PLA News Letter

May 5, 1992

ONE OF THE REASONS IT NEVER ENDS

We all know that environmental regulations can have dramatic and often devastating impacts on landowners and land use and development. Story after story is told about some poor citizen who has become ensnarled in a regulatory problem which defies solution on any rational basis. I have often heard the words "stunned", "astonished" and "outraged" used by people to describe the abusive conduct or arrogant attitude of an environmental regulator. I am sure readers of these pages are often struck with the thought "can this really be happening in Pennsylvania or America?"

When hearing about someone losing the right to use his land or being hit with an excessive penalty, a normal reaction is to think: "Something is really wrong here. I'll call my legislator and ask him to look into the situation." How many times has the response been "I've never heard of such a program. I'll look into it and get back to you" or "It couldn't be, that just doesn't sound right." When the legislator does get back to you, how many times have you heard: "I don't agree with it but my hands are tied, it's a DER regulation."

The normal reaction at this point is "Well, if we don't like it and he doesn't like it and he is our representative, why doesn't he do something about it?" Readers of the Landowner will also think to themselves "Isn't that just what PLA convinced Tom

Ridge to do on the wetlands issue and aren't Tom and Jimmy Hayes championing our cause in Congress?" The readers are right but should not be lulled into a false sense of security or go back to sleep. The outrage about some new horror story should not be forgotten because of this one example of something really being done about excessive or abusive environmental regulations.

Instead, readers should stay awake and alert. First, wetlands reform legislation embodied in H.R. 1330 has not passed. Powerful and influential interests oppose it and the ultimate resolution of the current Congressional debate about wetlands is in doubt. Much work remains to be done and supporters of this legislation must keep the pressure on. Readers also should keep in mind that the battle on the wetlands issue has been raging for at least three years and the outcome is still uncertain. Although organizations such as PLA have energized hundreds of thousands of ordinary citizens and focused public attention on the wetlands issue, anti-development, preservationist forces, although "slowed down" to some extent on wetlands, haven't given up and are pressing their agenda on other fronts.

For example, most readers are familiar with well publicized legislative and regulatory initiatives, long advocated by the preservationist lobby, such as the Endangered Species Act, the Wild and Scenic Rivers Preservation Act and the Rails to Trails Act. All the regulatory programs being implemented and

even expanded under these federal statutes carry the potential to impose more restrictions on the use of private property and prohibit development of more land and other natural resources.

Similar legislative and regulatory initiatives are emerging continually at the state and even the local government level. For example, the Pennsylvania Department of Environmental Resources is developing regulations that would allow anti-development preservationists to petition the Environmental Quality Board to have areas in Pennsylvania declared off limits for extraction of sand and gravel and quarrying operations. Additionally, the Fish Commission continues to press to have Pennsylvania streams designated as Exceptional Value Waters just so, under DER policies, no permits will be issued for any kind of development. At the local level, anti-development, preservationist groups are seeking to create "environmental compacts" or conservation districts to add another layer of bureaucracy, enviro-regulation and to shackle the use of private property.

It seems that at almost every turn, we run into some new "environmental" initiative or regulatory proposal which affects us as landowners. In the majority of situations, the land use or activity being limited or prohibited is not causing pollution or harming the natural environment. More often than not, the initiative or proposal seems to be based on someone's (usually a

stranger's) preference or whim as to how our property should be used or developed.

Much of this anti-development/preservationist activity is encouraged and nurtured by organizations which ordinary citizens and landowners may recognize by name but know little else about. Without getting into questions of their motivation, philosophy or even their political agenda, the purpose here is to focus the reader's attention on some vital facts and information about certain of these organizations.

What follows are "capsule" profiles of five environmental organizations (among literally scores of others which have essentially the same preservationist philosophy) which are considered by many observers to be the most powerful and effective. [1] These organizations are generally considered by legislators and regulators to be in the mainstream, responsible and qualified to participate in the public debate on environmental issues. To put it succinctly, their often strident voices are listened to by public policy decision-makers.

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1. Information regarding these organizations appeared in Coal Voice, January/February 1992, Vol. 15:1, and is reproduced here with permission of its publisher, the National Coal Association. The reader's attention is specifically directed to the numbers: the budget, staff and membership of each organization.

NATIONAL WILDLIFE FEDERATION

Annual budget:	$92 million
Top executive's salary:	$200,000
Staff:	608
Members:	5.5 million members and supporters
Annual Dues:	$15
Founded:	1936
Headquarters:	Washington, D.C

Organization profile: Largest traditional environmental group in the nation and the richest.

Recent Claim to Fame: Worked with Bush administration to create "no net loss" policy for protecting wetlands.

Techniques: Spreads the message to young and old through at least seven periodical publications with circulation of at least 2 million; these include **National Wildlife, International Wildlife, Ranger Rick** for children and **Your Big Backyard** for preschoolers.

ENVIRONMENTAL DEFENSE FUND

Annual budget:	$18.2 million
Top executive's salary:	$125,000
Staff:	140
Members:	225,000
Annual Dues:	$20 and up
Founded:	1967
Headquarters:	New York, NY

Organization profile: Early landmark victory: DDT ban in 1972; current slogan: "The Power of Positive Solution".

Interesting info: Netted $40 million in donated, public-service advertising in three-year campaign on recycling in conjunction with the Advertising Council.

Best Claim to Fame: Developed the key provisions of the acid rain control package of the Clean Air Act Amendments of 1991. Launched consumer boycott of disposable diapers.

Techniques: Uses litigation, public service media campaigns, boycotts and cooperative efforts with business to achieve goals.

NATURAL RESOURCES DEFENSE COUNCIL

Annual budget:	**$16 million**
Top executive's salary:	$120,000
Staff:	**150**
Members:	**170,000**
Annual Dues:	$10
Founded:	1970
Headquarters:	New York, NY

Organization profile: Environmental movement's equivalent of a blue chip Wall Street law firm.

Recent Claim to Fame: Efforts to block oil drilling along the California and Florida coasts led to a 10-year moratorium on off-shore drilling.

Prevailed over U.S. Forest Service plans to clearout and sell timber in national forests in Virginia.

Techniques: Use the power of the courts to function as ad hoc environmental protection agency.

SIERRA CLUB

Annual budget:	**$35 million**
Top executive's salary:	$86,000
Staff:	**325**
Members:	**650,000**
Annual Dues:	$35 with discounts for students and seniors
Founded:	1892
Headquarters:	San Francisco, CA

Organization profile: The Sierra Club is the most free-wheeling lobbying and political apparatus of any of the environmental groups." --The Washington Post.

Interesting info: Political action contributions to candidates in 1989-1990 totaled $487,000.

Recent Claim to Fame: Work as the lead floor lobbyists on the Clean Air Act Amendments. Current conservation campaign includes preventing the drilling of oil wells in the Arctic National Refuge. Worked with Bush administration to create "no net loss" policy for protecting wetlands.

Techniques: Strong grassroots philosophy, backed by 57 local chapters and 386 affiliate groups. Conservation campaign or issue agenda developed every two years by 15-member, unpaid board of directors which meets seven times a year.

SIERRA CLUB LEGAL DEFENSE FUND

Annual budget:	**$9.3 million**
Top executive's salary:	$132,916
Staff:	80
Members:	150,000
Annual Dues:	None, but $10 minimum contribution to receive quarterly newsletter
Founded:	1971
Headquarters:	San Francisco, CA

Organization profile: Has been referred to by other groups as "the Great Litigating Arm of the Conservation Movement."

Interesting info: Efforts led to recommendations for/or listings as endangered species in 1990: the silver rice rat, marbled murrelet; and sockeye salmon.

Extracted agreement from the Fish and Wildlife Service to add 150 kinds of native California plants to endangered species list during next four years.

Recent Claim to Fame: Representing plaintiffs in the spotted owl case to stall old-growth logging in federal forests in Oregon, Washington and Northern California.

Techniques: The history of the group has been to sue and sue often. At least 30 law suits are brought annually, mostly against the government and not in its own name. The 1991-1992 docket includes at least 200 active cases.

It is enough to say here that the reason for existence of these organizations is to design, initiate, promote, advocate and implement the anti-development, preservationist agenda in the United States. They are powerful, effective, influential and well funded.[2] What is alarming is that, generally speaking, large segments of the public don't fully understand their methods of operation or the extent of their influence.

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2. The national organizations profiled here have branches, sister entities and affiliates in Pennsylvania, all with members and separate funding.

Any person who believes in limited government should be very concerned about the influence and agenda of these organizations. There is a real risk that organizations such as PLA and other advocates of individuals' rights to use and develop private property, will be overwhelmed. Obviously, advocates of landowners' rights are currently being outspent and outshouted by the anti-development preservationist lobby. There may be a very serious mismatch in the public debate which will inform decision-making on critical environmental issues and policy.

In the circumstances, readers should abandon any thought of going back to sleep. Instead, stay alert and be prepared to recognize anti-development initiatives and defend yourselves against further restrictions on the use of your property. Above all, please continue and expand your support of organizations such as PLA which focus and advocate your interests and amplify the voices of all Pennsylvania landowners.