



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

VOLUME IX • NUMBER 1

MARCH 1996

## PLA 9TH ANNUAL MEETING SET FOR MARCH 27, 1996

**M**embers will want to make a special effort to attend the 9th annual PLA membership meeting scheduled to take place on Wednesday, March 27, 1996 at Fort LeBeouf High School in Waterford, Pennsylvania. Award winning broadcast journalist, *Timothy Robert Walters*, will be on hand to address members on property rights issues. Recognized nationally as an authority on property rights and public land use, Walters has been applauded for such publications

as *The Endangered American Dream: Land Lock - the Cancer That's Killing America. . .and How to Stop It!* and *Surviving the Second Civil War: The Land Rights Battle and How To Win It*.

Walters has long been a student of the U.S. Constitution and was appointed by Governor Fife Symington in 1995 to serve on Arizona's Constitutional Commemoration Committee. He spends a good deal of his time traveling, championing the cause of property and land use rights across the country. He be-

lieves the erosion of property rights is the final step toward loss of all rights and freedom, but believes grassroots Americans banding together can stop the assault.

The meeting is scheduled for 7:00 p.m. in the high school auditorium. Members concerned about wetlands, endangered species, and the outcome of many other important property rights legislative proposals are encouraged to attend and learn how they will fare in the '96 political arena, including the Presidential election.

## **SURVIVING THE SECOND CIVIL WAR: THE LAND RIGHTS BATTLE AND HOW TO WIN IT**



Photo Courtesy of Hawtide Publishing



# A NICE SANCTUARY

## Editors Note:

On a cold rainy day last November, Bob Brace and Hank Ingram stood on a country road in Erie County, watching bureaucrats from the EPA, Fish and Wildlife Service and Natural Resources Conservation Service disappear into the overgrown brush and weeds which had overtaken what was once a key part of the Brace's Homestead Farm. The bureaucrats, armed with sophisticated laser surveying equipment, were there along with a lawyer from the Department of Justice, to figure out how Brace was to restore what appellate judges in Philadelphia had declared to be navigable waters of the United States. In effect, they were going to tell Brace what he could do with his own land and it wasn't going to be what Brace does - farm it. The bureaucrats were figuring out how to make the land permanently unusable for productive farming.

Ingram thought: How can this be happening in America? This is crazy. Here are guys from the government with nothing better to do with the taxpayers' money than poke around in a now ruined farm field in Erie County to try to figure out how to make privately owned farm land unusable. Brace's thoughts ranged from outrage to utter despair. He has been a good steward of his family's land and he had always believed that farming was a worthwhile calling. He had been willing to take a stand for his land and fight the government for the right to use his property for farming. After a long battle, the government had prevailed and his land was passing out of his hands into the clutches of the federal bureaucracy. All this without the title changing hands or, just compensation offered. The sense of frustration was overwhelming. His story had been told over and over but often it seemed that no one listened or even cared.

Shortly thereafter, Brace was heartened to learn that noted property rights advocate Tim Walters had picked up on the Brace story and gotten it just about right in his new book *The Endangered American Dream*. The *Landowner* is pleased to reprint here an excerpt about Bob Brace from this compelling book which tells it like it is.

*"The right to hold property is a natural right. It is the safeguard of family life, the stimulus and reward of work."*

—Pastoral Letter of the  
French Roman Catholic Hierarchy, 1919

**W**hen Robert Brace bought his father's homestead farm in 1975, he had no idea he was buying a nightmare. The acreage near Waterford, Pennsylvania, had been a beef and dairy farm, but Brace thought he would work it into his truck farm operation. Thirty years a vegetable farmer, Brace believed he could convert the pastures and some existing cropland to suit his needs.

Robert Brace Farms, Inc., worked the newly-acquired farm for more than a decade. Bob Brace and his sons, Ronnie and Randy, maintained a ten-year conservation project on the land, which included regular cleaning

of an existing system of drainage ditches. In 1987 a colony of beavers moved in and built a dam in one of the ditches, blocking the natural flow of water and interfering with normal farming practices.

Brace reported the problem. In May of that year, two wildlife specialists arrived from the Pennsylvania Game Commission (PGC) to take the beavers out of the drainage system. One of those individuals was a man named Andrew Martin.

The Brace farm, by this time, was in excellent condition. The years of planning and thoughtful management had transformed the property into a picturebook setting. Martin looked around and said he thought the farm would "make a nice sanctuary." He asked Bob Brace to show his permits for

cleaning the ditches. He was not impressed or convinced by Brace's explanation that regular cleaning of the ditches was allowed under agricultural exemptions.

Bob Brace and Martin were not stepping to the same fiddler. A verbal exchange resulted between them and ended abruptly when Martin told Brace "he didn't know what trouble could be." Within a few days the Brace farm was crawling with uninvited federal, state and local officials excavating soil and identifying plant species.

Two months later the Brace family received notice from four different federal and state regulatory agencies that they were in violation of "wetlands" provisions in the Clean Water Act. The Environmental Protection Agency (EPA), the Corps of Engi-



neers (COE), the U.S. Fish and Wildlife Service (FWS) and the Pennsylvania Department of Environmental Resources (DER) had determined that the Braces were guilty of filling wetlands while cleaning their drainage ditches. They were ordered to "restore" the property to its original condition or face penalties exceeding \$100,000 per day and possible imprisonment.

Bob Brace decided to stand his ground, literally. The case went to federal district court. Brace won, but not until *seven years later!* District Judge Glenn Mencer exonerated Robert Brace and Robert Brace Farms, Inc., of all charges aimed at him from the U.S. Department of Justice. Mencer, upon visiting the Brace farm, noted that less than a fourth of the land at issue even met the definition of a wetland. He found in his judgment for Brace:

*This certainly does not appear to be the type of case where a corporation or large farming enterprise takes control of a parcel of land and dramatically alters the composition of the land and runs roughshod over the requirements of the Clean Water Act.*

The regulatory agencies hate to lose control of any portion of what they decide is *theirs*. Therefore, Bob Brace found his reprieve short-lived. Sixty days after Judge Mencer's ruling (the last day possible), the Department of Justice filed a notice of appeal. Brace said reflectively, "It's changed the way I look at everything. Land use regulations have become so over-burdensome and confiscatory that there's no longer any incentive for property owners and businesses to continue risking everything day after day."

Unfortunately, that's exactly how the control-greedy powercrats of the regulatory government bureaucracies want Bob Brace and other landowners to feel. It makes their jobs easier. Regulation equates to control. To control a man's property is to control the man. Big government and its offspring bureaucracies are self-conditioned to thrive on control. The freedom of a property owner to manage and work his own land without government intervention (as intended by the Founding Fathers) is the highest obstacle in the path of total government control. Alas, the sword of control has many sharp edges.

The Third U.S. Circuit Court of Appeals in Philadelphia reversed Judge Mencer's rul-

ing. The appellate court found instead that Robert Brace was *not* entitled to the agricultural exemption in his cleaning of the drainage ditches and, therefore, had violated Section 404 of the Clean Water Act by not filing for a permit. The conservation benefits derived from maintaining the drainage system for ten years *before* the land was declared a wetland did not matter to the court. Nor did it matter that there was no reason to get a permit — and no law to break by *not* getting a permit — until *after* the run-in with Andrew Martin resulted in the cursory designation of the property as a wetland. The order to "restore" the property was upheld and the case turned back to the district court for handling of the restoration order and deciding civil penalties. Robert Brace requested a review of his case before the U.S. Supreme Court.

Bob Brace's attorney Henry Ingram said, "The odds are about 4,000-to-one that the court will accept the request." He added, "Bob Brace is now subject to millions of dollars in civil penalties because he's been 'in violation' for a long time," Ingram says Robert Brace is a "man of great strength and character," but more than eight years of bureaucratic persecution over what Brace believed was conscientious management practices on his own land have taken a heavy toll — physically and emotionally. In June, 1995, Ingram said Pennsylvania Governor Tom Ridge was beginning to lose interest in the long-running issue. A bank had canceled its line of credit to the Brace farm. Ingram emphasized, too, that "to comply with the restoration order will destroy the drainage system and ruin the farm."

Brace noted during the bureaucratic melee over his farm that "the government didn't have to prove that what I did harmed the environment or caused harm to my neighbors." An allegation of wrongdoing prompted by a vindictive bureaucrat is all it took to inflame four government agencies and the U.S. Department of Justice against one honest farmer.

Robert Brace summed it up. "Without private property ownership and a strong economy, everyone loses, including private citizens who depend upon the existence of the business community for their livelihoods. People need to realize that their voice *does* make a difference, and that the days of thinking things will magically get

better or that 'someone else will take care of it' are over. They need to contact their Congressmen and Senators about the unfairness of it all . . . *before* it's too late."

**An allegation of wrongdoing prompted by a vindictive bureaucrat is all it took to inflame four government agencies and the U.S. Department of Justice against one honest farmer.**

On June 26, 1995, the Supreme Court — without explanation — refused to hear Brace's appeal. Short of congressional intervention, there is no higher level of authority. Faced with a court order to, in effect, convert his own farm into a wetland sanctuary, Brace reflected, "I've gotten to know the ways of the legal, legislative and judicial systems . . . They aren't much help to ordinary citizens like me."

Incidentally, Andrew Martin left the Pennsylvania Game Commission a short time after starting Bob Brace's nightmare. As a self-proclaimed "wetland and environmental specialist," he formed his own company, Andrew Martin & Associates. In a subsequent interview with the *Erie Times*, he boasted, "My business is driven by regulations."

*Editors Note;*

*It is of interest to note that the Farm Credit Bank, which Bob dealt with for over 30 years, did not cancel his line of credit due to poor farm management or unpaid debts. Rather, the bank canceled Bob's line of credit because of their fear of potential liability associated with the government's impending order.*

*Ironically, Bob Brace, as frugal a money manager as he is a land conservationist, owed the bank no money when they decided to pull out on a loyal, long time customer.*

*Bob noted for the record that he is now doing business with a new bank which he is happy with and which he feels is responsive to the needs of farmers like himself.*



# TALES OF THE

## Editors Note

**PLA President Keith Klingler has been actively engaged in assisting a number of Pennsylvanians who are struggling to take a stand for what should be their land. This property rights struggle pits ordinary citizens of the Commonwealth against a powerful state agency, the Pennsylvania Game Commission, and the influential and well-heeled Western Pennsylvania Conservancy in their joint efforts to convert more and more private property to government ownership. This is the first in a series which will describe what appears to be a land acquisition partnership between the Commission and Conservancy. Contrary to what the casual observer might expect, it isn't a pretty picture, certainly not for ordinary citizens who find themselves in the path of this land grabbing juggernaut.**

**This installment is excerpted with permission from a four part series published in the Ridgeway Record.**

## FIRST IN A SERIES —

**T**he furor over a land deal is Venango County involving the Conservancy has spilled into Hallton, Elk County, where leaseholders on a 950 acre tract in Spring Creek Township now owned by the Game Commission are giving second thoughts to what took place nine years ago.

"In Venango County, it's been a case of divide and conquer," said resident Tammy Latshow. "It's pitted neighbor against neighbor — it's terrible," she added.

In a nutshell, two years ago the Conservancy purchased an 11,000 acre tract of land in Venango County from the heirs of the President Oil Company. The land was slated to be sold to the Game Commission.

Some 147 leaseholders have buildings on the tract, and many of them, Latshow said, are full-time residents. Apparently, at least some of the leaseholders had a verbal agreement to purchase the property if it had ever been offered for sale. When the Conservancy attempted to evict the leaseholders, they sued, and 66 people were eventually given the right to purchase their homes. Another 81 are still in court, said Latshow.

The President issue had gathered statewide interest, most notably because the Conservancy President John C. Oliver III is Governor Ridge's secretary of the newly formed Department of Conser-

vation and Natural Resources.

The President Oil tract furor has revived a controversy in the little town of Hallton. There, although the Game Commission has owned the 950 acre tract in Spring Creek Township since 1988, Ray Beichner of the Concerned Citizens of President Township, doesn't believe it's too late to turn things around. "I think the time is right," he said, and has joined forces with the PLA to push the legislature to take a look at the Hallton issue. Klingler and Beichner have already met with a number of the leaseholders, and plan on scheduling more meetings in the future.

The main point of contention in both the President and Hallton situations involved rights of first refusal to purchase their leased properties which long time residents believed they had been guaranteed by their lessors.

"Basically, if the Conservancy wants to buy land, keep it and be good stewards of it, we have no problem," said Keith Klingler. In his estimation, though, the Conservancy is acting as a real estate agent for the government. When that happens, "you fall under a whole new set of rules and codes of ethics. When you do something for the government, it has to be public. . . ."

Klingler also has a second goal, stopping

the further elimination of private property in northwestern Pennsylvania. "The purchase of private property continues," he said, "without any thought given to the local municipality or residents."

The Conservancy, a Pittsburgh-based private, non-profit land conservation organization, has acquired thousands of acres of land in western Pennsylvania for the purpose of preserving open spaces. Its literature states that philosophically, it believes that "some of our lovely western Pennsylvania land should be left alone the way God made it."

Land acquisition money comes from a purchase fund contributed by a number of private foundations in Pittsburgh. Operating expenses are met by membership dues, special individual gifts, grants from corporate foundations, and an annual year-end fund drive. The balance, said the literature, comes from investment return on Conservancy funds.

Locally, the Conservancy has had plans for the Clarion River corridor since at least 1977. A Pittsburgh Press article from 1982 calls the Clarion River project one of the most ambitious in the history of the organization, stating the Conservancy had spent \$2 million to acquire 4,800 acres along the river and had hoped to get 5,200 more acres.



# JUGGERNAUT

In the article, Oliver said the project was "a huge undertaking, involving lots of properties - many bits and pieces..."

Unfortunately for Hallton residents, the 950 acre tract in Spring Creek Township was one of those bits and pieces.

Then Conservancy President Oliver was quoted in a Ralph Haurwitz column in the May 19, 1988, edition of the Pittsburgh Press as saying, "We'll do almost anything that's legal to get the property we want." For the leaseholder who attempted to purchase the 950 acre tract in Spring Creek Township, that statement couldn't ring truer.

In the story, Oliver discussed land acquisition, pointing out that because the Conservancy has no power of condemnation, it must use persuasion, often negotiating for years with multiple landowners before completing a purchase.

Oliver said a local realtor or negotiator handles the transaction on the part of the Conservancy, and in most cases a local law firm is also used.

"In some cases it's not in our best interests to disclose the Conservancy's involvement, such as when we feel the property owner might want to take advantage of us," Oliver said in the Pittsburgh Press story, adding, if the Conservancy comes across someone who wants to 'hold us up' for a big price, we drop them."

Oliver, though, said in most cases people are very happy to know it's the Conservancy. "In some cases," he said, "it's the one element that makes a project work."

According to the Haurwitz' article, when secrecy is crucial, the Conservancy buys under the name of "straw parties" — "shell corporations it owns." In the Spring Creek Township tract, the Conservancy was willing to purchase the property without a clear title — something, according to correspondence, the leaseholder wasn't prepared to do.

The method by which it all took place is the main point of contention from at least some of the leaseholders and Keith Klingler of the Pennsylvania Landowners' Association.

When all was said and done at Hallton, the 950 acre tract of land in Spring Creek Township became property of the Pennsylvania Game Commission.

County records indicate that on March 9, 1988, the Western Pennsylvania Conservancy sold property in Elk and Jefferson counties to the Game Commission for \$678,510. Elk County's share of the sale totaled \$334,073 and represented over 1,000 acres.

Tony Suppa, Conservancy director of land acquisition, calls the Hallton leaseholder situation "disappointing" to him as an individual and a member of the Conservancy because he believes leaseholders were happy with their negotiated leases.

He also believes that the issue has no relevance today.

"That was 10 years ago," he said, emphasizing that he doesn't believe that anything else at this point in time is relevant. Further, Suppa said there is no connection between the Hallton situation and the President situation in Venango County.

The Conservancy began the Clarion River acquisition in 1974 or 75, said Suppa, stressing the Conservancy first heard about the Gallagher property when it went on the market. "We had heard that the Gallaghers wanted to sell it," he said. "We contacted him."

Continuing, Suppa said the Conservancy had also heard that other people had made offers.

"We made an offer to buy the property. We did our due diligence and identified what was necessary to acquire the property," he said. The conservancy's offer was far better than any other he'd received, and he was happy with it.

Suppa denies the Conservancy had any knowledge of first rights of refusal of some of the leaseholders.

The Conservancy, he said, negotiated a "satisfactory lease agreement" with the leaseholders and at no time during the conversations with the leaseholder spokesperson was any of this ever raised or any of it ever discussed.

"We went away satisfied. They went away satisfied," Suppa remarked, stressing the Conservancy was not aware of any party or person claiming ownership to that property in any form whatsoever.

"It was never, ever brought to our attention by anybody," Suppa added, denying leaseholder James Cardamon's claims that the issue was brought up at a meeting between leaseholders and the Conservancy.

"That was never an item we ever discussed. It was not known to any of us," he said.

But in an Oil City Derrick article dated September 30, 1995, Suppa said something totally different. He was quoted, in the article, as saying "The fact that it (first refusal document) existed 50 years ago does not mean that it was valid at the time we bought the property. Contracts do expire."

Suppa reiterated that the agreement was satisfactory to all parties, adding, "Now 10 years later somebody's unhappy. I'm sorry about that, but I don't see the relevancy of that situation."

Suppa also said he doesn't see any relevance as to which public agency purchased the land.

The Conservancy had sent a letter to each leaseholder stating that the tract would be conveyed to the U.S. Forest Service and that they must vacate the premise within two years and remove their cottages and homes.

The Conservancy has been dealing with the U.S. Forest Service and the Pennsylvania Game Commission for 20 years, said Suppa, admitting he didn't know why the property was sold to the Game Commission and not the Forest Service, as tenants were led to believe.

At the point in time when this property was available, he said, the Conservancy sold it to the Game Commission.

As is the case with 98 percent of the land the Conservancy acquires, the land at Hallton was sold to a public agency that will provide long-term stewardship.

Suppa said he believes the Conservancy knows where more public lands are needed, but also he expects that others will disagree.

*Continued on page 6*



## TALES OF THE JUGGERNAUT

... Continued from page 5

In the case of the 41 mile Clarion River corridor, the Conservancy felt it was an excellent place for "our type of work. . ."

Suppa remarked that there are other private tracts of land along the Clarion River corridor that the Conservancy would like to own, saying the organization continues to look at those opportunities when they surface.

"When they become available, when they are on the market, when we think we have an opportunity to make an offer that's favorable, we do," he said.

That was the case with the Gallagher property. It was in an area, said Suppa, that was very important to the Conservancy.

Suppa said that because of concerns of the leaseholders, the original two-year lease was negotiated to three five-year leases, and the Conservancy went away feeling comfortable with it.

"They had the right to stay there perma-

nently for 15 years at a very favorable rental situation," he said.

"This favorable rental situation," stated Klingler, "amounts to the Pennsylvania Game Commission collecting over ten times in lease fees from the leaseholders, more than the Pennsylvania Game Commission paid for their lots." Klingler added "If this was such a great deal, why, then did the leaseholders sign a petition saying otherwise?"

Longtime leaseholders and residents at both President and Hallton built their lives and dreams around their homes and camps on the belief they had the right to continue. They didn't hear the juggernaut coming!!

The next issue of the Landowner will describe the plight of the Hallton leaseholders and the response of the Conservancy, Game Commission and the General Assembly to the issue. As noted in the beginning, it isn't a pretty picture.

## PLA MEMBER APPOINTED TO NATURAL RESOURCE COUNCIL

PLA is pleased to announce that Nancy Cubbon, Executive Director of the Allegheny Hardwood Utilization Group (AHUG), has been appointed to the Conservation & Natural Resources Advisory Council (CNRAC). Nancy has been a member of the 'Pennsylvania Landowners' Association since 1989 and has served the association as both a Committee Chairperson and Board member.

The purpose of the Conservation & Natural Resources Advisory Council (CNRAC) is to advise the Department of Conservation & Natural Resources (DCNR) about issues affecting Pennsylvania's forests and state parks and to report annually any recommendations the Council has to the Governor and General Assembly. The council was established after the Ridge administration ordered a split of the Department of Environmental Resources (DER) into two departments - the DCNR, established to oversee the Commonwealth's forests and parks and the Department of Environmental Protection (DEP), established for promulgating environmental regulations and overseeing their enforcement.

The Citizen Advisory Council (CAC), which serves as an advisory panel to the DEP, was a committee on which Nancy served for 5-1/2 years. It was her experience on the CAC which led to her recent appointment to the newly established CNRAC.

PLA extends its congratulations to Nancy on this appointment. Members having specific concerns about forestry issues and their affect on private property rights are invited to attend AHUG's Annual Meeting scheduled for April 18, 1996 at St. Mary's Country Club in St. Marys, PA. Members may also contact Nancy at (814) 837-8550 for further information.

## NEVADA WETLANDS?

The 2,245 acre Double Diamond Ranch exists on some of the most commercially desirable development property in the rapidly expanding Reno metropolitan area.

In 1988, Don Roger Norman and his son Roger William Norman decided to invest \$20 million to purchase the ranch only after top federal wetlands "experts" determined that the Double Diamond was not a wetland.

Within months of the Normans' purchase, the Army Corps of Engineers, responding to pressures of "special interests," reassessed their 1988 report. The new, amended report suspended all further development of the property.

The ranch, now estimated to be valued at \$53 million, has officially been declared a wetland by the federal government.

The Double Diamond Ranch averages only seven inches of rain a year.

"This is a classic example of government regulations gone crazy," said Don Roger Norman. "If the Nevada desert, with only seven inches of annual rainfall, is a wetland, I can't imagine any part of the United States that isn't one as well," commented Norman.

The Normans have spent over \$1 million to implement a "wetlands mitigation plan" for the property and another \$1 million to a horde of scientists to study their "wetland."

The Normans have filed a \$50 million lawsuit against the federal government for designating their ranch as a wetland in violation of their own regulations, statutes and contracts.

In their trial, which will likely be staged in Nevada this year, the Normans hope to recover all of the damages incurred including interest and attorney fees.

Imagine, Nevada as a wetland!

*Excerpt taken from the January 1996 edition of the Oregon Observer.*

## PITTSBURGH CITY COUNCIL TO CONSIDER COMPENSATION FOR HISTORIC DESIGNATION

Opponents of historic designation would be compensated if their property received such a title under legislation introduced Tuesday by Pittsburgh Councilman Alan Hertzberg.

"When does a restriction become a taking?" Hertzberg said. "I just see more and more of these problems coming up."

Historic designation prohibits demolition and usually restricts structural modifications. Property owners elsewhere in Pennsylvania have successfully argued that such designations restrict use and may hurt property values. Property owners, therefore, should be entitled to compensation for their loss.



# GOOD NEWS

# BAD NEWS

## DEP REVISES SEWAGE REGULATIONS

After years of frustration, potential home builders are finally seeing some relief to the burdensome Act 537 Sewage regs. There are three major changes that are geared toward relieving some of the red tape for developers.

The first and most important change is the elimination of planning modules for major and minor subdivisions. To achieve the waiver from planning, two sewage approvals are needed for each lot of 1 acre or more. This means that 2 test pits and perc tests must pass to obtain the exemption. There is no lot limit to use this alternative.

The second major change is a new 10 acre exemption. This was adopted primarily for farming families who want a son or daughter to build on the family farm. To obtain this exemption, the family must have owned the farm prior to 1986 and the lot being sold to the family member must be 10 acres or more. As long as setback requirements are met, no testing and no permits are necessary. This exemption can apply to only one family member; any additional lots must go through planning.

The third change will take place in June. This consists of a newly designed system called a spray irrigation system. This system has been tested in the southeast and the results have been positive. The cost will be approximately one to three thousand dollars more than the sand mound (which ranges around \$10 thousand) but at least will be an accepted system for soils that previously wouldn't pass. This system may be used in mottled soils of only 10 inches of topsoil.

DEP still has a long way to go to solve our sewage problems in a cost-effective way, but these three changes are a step in the right direction.

## PLA COUNSEL APPOINTED TO RIDGE ADMINISTRATION'S NEWLY FORMED WETLANDS ADVISORY COMMITTEE

Henry Ingram, PLA legal counsel and member of the Board of Directors, has recently been appointed by the Ridge Administration to serve on the Department of Environmental Protection's Wetlands Management Advisory Committee. The committee was established to help the Department in decision making regarding future wetland policy and legislative proposals to the Pennsylvania General Assembly.

## REMEMBER KEY '93 -WE WARNED YOU

If someone in your family owned a valuable piece of property but was letting it run down, either because there wasn't the money to keep it up or upkeep was simply being neglected, what would you do? Would you give that person a whole bunch more money — with no strings attached — and tell him to go on and buy some more property. Probably not. You would probably say, if you could afford it, "I'll bail you out this time but from now on you fix up the property that's run down and keep it up. But we're not helping you buy any more property until you prove you can take care of what you already have."

It's a pretty sure thing you wouldn't go out and borrow a lot of money to let your wayward kin buy even more property when it isn't at all clear that he can manage what he already has. Just common sense. We all agree.

These same common sense principles obviously don't guide the Pennsylvania General Assembly. In 1993, apparently without a whole lot of thought, a very large majority of legislators bought into Key '93 and allowed the Government to do what ordinary citizens wouldn't, at least without having their heads examined first.

As PLA warned before the Key '93 Referendum, our legislators left the cookie jar open on Key '93 funds and the money is now being spent by the various state agencies which were given access to it. Not only is our wayward relative buying more land before he fixes up what he already has, but he also is spending it on other projects which are likely to lead to the acquisition of even more land by the state. PLA will report on its investigation of where and to whom Key '93 money goes in future issues of the Landowner.

## HB 200 WETLANDS REFORM SIDETRACKED BY RIDGE ADMINISTRATION

Representative Howard Fargo's wetlands legislation apparently will languish while Governor Ridge's Wetlands Management Advisory Committee provides multi-interest advice on wetlands policies and pending wetlands reform legislation, including HB 200. Unfortunately, the so-called regulatory reforms commenced by DEP Secretary Seif fall far short of addressing landowners' concerns and much work needs to be done. PLA believes legislation is essential to meaningful reform. PLA will continue to press for legislation in the expectation that Governor Ridge will keep the commitments of Candidate Ridge.



# Pennsylvania Landowner Board of Directors

**Keith Klingler**  
President  
Titusville, PA

**Robert Brace**  
Vice President  
Waterford, PA

**Charles Bolgiano, Ph.D.**  
Lancaster, PA

**Norm Clark**  
Springville, PA

**Herman Espy**  
Spruce Creek, PA

**Harry Fox, Jr.**  
Dillsburg, PA

**Hank Ingram, Esq.**  
Pittsburgh, PA

**Bob McColly**  
Ligonier, PA

**Don Ranck**  
Paradise, PA

**Mark Troyer**  
Waterford, PA

## EXECUTIVE STAFF

**Rhonda McAtee**  
Director of Policy  
Waterford, PA

**Julie Machesky**  
Executive Director  
Corry, PA

**Pennsylvania Landowner** is published 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

Phone: 814/796-3578  
Fax: 814/796-6757

## MEMBERSHIP RENEWAL

is just around the corner.  
Watch your mail for your

# 1996-97

renewal application.  
Help PLA save costs by  
responding promptly!

## 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.

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

## PLA Educational Materials

### ☐ POSTING FOR SUPPORT

Yes, I wish to become a participant in this program.

Please send me \_\_\_\_\_ signs.  
I have enclosed 60¢ for each sign ordered.

- ☐ I am a current participant in the  
"Posting for support" program
- ☐ I am a new participant in the  
"Posting for support" program
- ☐ **USA v. Brace & Brace Farms Videotape (VHS)**—  
"One farmer's battle with federal wetland provisions."  
\$15.00 donation.
- ☐ **Wetlands Videotape (VHS)** ☐ Part I ☐ Part II  
"Our Environment, Whose Property?" \$15.00  
Donation each.

### 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 \$ \_\_\_\_\_

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

**Support your organization - Sign up a new member!**