

Not One Inch: The Battle Cry For Property Rights

I have been pushing hard lately to let people know that, no matter how big and powerful the opposition, the assault from big government forces can be stopped. That's why I want to tell you about a recent major victory in Louisiana where a wonderful, determined group of residents rose up and stopped the implementation of the Caddo Lake National Heritage Area. By the way, this is the second NHA we've stopped. The Crooked Road NHA in Virginia was successfully shut down by us a few years ago.

National Heritage Areas are one of the most despicable stealth land grabs in the nation. Here's why. Americans love history. And we love preserving significant places that played an important role in the making of our unique nation. So when we hear of a new plan in our area presented offering a chance to preserve some of our local heritage we are interested and even supportive.

But, in this day of massive government control over so much of our land, our economy, and our basic ability to live free lives, we must be cautious and look at the details of plans, no matter how innocent or well meaning they may seem.

National Heritage Areas are such a concern because they are sold to residents as simply a means to honor historic or cultural events that took place in a specific locale. We are told that they will preserve our culture and honor the past, that they will preserve battlefields where our forefathers fought and died for freedom, and that they will preserve birth places, homes, buildings and hallowed grounds for posterity. Most importantly, we are assured that NHAs will help build tourism and boost local economies.

The residents affected by the Caddo Lake NHA were suspicious because so little information was being released about the project. Who was behind it? Where was the money coming from? Above all, what specific areas were going to be affected? So some determined residents did their homework. They learned the promises of increased tourism and boosts to the economy were, at best, empty. Rather, they learned NHA's are little more than pork-barrel earmarks that endanger private property rights and local governmental powers. And a very specific danger is that Heritage Areas have very definite boundaries that come with very definite consequences for folks who reside within them. That's because funding and technical assistance for Heritage Areas is administered through the National Park Service, a federal agency with a long history of hostility toward private landowners.

Private organizations and planning groups are the actual recipients of most of these funds supposedly earmarked for the Heritage Area. These entities operate as the promoters of the NHA in partnership with the Park Service. Eventually they form a commission or a "managing entity" to enforce the "vision" to implement the Heritage Area.

Typically such commissions consist of strictly ideological special interests groups. In the mix of these groups one will find all of the usual suspects: environmental groups, planning groups, historic preservation groups, all with their own private agendas – all working behind the scenes, creating policy. The managing entity then sets up non-elected boards and regional councils to oversee policy inside the Heritage Area that stretches over numerous communities and counties.

In many cases, these groups actually form a compact with the Interior Department to determine the guidelines that will make up a land use management plan and the boundaries of the Heritage Area itself. The management plan is their goal for how they envision the territory inside the boundary to be run. The plan will include guidelines for development goals, energy

use, bike trails, undefined conservation controls, tourism, and anything else they want to control.

Now, after the boundaries are drawn and after the management plan has been approved by the Park Service, the management entity and its special interest groups are given the federal funds, typically a million dollars a year, or more, and told to spend that money to get the management plan enacted at the local level.

Here's how those special interest groups operate with those funds. They go to local county boards and city councils and announce that Congress has passed legislation designating the Heritage Area and that the community is now within those boundaries. They pull out maps and announce the properties they have identified to be significant for preservation.

However, as the managing entity, they don't have the power to make laws but the local elected officials do and so the partnership is born, fed by the federal money. Now the managing entity will help create tools, legislation, guidelines and whatever regulatory procedures are needed to make the management plan come into fruition.

Incredibly, proponents argue that National Heritage Areas do not influence local zoning or land-use planning. Yet by definition this is precisely what they do. Found right in the language of most Heritage Area legislation, the management entity is specifically directed to restore, preserve, and manage anything and everything that is naturally, culturally, historically, and recreationally significant to the Heritage Area.

This sweeping mandate ensures that virtually every square inch of land within the boundaries is subject to the scrutiny of Park Service bureaucrats and their managing partners.

Of course, as with so many other invasive planning schemes, we are always assured that these are local initiatives, and that

these are something citizens want in order to bring an honorary federal designation to help drive tourism into their regions. That simply isn't the case. The private, non-governmental organizations and planning groups are the ones who want the plan because they get to enforce their private agendas and then get to live off the grant money as they implement them. As proponents talk about historic preservation inside the Heritage Area, one will also find the catchwords "resource conservation" and "resource stewardship," for example. That's the clue to watch for.

It's all about control. Control of the land, control of resources, control of decision making. How does that fit with their stated purpose of preserving American culture – which, of course, was built on the ideals of free enterprise and private property? In fact, it does the opposite by making government more powerful and dictatorial.

Proponents of NHAs also claim that they are "locally driven" projects. Nothing could be further from the truth. Landowners within the boundaries of proposed Heritage Areas are left in the dark throughout the entire process. For example, the final official map for the Caddo Lakes National Heritage Area, revealing its official boundary, was not to be released to the public until after the actual Congressional legislation was passed.

In addition, Heritage Area proponents refuse to supply a simple written notification to property owners that their land will be inside the boundaries. Seemingly the Park Service and their management "partners" are not too eager to share all the good news with the local citizenry.

I have personally been in meetings with congressional staffers to discuss Heritage Areas. I asked them if they intended to notify affected landowners living inside the boundaries of a specific Heritage Area. They looked at me like I had two heads.

They shuffled their feet and looked down at the table and then said, "There's no way to do that." "It would be too costly." "How could we reach everyone?" I then suggested that they research a little known federal agency called the U.S. Postal Service. Mailmen appear too deliver to each and every one of the homes in the designated area every day.

The fact is, they don't want to tell you in advance. You might object. And that would disrupt the "process." No matter how noble a project may sound, alarm bells should go off when proponents want to enforce their vision in secret.

National Heritage Areas depend on federal tax dollars because they lack local interest— and not a single Heritage Area has ever succeeded in attracting that interest throughout their entire infinite lives. The federal money is the villain. If you just wanted to honor an area for its historic or cultural achievements, a simple resolution from Congress and a plaque at the county line could do that. The local Chamber of Commerce could then pick it up from there and build the expected tourism.

But of course, it's not about that. It's about control and money — lots of money in the pockets of private groups promoting their own agendas. Including taking control of people's land.

There are 49 National Heritage Areas across the country so far — with more, now being considered around the country. Caddo Lake NHA, if legislated, would affect 900 square miles of private property, businesses, and whole communities. That's a massive area to cover.

Along the Mississippi River there are two Heritage Areas, Mississippi Delta National Heritage Area and Mississippi Gulf Coast National Heritage Area. Now here is a region rich in history. There must be all kinds of good things happening along the mother of all rivers in the name of heritage

preservation.

Well, today you won't find people participating in one of the grand historic traditions of the river – living on riverboats. There were once whole generations of river people living on such boats. Talk about American heritage – right out of Mark Twain!

But, back in the 1990s, those living on houseboats were moved off the river. Certain other boat traffic and river activities were also curtailed. It was all in the name of environmental protection, of course. In addition, the traditional flood plain designations were moved back to an extreme distance from the river, making it impossible for existing homes built inside the original flood plains to get flood insurance, thereby stopping any further building along the river. This was called land use planning. Where was the preservation of the heritage of those homeowners whose families had lived along the river for generations?

So, the Heritage Areas were used to honor what? Certainly not life on the river. They are essentially putting the Mississippi River in a museum.

In West Virginia we find the National Coal Heritage Area. Introduced in 1996 by former Congressman Rahall, it was sold as a way to honor the coal industry. Apparently, Rahall thought that since the miners had lost their jobs due to environmental regulations on the coal industry, perhaps, he could make up for it by throwing a few extra bucks their way by giving tours of their bankrupt area and closed mines.

I will make this challenge – just try to mine a single lump of coal inside the National Coal Heritage Area. Not on your life. Restricted. Taboo. In short, they put West Virginia coal in a museum.

What about property rights protections? When property owners express concern that their property could be taken in the

process – proponents have a ready-made answer. Don't worry, they say – they quickly point to language in the Heritage Area bills that assure property rights protections.

Written into each and every Heritage Area bill is this line: "Nothing in this subtitle...abridges the right of any property owner... including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area. . ." In other words, say proponents, homeowners are assured that they actually have the right to opt out of the Heritage Area – so there is absolutely no threat to your property rights. Wow!

That language is nothing but a flimflam to keep you calm and ease your concerns, because it is physically impossible to opt out of an official government boundary that has been created by federal legislation and federal funds. It is also impossible to simply declare that you are going to opt out of any of the land-use regulations, down-zoning, or other restrictions that result from the Heritage Area designation.

When I addressed an audience of 400 residents who live inside the proposed boundaries of the Caddo Lake NHA I asked for a show of hands from everyone who wanted to opt out of it. Every hand in the room went up. As the restrictions on property are steadily legislated into place due to the NHA, opting out is simply not an option.

As I and others worked to oppose Heritage Areas, we asked proponents in Congress if they had commissioned property rights experts to look over the legislation to find any dangers. We said, "Have you put these bills before experts, specifically public interest property rights attorneys?" The answer we received was "No, and we don't plan to."

Real private property ownership lies in one's ability to do with your property as you wish. Zoning and land-use policies are local decisions that have traditionally been the purview

of locally elected officials who are directly accountable to the citizens that they represent. But National Heritage Areas corrupt this inherently local process by adding federal dollars, federal mandates, and federal oversight to the mix, along with an army of special interest carpet baggers who call themselves Stakeholders.

It must be understood that the Heritage Area affects all the land in the designated boundary areas, not just recognized historic sights. The federal designation, made from congressional legislation, creating federal regulations and oversight through the National Park Service, require a form of contract between state and local governmental entities and the Secretary of the Interior. That contract is to manage the land-use of the region for preservation. That means federal control and zoning, either directly under the terms of the "management pact" or indirectly.

Such "indirect" control is the real danger. In spite of the specific language in the bill which states property rights will be protected, the true damage to homeowners may well come from the private non-governmental organizations (NGOs) and preservation agencies which receive public funds through the Park Service.

The experience with at least 49 such Heritage Areas now in existence nationwide clearly shows such groups will convert this money into political activism to encourage local community and county governments to pass and enforce strict zoning laws.

Heritage Areas proponents like to hold up a report from the Government Accounting Office that says "National Heritage Areas do not appear to have affected private property rights. . ." And this is why that report is meaningless.

While the tactic makes it appear that home rule is fully in force removing blame from the federal designation, the impact

is fully the fault of the Heritage Areas designation. The result being private property owner's rights are diminished and much of the local land-use brought to a standstill.

In their own words, proponents say their feasibility study for the Caddo Lake Heritage Area is to "identify and evaluate alternatives for managing, preserving, and interpreting nationally important cultural and historic landscapes, sites, and structures existing under and around Caddo Lake." For everyone of those descriptions there is an NGO that makes it their mission to impose it, and there is a federal grant to enforce it. That leads to a lot of control you've never experienced before.

Property that is locked away for preservation is no longer productive and no longer provides the community with tax dollars. Some roads most assuredly will be closed (to protect the integrity of the historic area). That means land is locked away from private development, diminishing growth for the community. It also means hunting and recreational use of the land may well be curtailed.

Eventually, such restrictions will take away the community's economic base. Communities with sagging economies become run-down and uninviting. Preservation zoning and lack of jobs force ordinary people to move away. Experience has shown tourism rarely materializes as promised. And it's never enough to save an area economically.

These are the reasons why the specific language in the Heritage Area legislation designed to protect private property rights is basically meaningless to the actual outcome. While the land may not be specifically locked away in the name of the federal designation, its very existence creates the pressure on local government to act. The result is the same.

The fact is the Heritage Area designations are completely unnecessary. Most of the historic sites are already under the

control of the National Park Service. Most Presidential birthplaces and significant historic sights are also well preserved.

Every step of land in America had something from the past occur on it. Proponents of Heritage Areas are using our great love of history as an emotional sledgehammer to impose a massive federal porkbarrel scheme that enriches the pockets of private advocacy groups by helping to impose draconian controls over the dreams of average American homeowners.

In short, the greatest threat from the Heritage Area is that it creates a pipeline of federal money – and, consequently political power – to these national organizations to promote their specific agendas over your community and its development.

The proposed Caddo Lake Heritage Area includes the classic ingredients of all other Heritage Areas now enforced across the nation. It is massive in size. It is being pushed by the same special interests.

Property owners located around the lake have proven themselves to be the best stewards. That's why it's beautiful and teeming with wildlife. And that's why those who seek to enforce the Heritage Area covet to control it. There is already a thriving tourist industry and there are lots of environmental protections on and around the lake. The Heritage Area only serves to create another layer of bureaucracy and massive grant money.

The property owners inside the proposed boundaries of the Caddo Lake did their homework and realized that if they owned property on the shore line most likely they would see their use of that land pushed back from the edge of the lake. They would most likely lose their private boat docks. Worst of all, decisions over natural habitat would take precedent over their own, even though they had lived in harmony with the

environment and encouraged a thriving local flora and fauna for two hundred years. That's how it works. Little by little, the restrictions set in.

So the people in the Caddo Lake area saw the storm that was headed their way and they said no! They stood up to the behemoth of the partnership of government and powerful private NGOs determined to force their "vision" on them. They called themselves "Caddo Lakes Last Stand!"

The residents attended meetings, asked questions, researched, handed out reasonable arguments, and they never allowed the proponents to dismiss them or their opposition. They fully understood that they were engaged in a battle to preserve the unique American system that our Founding Fathers worked so hard to guarantee. That is true heritage preservation.

Above all, they understood that the only way to make sure government doesn't abuse its power is to not grant it in the first place. Those resident know they have only won the first round. The special interests will be back to try again. They always do. That's why the battle cry of the Caddo Lake's Last Stand is "Not one inch of this ground will be put in a National Heritage Area." That kind of determination wins battles.

It's the battle cry every property owner in the nation must take against the many efforts to destroy this precious land. Not one inch.

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