, this lukewarm lip service to property rights and the Constitution is entirely consistent with the rest of the Report.

*** For example, according to the Commission "Environmental decisions must be made holistically to avoid fragmentation." I guess we're all supposed to know what that means but I think we can be excused if we don't understand it entirely.

When you study it, private property rights and traditional Constitutional guarantees are in actuality part of the problem the Commission has identified and wants to address but they can't just come right out and say it in plain words. Private property (and the free enterprise system for that matter) is what is getting in the way as the Commission lays out its master plan to achieve its vision of what Pennsylvania should be. Better go back and reread *The Road To Serfdom*.

It is this inherent conflict between individual freedom and collectivism that causes the Commission to tread so lightly, tip-toe around and seek to obscure the real consequences and true meaning of its recommendations.

This conflict is graphically revealed in the parts of the Report dealing with SPRAWL, which the Commission identifies as the biggest and most pressing environmental problem facing Pennsylvania in the next century. In the Report's Glossary, "sprawl" is defined as:

"A spreading, low-density, automobile dependent development pattern of housing, shopping centers, and business parks that wastes land needlessly."

In the text of the Report, the Commission expands on the problem:

"Sprawl is the reckless, almost random growth of housing developments, strip malls, business parks, and the roads connecting them, and of the numbers of vehicles using those roads. Sprawl wastes open land, damages habitat and natural diversity, and destroys historic sites. It strains public funds to build the roads and sewers and schools that much spread to serve a spreading population."

Notice the way the Commission bunnies the hat – you have to assume, because the Report says so, that the growth of housing developments, strip malls, business parks, etc. occurs randomly and wastes land. But "sez who?" One man's random development which wastes land is another's market driven, economic expansion which adds value to the locale in which it takes place. When you strip away the rhetoric, the Commission has had to conjure up an evil to justify the cure the Report advocates – centrally planned and mandated growth management.

Another one of the troubles with a Report by a blue ribbon Commission like this one is that it doesn't talk our language. What looks like convoluted double talk to us is a clarion call to action to others. It is read by growth management advocates, as it should be, as resounding approbation of the agenda of the "10,000 Pennsylvanians" and central plan laid out in *Save Our Towns*.**** The Audubon Society reads the Report as a call for

**** Hylton, T. (1995), *Save Our Lands, Save Our Towns*, Harrisburg, R.B. Books.

a huge bond issue – as much as One Billion Dollars – for conservation projects and to enable Government to gobble up more land. And it isn't even thinly veiled shilling for local sovereignty destroying legislation such as Senator Gerlach's SB 270, which the *Landowner* reported on in August 1997.

To show you what I am talking about, take a careful look at some of the verbiage in the Commission's Report:

- ♦ Respecting Pennsylvania's tradition of local government, the Commission urges strengthening the ability and authority of community officials and agencies to plan their growth in cooperation with their county and neighboring municipalities.
- ♦ While the state has a role in the development of better land use patterns, state mandates will not effectively solve the problem. Solutions must be voluntary, but legally supported and effective, and driven by local initiative. The state should provide a framework, financial incentives and technical assistance.
- ♦ It is possible to plan and create better land use patterns without infringing on private property rights. We need to work in partnership and respect local community ideas.
- ♦ The Commission is pro growth. We need economic growth to provide a high quality of life. But we must grow smartly

so that we build and maintain sustainable communities and reduce the high public cost associated with inefficient development patterns.

To me this verbiage is misleading. On the one hand (wearing a velvet glove), the Commission talks in sugar coated tones about no mandates, volunteerism and enlightened local responses to what central planners tell them is "smart." On the other hand (wielding an iron fist), the Commission advocates legislative fixes which add more layers of government control (e.g. multi-municipal regional agencies which can trump local governments and more environmental regulation through exercise of zoning power) and seeks to jump start the effort to realize growth managers' and central planners' oldest dream: release from the straightjacket of local government as the sovereign planning authority.

Now let's look at what the Commission recommends. To demonstrate, I'll translate for you the Commission's proposals to amend our old acquaintance, the *Municipalities Planning Code*, in the very next session of the General Assembly. *****

***** So much for the Report's lip-service to consultative deliberation, public input and consensus building. It's BOOM! . . . centrally planned Growth Management right out of the starting blocks!

Commission's Verbiage

- ♦ County/multi-municipal cooperation to develop regional planning through the use of intergovernmental cooperative agreements, including mechanisms for achieving consistent action at all levels of government.
- ♦ Use of targeted growth areas as a tool to manage growth and direct infrastructure development in municipalities and areas covered by multi-municipal or regional plans.
- ♦ Designation of multi-municipal growth areas and rural resource areas so that not all municipalities have to become urbanized if they choose to plan and zone.
- ♦ Required "uses" being provided within multi-municipal areas or regions instead of in every municipality.
- ♦ Intergovernmental cost and revenue sharing.
- ♦ Enhanced infrastructure (transportation, energy, water) corridor preservation for existing and future infrastructure rights-of-way.
- ♦ Zoning that conserves identified natural, historic and cultural resources.
- ♦ In designated growth areas, provision for streamlined development decisions and regulatory incentives to encourage growth.
- ♦ Zoning that recognizes that agricultural land is a viable land use.

What It Really Means To You

- ♦ Allow central planners to use multi-municipal agreements to impose regional land use controls if the controls follow the mandates of a state plan and squeeze out local control by your Township.
- ♦ Restrict development and growth in your Township by use of regional agreements which override local control.
- ♦ Restrict traditional real estate development in selected municipalities based on a central plan whether the residents like it or not.
- ♦ Allow regional plans to zone out development or a particular activity in your Township if it is allowed in another township.
- ♦ Use your tax dollars to pay for the salary of a planning bureaucrat in another township, pay for a Natural Heritage Inventory or pay for a study supporting no development in your town and allowing in another town.
- ♦ Restrict or suspend your legally recognized reversionary interest in abandoned railroad rights of way or streets. Same scam as used in Rails to Trails conversions.
- ♦ Allow your local building inspector or zoning officer to act like a mini-DEP without eliminating duplicative state or federal regulation.
- ♦ Fast track approvals and government subsidies if you do what central planners tell you to do. Red tape and delays if you don't go along.
- ♦ A deal with the farm lobby to let farmers keep their real estate taxes low while they wait for the right price to develop their land.

If you read the Report and take a close look at the Commission's recommendations, it is clear that the Commissioners (or the staff who drafted the document) don't much like the outcomes that result from the operation of a free market economy and the free exercise of private property rights.

What concerns me most is that the implications of all of this might be ignored by ordinary citizens and landowners who are apparently conditioned to accept what their "leaders" tell them rather than getting involved. The Report says "No mandates but voluntary solutions, incentives not controls, respect for local community ideas, ... on and on." C'mon readers, you weren't born yesterday. Just remember, the 21st Century Commissioners are done; they're going home to their suburbs and leaving implementation of their vision plan in the hands of legislators, regulators, planning bureaucracies and the Governor's newly minted Green Administration.

You might not get hot under the collar over restrictions on drive thru-windows or 3.4 gallon flush toilets, but there is much more at stake here. We're sure starting to move pretty fast down that road, paved as it is with good intentions, to serfdom.

***Sprawl* – “the DARK SIDE of the AMERICAN DREAM”**

It seems Governor Ridge's 21st Century Environment Commission and the Sierra Club have a lot in common.

Both think that land use that is not controlled by government is a dangerous threat, not only to the environment but also to your quality of life. And like the 21st Century Commission, the Sierra Club has a few recommendations to make sure we're all safe from ourselves. According to its new report, *The Dark Side of the American Dream*, the Sierra Club wants government to:

- ◆ purchase environmentally sensitive lands to prevent development;
- ◆ establish growth boundaries to separate open land from urban areas;
- ◆ funnel all growth into the cities and areas that already have public infrastructure in place;
- ◆ “generate revenue” to protect open space; and
- ◆ organize grassroots efforts to work on the problem.

Does any of that sound familiar?

Farmland Trust distorts landowner attitudes on government regulation

The American Farmland Trust is using information gleaned from a nationwide survey it conducted last year to present a distorted view of how farmers and other landowners feel about government interference with their property rights.

AFT is an organization that buys development rights from private landowners and sells them to the government. AFT said its survey of more than 1700 agricultural landowners was designed as a “systematic, unbiased inquiry” into landowner beliefs and attitudes about property rights. The survey results, AFT said, would help rationalize the public debate over Congressional efforts to limit government regulation of property.

According to Joanna Waugh who analyzed the AFT results, what the group found out is interesting. How it reports what it learned shows some real creativity.

Compensation. AFT says that two-thirds of the landowners surveyed believe “they should share the cost of environmental protection with the general public.” AFT also said that 60 percent of the respondents favored only partial compensation for lost property value and were willing to absorb the remaining devaluation as a personal loss.

What the survey really found out was that 30 percent of the respondents feel that government should compensate for *any* lost property value caused by government efforts to protect the environment. It also showed that a full 60 percent think that government should compensate landowners to help them cover the cost of complying with environmental rules.

AFT then said that seventy-five percent of those surveyed reject state and federal legislation to compensate landowners whenever regulations lower property value above a fixed percentage. What the survey actually found out was that 69 percent rejected the idea of making automatic compensation available to landowners only after a certain percentage of property value is lost. What the respondents were really saying is that they want compensated for any lost value, not just value that exceeds a certain threshold.

What's going on? AFT manipulated the survey results because it has a vested interest in Congressional action on compensation legislation.

AFT's primary mission is to separate development rights from privately owned land and sell them to the government. It has been very successful in recent years because tight commodity markets and the financial burdens imposed by intrusive government regulation have squeezed farmers hard.

AFT wants Congress to believe that landowners do not want full compensation for property value lost to government regulation. AFT fears that strong compensation legislation would undermine its ability to buy development rights for rural lands because farmers would suddenly have a way to regain the property value they otherwise would have lost due to excessive environmental regulation.

Endangered bat found in Allegheny National Forest

The endangered Indiana bat has been found in Allegheny National Forest, and environmentalists are already calling for a halt to logging. The ANF is located in the northwestern Pennsylvania counties of Warren, McKean, Forest, Elk and Venango.

Now that the endangered critter has actually been found, it's only a matter of time before the Forest Service and the US Fish and Wildlife Service establish new ground rules for timber takes.

Forest management plans to protect Indiana bats have already been put in place in other areas of the country. Typically, those plans call for no tree cutting within five miles of any cave the bats use for hibernation and prohibit tree harvesting during the six months between April and September. You can't cut the trees because the bats might want to roost in them.

The Indiana bat is about two inches long and weighs two to three ounces. It has been on the endangered species list since 1967. Nationally, there are about 350,000 of them, mostly in West Virginia, Illinois and Indiana. Pennsylvania hosts fewer than 200 of the bats, with a small population that winters in a cave near Altoona.

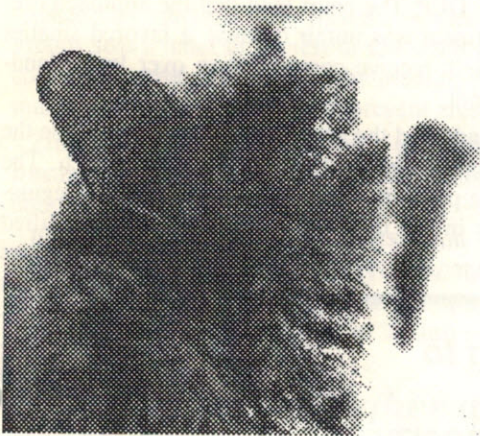
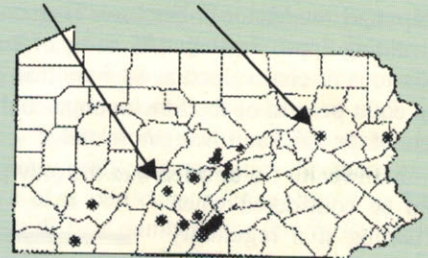
Biologists from Pennsylvania State University netted a male bat in the forest in August. They also suspect that more are spending summers there. Since finding the first one, the Forest Service has asked the US Fish and Wildlife Service for help in learning more about the Indiana bat and how to protect its habitat. It also decided that it would not approve any more timber harvests in the forest while surveying the bat's habitat over the next year, although it will permit 61 existing timber harvesting contracts to continue – so long as they don't bother the bats.

The discovery of endangered northern spotted owls in forests in the Pacific Northwest led to a ban on logging in millions of acres. While it is not clear what impact the discovery of the Indiana bat will ultimately have in the Allegheny National Forest and surrounding property, anyone who owns land or has an economic interest in the natural resources of Northwestern Pennsylvania should pay very close attention to this matter.

Where are the bats?

According to the state Department of Conservation and Natural Resources, the Indiana bat has been identified in many locations in Pennsylvania (See the shaded areas on the map below). Almost all of the locations are based on historical records many years old.

The only recent sightings have been in Indiana and Luzerne counties.



"Unattractive but Fascinating"

That's how the wordsmiths at the US Fish and Wildlife Service describe the endangered Indiana Bat

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State Court favors property owners in regulatory takings case

On September 30, 1998, the Pennsylvania Commonwealth Court ruled in favor of property owners when it narrowed the scope of the property interest that courts must consider when evaluating whether a regulatory action of the Department of Environmental Protection (DEP) constitutes an unlawful taking.

The court rendered its 2-1 decision in a case entitled *Machipongo Land and Coal Company v. the Department of Environmental Resources* (Docket No. 248 M.D. 1992). At issue was a 1992 decision of the Environmental Quality Board to designate a privately owned portion of a Clearfield County watershed as unsuitable for surface coal mining.

The designation was imposed to protect a trout stream and a two-acre recreational pond. It prevents the property owners, Machipongo, the Victor E. Erickson Trust and Joseph Naughton, from mining approximately 185 acres of land underlain by 1.7 million tons of coal valued at \$3.5 million. The designation affected eight percent of the Machipongo coal land and about two percent of the Erickson-Naughton land.

Commonwealth Court ruled that the only property interest that should be considered when determining if a regulatory action constitutes a taking is the property interest actually affected by the government regulation. Adjacent or other property interests that an aggrieved party may own should not be included in the equation. In *Machipongo*, the court ruled that since the ability to mine coal is the only property interest affected by the unsuitable for mining (UFM) designation, the court's evaluation should only consider the value of the coal interest.

The court also denied a motion for summary judgment filed by the department, which contended that the UFM designation is not a taking and is not unduly oppressive because it serves a public purpose.

Takings evaluations. A key element in traditional court takings analysis is a test to assess the economic value remaining in the owner's property after a government action.

To determine the value of a property affected by a government action, the court compares the lost value of property use caused by a regulation to the value of all usage rights inherent in the property. Generally, if the two are equal, then the land is totally valueless and a taking has occurred. But if the property has value after a regulatory action, the owner is entitled to nothing.

Machipongo decision. The critical issue decided in the *Machipongo* ruling relates to the value the courts can assign to the property interest as a whole when making its comparison.

The coal owners averred that they lost all viable economic use of their land because the coal is a separate interest in land and they have no access to mine any of the coal in the area designated unsuitable for mining. DEP argued that the coal estate is only a fraction of the entire parcel of land owned by the coal owners, which includes the surface rights in the UFM area and property they own that is adjacent to the designated area. The department asserted that the courts should use the entire parcel to evaluate whether all economical use of the property is gone.

In ruling on behalf of Machipongo, the Court explicitly rejected the "contiguous land under a common ownership" approach suggested by DEP. The court held that the approach preferred by the department was unfair because it favored smaller landowners who might receive compensation over larger landowners who would not.

Instead, the court adopted the coal owners' proposal to use the "property interest as defined by the regulation" approach. The Court noted that the property interest as defined by the regulation approach "tilts in the landowner's favor," and it justified

siding with the coal owners by asserting that "the Takings Clause was designed to protect private citizens from governmental interference with property rights."

"This approach is best because it fosters predictability, focuses on the effect of the governmental regulation on the property and not on the circumstances of the property owner, and results in fairness

because it treats all property owners the same," the court reasoned.

Now what? The *Machipongo* case has been bouncing around in state courts for about ten years, and the recent Commonwealth Court decision moves it forward another step. The matter is far from resolved, however.

After denying the DEP motion and deciding how the takings evaluation should proceed, the court said that it does not have enough information to determine whether the UFM designation of the coal owners' acreage actually constitutes a taking. The court said that the petitioners must provide additional evidence on the matter at trial, and if the court agrees that the UFM designation resulted in a taking, it will refer the matter to a board of viewers before the appropriate court of common pleas for a determination of the compensable value of the coal.

"The Takings Clause was designed to protect private citizens from governmental interference with property rights."

Pennsylvania Commonwealth Court

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BAD NEWS

Game Commission rips & tears wetlands, endangered plants without a permit

The Pennsylvania Game Commission destroyed about a quarter acre of wetlands and two threatened and endangered plant species in August when it bulldozed three acres of Nescopeck State Park in Luzerne County to clear a place for woodcocks to breed and eat – and it didn't bother to get any permits.

While admitting to an "honest mistake," Ed Zindell, the state land management supervisor for the area, excused his workers, saying the region is understaffed. The Game Commission only has nine people available to maintain 104,000 acres of state game lands in four counties in the region.

Once they realized their mistake – after eight environmental groups sent a letter of protest to Governor Ridge – they tried to correct the error of their ways by planting grass seed, spreading mulch and placing hay bales to prevent erosion.

Zindell said that he wasn't sure if the workers would get a reprimand. He did say, however, that he wants to make sure that it doesn't happen again.

It's also not clear whether the US Army Corps of Engineers, EPA, the Fish and Wildlife Service or the DEP will cite the Game Commission. You can imagine what would have happened to you if you made such an "honest mistake."

Clinton wants tougher wetland regulations

President Clinton recently outlined new steps to slow down the approval of construction projects in wetland areas.

Clinton said that the new rules would force a more thorough environmental review of thousands of requests for permits to fill wetlands made each year by developers. The rules would reduce the amount of wetlands a developer can disturb and, consequently, would help protect flood plains, Clinton said.

The US Army Corps of Engineers has been working on new wetlands rules for over a year. A draft released in July was rebuked by environmentalists who argued that the proposal would increase wetland losses. Since then, the Corps included additional environmental protection for waters already impaired by wetland losses and for waters designated for special protection.

Clinton rationalized the need for tougher wetlands rules by pointing out that in a typical year, 140 Americans die and \$4 billion in property is destroyed in floods. "By thinking twice, we can prevent tragedy and save taxpayer dollars while protecting the environment," the president said.

Ironically, tougher wetlands regulations may cause more, not less flood-related tragedies. Flood damage frequently occurs because existing levies and flood control devices are inadequate. Tougher wetlands regulations will only make it more difficult to improve or repair such facilities.

Fish Commission says 40 percent of the state's native fish are threatened or endangered

EPA recently reported that water quality in streams across the nation has improved substantially. The Department of Environmental Protection also reports that more than three-quarters of the state's streams have good water quality or are only hampered by minor problems that can easily be addressed.

But in spite of all the good news about the health of our streams, the Pennsylvania Fish and Boat Commission plans to formally designate almost 40 percent of the state's native fish as threatened or endangered species. Ironically, most of the "species of concern" just happen to reside in Northwestern Pennsylvania in streams that are blessed with some of the highest quality water in the state.

The PFBC bases its new designations on scientific analysis of thousands of records on fish populations that it has collected over the decades. The commission's so-called science is biased, however, because it doesn't consider the status of each species in general. It simply looks at the status of the species within Pennsylvania's arbitrary political boundaries. So there might be thriving populations of a particular species living in Ohio or some other state, but if their numbers are few in Pennsylvania, the PFBC wants to label them as threatened or endangered.

PFBC claims that the expansion of the threatened and endangered fish species list would have no negative economic impact on people who deal with DEP permitting. This assertion is simply not true.

Many DEP regulatory programs contain permit limits, siting restrictions, and criteria for establishing environmental protection standards that take the presence of threatened or endangered species or their habitats into account. For example, DEP's water quality program considers the presence of threatened and endangered species as a criterion for establishing Exceptional Value status for a stream. And the wetlands program can stop your project dead in its tracks if a threatened or endangered species is on your site.

PLA is greatly concerned with the Fish Commission's proposal, and we recently testified at a public hearing on the matter in Harrisburg.

The commission is taking care to listen to everyone who is interested in their proposed rule, and they delayed final action on the regulation at our request until they have a chance to address additional concerns that were raised by PLA and others at the recent public meeting.

Final action on the proposal is not expected until December, but it is virtually certain that the commission will not back off its proposal.

By early next year, Pennsylvanians who want to develop land in the Commonwealth will be forced to tiptoe around wetlands and streams with even greater care because they just might contain fish that PFBC says are really special.

MORE GOOD NEWS

Brace named "Guardian of Freedom" by Lincoln Heritage Institute

Praising his "commitment to the freedoms we have as Americans," state representative Tracy Seyfert in September presented the prestigious Guardian of Freedom Medal for 1998 to Robert Brace, a co-founder of the Pennsylvania Landowners' Association.

The medal is awarded each year by the Lincoln Heritage Institute, a nonpartisan national public policy and education organization. The medal is awarded to individuals who have demonstrated conspicuous and courageous action in defense of the principles inherent in our nation's Bill of Rights.

In presenting the medal, Seyfert applauded Brace as a "successful advocate of individual's rights" who played a critical role in starting and nourishing PLA.

"In response to the federal government's bureaucratic and regulatory nightmare, Robert funded and started a program that supports the property rights of private citizens, especially against the encroaching forces of federal government," Seyfert observed. "With a mindset similar to that of our courageous founding fathers," she said, "Robert has been carrying the banner of 'rugged individualism' in opposition to a federal government that appears to expand its influence and control upon all aspects of American business, society and life."

Brace was selected from a slate of six distinguished nominees, including state Supreme Court Chief Justice John Flaherty, state

representatives Howard Fargo, William DeWeese and Arthur Hershey, and PLA president Keith Klingler.

Lincoln Heritage Institute president Charles Drago commented that this year's illustrious slate of nominees "have made it clear that they still believe in and honor the spirit and liberty that was purchased with the blood of patriots from Lexington and Concord to the sands of Iraq. They stand for all of us who cherish freedom."

National Mining Association Awards Ingram 1998 Distinguished Service Award

Pennsylvania Landowners' Association is pleased to announce that the National Mining Association (NMA) awarded its 1998 "Distinguished Service Award" to Board member and counsel Henry "Hank" Ingram.

The award was presented to Ingram in recognition of his long and distinguished career in the coal industry representing mining companies. His practice has been concentrated in counseling and litigation involving regulations that affect the development of coal and other natural resources.

Mr. Ingram is counsel in the Environmental Group at Reed Smith Shaw & McClay LLP in Pittsburgh. He has twice served as Chairman of the Section on Mineral, Natural Resources, and Environmental Law of the Pennsylvania Bar Association. He is a governing Trustee of the Eastern Mineral Law Foundation, and general counsel of the Pennsylvania Coal Association. In addition, Mr. Ingram is a member of the Pennsylvania Wetlands Protection Advisory Committee.

The NMA is a trade association which represents the mining industry, mining equipment manufacturers, and related businesses throughout the United States. The Distinguished Service Award was established by the NMA in 1973, and is presented annually at the Mining Lawyers Conference to recognize industry leaders.

In 1961, Mr. Ingram received his B.A. from Allegheny College; in 1964, his LL.B. from the University of Michigan.

Reed Smith Shaw & McClay LLP has more than 400 lawyers practicing in Washington, DC; McLean, VA; Harrisburg, Philadelphia and Pittsburgh, PA; Princeton and Newark, NJ; and New York, NY.



State Representative Tracy Seyfert (R-Crawford & Mercer) is joined by Representative Joseph Gladeck (R-Montgomery) in presenting Robert Brace (on the left) with the Guardian of Freedom Medal in the rotunda of the state capitol building.

A stark contrast –

Property rights, environmental groups rate the GOP-controlled Congress

In the run-up to this month's elections, advocates for a variety of interests take time to evaluate the members of Congress to see whether they are supporting their interests.

This year, two very different organizations – one a staunch advocate of property rights and the other a coalition of national environmental groups – looked at the 105th Congress and rated each congressman and senator on how much support they showed for their particular causes. Both organizations have been scrutinizing Congress for many years, and they released their latest rankings just in time for the November elections.

Each group evaluated individual members of the House and Senate by analyzing their voting records, and they post the results for each state's delegation on their internet sites.

We thought you might be interested to see how Pennsylvania's congressional delegation fared in their tallies.

The adjacent table presents a list of Pennsylvania's senators and congressmen listed in the order of highest to lowest ranks by the League of Private Property Voters, a group that champions legislation to enhance the rights of landowners in the face of encroaching federal regulation. The table also includes each elected official's ranking by the League of Conservation Voters, a coalition of leading environmental organizations. The LCV rates members of Congress to see how "pro-environment" their votes are.

According to the press release announcing the LCV ratings, their scorecard is "critical" because it "separates legislative fact from rhetorical fiction." LCV says that the scorecard shows what a senator or congressman really stands for because it looks at their votes, the only true measure of their commitments to public policy.

We're sure that the property rights league feels the same way about their scorecard, too.

Ridge for VP – or even President?

The buzz around Harrisburg for months has been that Governor Ridge wants to be the next Vice President of the United States. During a news conference on the night of his reelection as our governor, Ridge was asked about his future. He quipped that he might even seek the presidency, noting that he was always taught to shoot for the best he could be.

Well, just how realistic are the governor's prospects? It's not a simple matter to gauge, especially this early in the election cycle. But this month's election does provide some hints. Two things to consider in evaluating his potential candidacy are the

Property Rights & Environmental Scores for Pennsylvania's Congressional Delegation

	LPPV Score	LCV Score
In the Senate:		
Rick Santorum (R)	86%	7%
Arlen Specter (R)	71%	47%
In the House:		
John Peterson (R-5 th District)	100%	3%
Bud Shuster (R-9 th District)	100%	7%
George Gekas (R-17 th District)	100%	14%
Joseph Pitts (R-16 th District)	100%	17%
William Goodling (R-19 th District)	92%	14%
Joseph McDade (R-10 th District)	91%	21%
Phil English (R-21 st District)	75%	38%
Jon Fox (R-13 th District)	58%	66%
Curt Weldon (R-7 th District)	55%	52%
Bob Brady (D-1 st District)	50%	17%
James Greenwood (R-8 th District)	50%	72%
Tim Holden (D-6 th District)	33%	38%
Michael Doyle (D-18 th District)	27%	41%
John Murtha (D-12 th District)	25%	45%
Frank Mascara (D-20 th District)	25%	52%
Ron Klink (D-4 th District)	8%	52%
Chaka Fattah (D-2 nd District)	0%	69%
Robert Borski (D-3 rd District)	0%	76%
Paul Kanjorski (D-11 th District)	0%	76%
Paul McHale (D-15 th District)	0%	83%
William Coyne (D-14 th District)	0%	90%

size of his margin of victory and whether his presence on the ballot helps carry other party candidates to electoral victory.

Margin of victory. All the polls said Democrat Ivan Itkin would take a licking. He raised little money compared to the governor's very deep pockets, only 15 to 20 percent of the electorate could identify him by name, and an even smaller percentage knew enough about him to evaluate his candidacy. State

pollsters expected Ridge to win between 62 and 68 percent of the vote on November 3.

What happened? According to unofficial statewide results posted on the Department of State web site, Governor Ridge took 57 percent of the vote. Itkin took 31 percent. Ridge won in every county but Philadelphia. There he lost to Itkin by a margin of 59 percent 35 percent. Definitely an impressive showing, but not stellar.

Coattails. A good measure of a potential candidate's vice presidential or presidential timber is whether or not their presence on the ballot helps bolster their party's showing in other races, particularly in those that are running neck-and-neck.

This year, Pennsylvania's Republican party had two big guns at the top of the ticket – Governor Ridge and Senator Arlen Specter – but that didn't seem to matter for the rest of the slate.

In Congress, Pennsylvania's delegation remains unchanged. The Republicans picked up the seat of retiring Democrat congressman Paul McHale in the northeast, but they lost the seat held by incumbent congressman Jon Fox in the southeast.

Similarly, Pennsylvania's Republican majority in the state senate remains unchanged because the Republicans did not pick up any seats.

The state House of Representatives is a different story – but not a good one. The Republicans actually lost a seat in the state House. They now hold a slim 103-100 majority.

So what. So Ridge has no coattails, and his margin of victory was lower than hoped for. Other events are playing into Ridge's hands, though. The recent announcement that the Republican National Convention will be held in Philadelphia could turn out to be a big feather in Ridge's cap.

The Republican leadership chaos at the national level also presents the governors with an excellent opportunity to step forward. Many pundits are already pointing their fingers at a number of state governors as possible presidential or VP candidates. Ridge has yet to be mentioned in that context.

The bottom line is that it is still extremely early. Many things can happen to change a candidate's prospects.

And Ridge definitely wants to move on. Less than a week after the November 3 election, Ridge already went to Texas – George W. Bush country – for some conference or another (wink, wink).

Funding bill will force significant cuts in EPA operating programs

The FY 1999 budget for EPA includes an additional \$200 million in new money. Nevertheless, EPA is complaining. The federal environmental agency expects its air, water, toxic substances and waste programs to be “squeezed mercilessly,” according to one EPA bureaucrat.

Acting EPA deputy administrator Peter Robertson reported that the funding bill that President Clinton signed at the end of October imposes a cut of about \$160 million on all of EPA's media programs. He explained that the across-the-board reduc-

tion would occur in spite of the substantial new money appropriated to the agency because of the way Congress wrote the funding legislation. This year, Congress explicitly told EPA which programs should be funded and at what levels. It also told the agency what reductions should be made.

Robertson called Congress “savvier” than it was in past years in the way that it specified the funding.

In response, Robertson said that EPA will protect “our most valuable resources” first – its staff salaries and other things like rent payments. After that, he said, the agency would protect the President's environmental priorities. Only then would it begin to consider program cuts. Robertson also said that the agency may do away with some programs entirely, rather than making deep cuts to many programs.

Is the *Endangered Species Act* working?

Heck, no!

According to a report from the National Wilderness Institute, the *Endangered Species Act* imposes substantial economic burdens on private landowners based on inaccurate information and incorrect assumptions.

The NWI says that the criteria that are used to determine whether a species is actually threatened or endangered are flawed and that the federal law has largely failed to help the recovery of listed species. To make its point, the report reviews the process by which species are considered for listing and points to examples of how some species have been designated as threatened or endangered by mistake.

As of February 1997, the ESA list included 732 endangered or threatened species, 216 endangered or threatened subspecies, and 15 threatened or endangered distinct populations. The NWI reports that the majority of the species were included on the list due to data errors and without an adequate demonstration that adverse threats or conditions existed to warrant their inclusion.

The American Alligator is a case in point. The alligator was listed as a threatened species for years. Recently, it was “delisted” and now it is not only considered recovered, but its populations are stable and there are too many of them. The report says that the initial listing of the alligator was a mistake because the researchers who considered the species didn't understand the population statistics they were looking at.

Another example cited in the report is the Pine Barrens Tree Frog. It was removed from the list after more accurate data analysis showed that the frog is found at 20 times as many locations as originally estimated.

In addition to data errors, the report points out other mistakes that lead to false conclusions about the jeopardy that a species is actually in. The report says that the analysts considering whether to list a species as threatened or endangered ignore critical factors such as:

- ♦ The natural fluctuations in the population or distribution of plants or animals;

- ♦ Naturally-occurring factors that limit a species abundance; and
- ♦ The limits of the range that a species can actually inhabit.

NWI also says that many classifications are wrong because they distinguish hybrid plants and animals as separate species.

If so many species are listed in error, why are they still on the list? The NWI report says that delisting is nearly impossible. Since the act was passed in 1973, only 27 plants and animals have been removed from the list. Only nine species were delisted because of data errors, and conservationists dispute the delisting of the six others.

PLA attends NWC legislative retreat

PLA vice president Robert Brace was joined by attorney Henry Ingram in late October at a two-day retreat in Washington, DC sponsored by the National Wetlands Coalition. They met with other leaders of the property rights movement from across the nation for a briefing on the latest developments in efforts to rein in excessive wetlands regulations and to examine new strategies for the next legislative session.

Even though Congressional offices report that they are receiving many complaints from constituents, word is that legislative reform in the next Congress will be extremely difficult in spite of the Republican majority in both the House and Senate.

Have you contacted your elected representatives lately?

Wetland acreage estimates are inconsistent, inaccurate

The General Accounting Office reports that even though more than \$500 million is spent each year in the United States to protect and restore wetlands, the country's success in achieving the goal of "no net loss" of wetlands acres cannot be reliably calculated. That's because the two principal federal agencies that count the number of actual wetlands acres in the nation's inventory use different yardsticks.

The two major inventories of wetlands used by the federal government are maintained by the US Fish and Wildlife Service and the Natural Resource Conservation Service.

According to the FWS, agricultural activities are responsible for the loss of 1.4 million wetland acres. This figure is four times larger than the number of lost wetlands acres attributable to agriculture in the NRCS estimates.

In contrast, NRCS says that land development in general is responsible for the loss of 886,000 acres of wetlands. That figure is 11 times larger than the number reported by the FWS.

So how many wetland acres are actually out there? And how many wetland acres are actually destroyed by agriculture and other development activities? Pull a number out of your hat, and your estimates will probably be just as good as the federal government's. Until there is a common and realistic definition of what a wetland actually is, this problem will surely continue.

Climate Treaty could have severe economic effects

A study by the federal Energy Information Administration predicts higher energy costs by the year 2010 – including a price increase of 53 percent at the gasoline pumps – if the United States fully complies with the Kyoto treaty.

The commission report contradicts other government studies that claim the Kyoto treaty would do little to adversely affect the economy. These studies assumed international agreement on a number of policies that could dramatically lower the cost of cutting pollution.

The EIA report describes a number of possible consequences, including a worst-case scenario in which all energy prices drastically increase causing a drop in the nation's economic performance.

The study also assumes that a pollution tax would be imposed on factories and cars and that the country's overall energy consumption would decline by more than 17 percent, just to get an emission reduction of 31 percent. It also projected a 4.1 percent drop in the gross national product by 2010.

Ridge may ask for bond issue to clean up acid mine drainage

Next year, the Ridge administration is expected to introduce legislation asking state voters to approve a multi-million dollar bond issue to finance the cleanup of approximately 250,000 acres of abandoned mine lands and to underwrite county efforts to develop watershed-based stormwater management plans.

The bond proposal is modeled after legislation that was considered earlier this year in the state House of Representatives. That bill would have authorized \$450 million in new state debt to pay for the projects. The bill was approved in committee but failed to move ahead because legislative leaders were anticipating the Ridge Administration's new initiative.

In addition to the bond issue, the new initiative, known as "Reclaim PA," would also include new legislation to encourage volunteer and environmental groups to clean up local environmental problems by relieving them from any liability they could face for taking the work on.



Look for PLA on the Internet!

You can visit PLA
at our new World Wide Web site at

www.palandownersassn.org

or send us e-mail at

inquiries@palandownersassn.org

News from Bluestone Country

Don Sherwood elected to Congress

PLA and Bluestone Association member and supporter Republican Don Sherwood of Tunkhannock was elected to fill the Congressional seat of Joe McDade who retired this year. Mr. Sherwood defeated Democrat Pat Casey in a hotly contested election. Congratulations to Congressman Sherwood. PLA and the Bluestone Association look forward to working with our good friend.

First annual Bluestone Expo a huge success

PLA Director Norm Clark reports that the initial Bluestone Expo held on September 19 and 20 at the Wyoming County Fairgrounds was a rousing success.

The Expo was attended by more than 600 persons who were treated to demonstrations of the stone-cutting craft and the wide variety of uses for locally quarried Bluestone. Thirty vendors of the quarrying industry had display booths and commented favorably on the reception to their products and services by Expo attendees. (See the photos.)

The overwhelmingly positive response to the Expo warrants a repeat performance and September 18 and 19, 1999 was selected as the tentative date for next year's event.

The Expo was chaired by Butch Coleman who deserves our heartiest thanks and congratulations for a job well done. For future information, contact Mr. Coleman at 717-465-7200.

Bluestone association presses for legislative relief

The Bluestone Association continues to grow and expand its services to small quarrymen in Pennsylvania's Northern Tier. The association recently held a roundtable meeting with DEP and took senior officials on a tour of quarry sites to show them that small operations do not cause environmental degradation or public safety hazards.

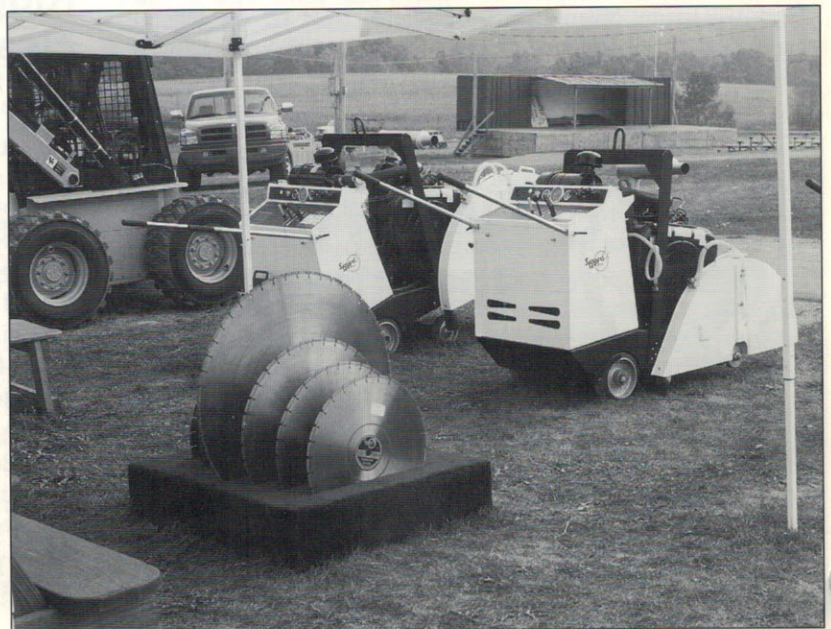
The widespread misunderstanding of the nature of Bluestone operations was demonstrated at the hearing of the House Environmental and Energy Committee conducted by Chairman Bob Reber this summer. The hearing was held on Representative Sandy Major's legislation (House Bill 1975) to exempt small quarries from permitting and regulatory requirements more suitable to large scale mining operations.

A witness from DEP made much ado about safety problems, but his arguments were quickly squelched

PLA appreciates its affiliation with the Bluestone Association, which has increased PLA's membership in the Northern Tier significantly. We welcome all Bluestone members to PLA, and we look forward to continuing to work together on issues of mutual concern and interest.

by a witness who pointed out that many more injuries occur in State-run park facilities than in small Bluestone quarries, which are located in remote areas of private property.

The Bluestone Association has been instrumental in achieving administrative reform of DEP's regulatory program. The Association will now press forward on legislative relief provided by HB 1975 in the next session of the General Assembly.



POST YOUR PROPERTY!

Autumn is here. The air is brisk, the landscape is rich in the colors of Fall, and sportsmen all across Pennsylvania are heading out to the fields and forests on their annual trek in search of game.

Once again, we urge you to join PLA members like Bruce Kosko and Sammy Mills to make sure that your land is posted with signs that demonstrate your commitment to the preservation of our rights to own and enjoy private property.

Bruce and Sammy spent a little time recently walking the perimeter of Bruce's Erie County property to make sure that all of his "Posting for Support" signs were in place.

"Many times when a hunter asks me if he can use my land, he'll ask me what my private property sign is all about," Bruce said, "That gives me a great chance to explain what I feel about the way government tries to control how I can use my land. I also get to tell them about the PLA and what we do.

"I don't talk to every hunter about it. Only if they ask," he explained. "But the signs give me a chance to say what I think without being pushy. They get the message across."

If you let people use your land for any reason, you can promote PLA and contribute to "grassroots" awareness of the need to protect private property rights by joining our "Posting for Support" program. Just contact the PLA office at 814-796-3578 and we'll help you get started. Our Posting for Support signs only cost 60 cents apiece, and we'll send them out to you as soon as you order them.

Posting for Support is a silent, highly visible and inexpensive way for you to make a statement about unfair government regulation of private land and to make people aware of the rapid erosion of property rights in America.

Please take a few minutes and call our office to sign up for this important campaign to preserve one of our most cherished Constitutional rights – the right to own and enjoy private property.

"It's an easy thing to do," Bruce said, "and it really does make a difference.

State legislator wants to combine fish and game commissions

A Westmoreland County Democrat wants to save the state money by merging the state Game Commission with the Fish and Boat Commission. State representative Joseph Petrarca, Jr. says that the savings that could accrue from such a merger



Sammy Mills, on the right, helps Bruce Kosko make sure his property is marked with Posting for Support signs.

would prevent future license fees increases and create a more efficient natural resource conservation agency. Petrarca justifies the merger by pointing out that no other state has two separate agencies to regulate wildlife and fisheries. He said that his proposal is being made in response to constituents who have expressed concern over law enforcement abuses of game wardens.

The proposal is based on recommendations made in a 1989 study by the Pennsylvania Legislative Budget and Finance Committee that examined various options for combining law enforcement responsibilities for game, fish and boating into a single agency.

According to reports, the Game Commission has no position on Petrarca's plan yet, but it doesn't seem too worried about it. A commission spokesman notes that all recent legislative efforts to combine the two commissions have failed.

Petrarca said he might try to get his merger approved by the General Assembly by offering his plan as an amendment to a bill authorizing a hunting license fee increase that is expected to be considered before the legislature adjourns on November 30. If that fails, he said he'll introduce the measure as a new bill in the next legislative session.



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Show Your Commitment to Property Rights!

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

PLA Membership Categories

Please Indicate: ☐ New Member ☐ Renewal

- ☐ **INDIVIDUAL I**\$ 25.00
Any individual supportive of private property rights (owning 0 to 15 acres)
- ☐ **INDIVIDUAL II** 35.00
(owning 16 to 100 acres)
- ☐ **INDIVIDUAL III** 50.00
(owning 101 to 250 acres)
- ☐ **INDIVIDUAL IV**100.00
(owning 251 to 500 acres)
- ☐ **INDIVIDUAL V**200.00
(owning over 500 acres)
- ☐ **ASSOCIATE I**100.00
Any business entity supporting the free enterprise system and the principle of private ownership (local businesses in communities)
- ☐ **ASSOCIATE II**250.00
Trade Associations (state organizations supportive of private property rights)
- ☐ **ASSOCIATE III**300.00
Major suppliers to land use entities (resource development, construction, agriculture)
- ☐ **AFFILIATE** 50.00
Local or regional grass roots, non-profit organizations
- ☐ **BUSINESS I**750.00
Corporations or entities whose activities involve ownership, use and/or development of acreage in excess of 100 acres but less than 500 acres
- ☐ **BUSINESS II**\$1,250.00
Same as Business I but in excess of 500 acres
Any land owning member (excluding Individual I) purchasing PLA signs and participating in the "Posting for Support" program is entitled to a 50% reduction in membership fees for the current membership year.
Membership dues and contributions may be deductible as a "Business" expense. Please consult your tax advisor regarding your particular situation.

Enclose form with check or money order payable to:

Pennsylvania Landowners' Association

P.O. Box 391
Waterford, PA 16441

Please allow up to 6 weeks for delivery of membership card.

PLA Educational Materials

☐ POSTING FOR SUPPORT

Yes, I wish to become a participant in this program. Please send me ____ signs.

I have enclosed 60¢ for each sign ordered.

☐ I am a current participant in the "Posting for Support" program.

☐ I am a new participant in the "Posting for Support" program.

☐ USA v. Brace & Brace Farms Videotape (VHS)

"One farmer's battle with federal wetlands provisions." \$15.00 donation.

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

"Our Environment, Whose Property?"

\$15.00 donation each part.

Please complete this information:

Name _____

Address _____

County _____

Acreage Owned _____

Phone Number (_____) _____

Fax Number (_____) _____

How many acres of land posted? _____ acres

Membership amount \$ _____

Less 50% fee reduction if

"Posting for Support" participant - \$ _____

Amount of signs purchased + \$ _____

Additional contribution (if any) + \$ _____

Total remittance enclosed \$ _____

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