

# Rural Landowners Are Prisoners On Their Own Land

**Property Rights:** *"Property in a thing consists not merely in its ownership and possession, but in the unrestricted right of use, enjoyment, and disposal. Anything which destroys any of the elements of property, to that extent, destroys the property itself. The substantial value of property lies in its use. If the right of use be denied, the value of the property is annihilated and ownership is rendered a barren right."* —Washington State Supreme Court Justice Richard B. Sanders

Almost 81% of Americans live in cities, usually in a home on a relatively small lot. Millions upon millions of Americans live in apartments in those cities. (*they don't build apartments in the country*) The restrictions placed upon people living in homes on small city lots, or in apartments, are relatively few, except for the imposition of property taxes and utility expenses. Other people that choose to live in gated communities have more restrictions but that is by choice. Not so the rural landowner.



Without the land, there would be no farming, ranching, mining, timber harvesting, recreation, or even us. However, our land is under a vicious assault by government and environmentalists.

The greatest threat facing

rural landowners today is the encroaching, egregious and unconstitutional environmental regulations that are sweeping every corner of rural America. In most cases, these regulations violate the 5<sup>th</sup> Amendment to the Constitution where it states:

**“No person ..... shall be deprived of life, liberty, or property without DUE PROCESS of law; nor shall private property be taken for PUBLIC USE without COMPENSATION.”**

Environmental protection is, without a doubt and unequivocally for public use and should be compensated by government, like it would be for any other 5th Amendment taking.

Many landowners have no clue as to what is being asked of them, nor are they aware that they have to shoulder almost the entire burden of environmental protection, while city dwellers get off scot-free. And cities are where most of the votes lie, leaving the rural landowner without representation. Neither are rural landowners aware that most of these environmental regulations were given birth at three United Nation conferences held in Sweden, Brazil and South Africa. The Rio de Janeiro (1992) conference produced a policy paper ([Agenda 21](#)) designed to eliminate social inequities throughout the world, using the hidden agenda of trumped up environmental crises as the framework for such elimination. Agenda 21 was never fully debated nor ratified by the U. S. Congress as required by the Constitution, but instead was instituted into American law by Presidential Executive Order and bureaucratic rule making.

But Congress is just as complicit in expanding environmental law. Some examples:

**The Endangered Species Act (ESA), The Salmon Recovery Act, The Clean Water Act, the National Environmental Policy Act, the Coastal Zone Management Act, The Fisheries Management and Conservation Act, the Winters Doctrine, the Public Trust**

**Doctrine, UN Biospheres and the Wildlands Project, the Boldt Decision, the Environmental Protection Agency (EPA), the Federal Marine Fisheries Division and on and on.**

No matter the alleged virtues of such legislation, or the need for environmental bureaucracies, most of these laws, acts and rules directly affect the American rural landowner, not the city folk. This doesn't even begin to cover millions more state, county and city environmentally driven land use laws that beset rural landowners. **Multiple federal agencies (BLM, EPA, Army Corps, USFW, etc) attack rural landowners relentlessly.** A landowner can't move sideways without breaking a law or rule and it will cost him or her thousands of dollars to comply with any of them, or huge fines and penalties if they get caught in a violation.

We have chronicled several landowner horror stories in previous articles and created a video entitled: "[Rural America in the Crosshairs](#)."

Government and the environmentalists have effectively annihilated [American property rights](#) that we defined at the beginning of this article, by severely restricting the right of use, or eliminating the use altogether. They have wrapped up rural landowners in a regulation spider web so tight they might just as well be in prison. The American rural landowner has become a feudal pawn to government and the environmentalists. The fact is, the city folk have the majority of the votes, leaving the rural landowner politically powerless and subject to the whim of people who don't know that milk comes from a cow.

Environmentalists have become so wealthy, successful and politically powerful they have infiltrated every level of government, including our public schools, all the while pushing ever-more radical agendas. In a few short years, government and the environmentalists wiped out almost the entire logging industry in the Pacific Northwest based on the

erroneous decision that the Northern Spotted Owl was endangered. Over 40,000 wood workers lost their jobs because of it. But it turns out the owl was endangered for natural reasons that had absolutely nothing to do with logging or loss of habitat.

Environmentalists, and even those people that live in urban areas, have been so brainwashed by the government and the environmentalists through indoctrination and outright propaganda, that they actually believe that it is OK for government to heavily regulate rural lands with draconian environmental protection ordinances, without regard to the fact that those rural lands are owned by real people and are supposed to be protected by the Fifth Amendment to the Constitution. **But any protection provided to rural landowners from the U. S. Constitution has been so watered down and perverted by U. S. Supreme Court and lower court decisions, as to render the 5th Amendment virtually null and void.** And worse, many jurisdictions have turned normally civil land use code violations into criminal violations, allowing a judge to issue criminal warrants.

International and national environmentalism trumps the Constitution in America, by tens of thousands of local, state and federal unconstitutional laws, rules, regulations and ordinances.

But this doesn't begin to tell the story. The real stories are the tens of thousands, if not hundreds of thousands of farmers and ranchers, all across America, who find themselves in the iron grip of an intransigent local, state or federal agency for some infraction of the "code" that the landowner knew nothing about, or had no logical application in rural areas. Every week we receive a couple of phone calls or e-mails from landowners who are having to pay thousands of dollars that they don't have, to rectify some irrational, senseless code violation. These violations, fines and penalties are even occurring in the most remote parts of the

U. S.

A gentleman in rural Colorado couldn't get a permit to build his cabin because the "code" says he MUST hook up to the power grid and he can't have an outhouse. The power grid is miles and miles away from his rural property and would cost him tens of thousands of dollars to bring power to his property. Is it any wonder that some folks just ignore the law and hope they don't get caught? Unfortunately, many do get caught and pay a terrible price.

A landowner in Washington State went to jail for over 150 days and fined thousands of dollars for cleaning out a ditch on his property in a wetland, a wetland that was declared a wetland after the fact. In other words, the government manufactured a crime where there was none, to send home a message to all other landowners, that the environment had a greater priority over their land than they did and they better comply .... or else. The landowner made the mistake of trying to defend him self and act as his own attorney, in a blatantly corrupt and environmentally friendly district court.

The Washington State Supreme Court recently issued a decree making it virtually impossible to drill a well on a person's property, taking away its use and rendering that property of little or no value.

In Antelope Valley, a very rural area of Los Angeles County, rural landowners are being faced with fully armed SWAT teams that haul the landowner off to jail or court at gunpoint, if they haven't moved fast enough in clearing up a code violation. Los Angeles County calls the SWAT team a "**nuisance abatement team**". **A SWAT team for nuisance abatement?** You've got to be kidding! Is America now a police state?

A man and his wife in California bought some rural acreage that had a home and outbuildings on it. After they bought the land, the local Land Use Agency said that one of their

buildings was not in code and filed a code violation against them. But it turns out that the Land Use Agency had filed a code violation on the property 12 years ago against the previous owner for the same reason, but the code violation was never fixed and did not show up on the Title Report for the new purchaser. Nevertheless, the new owners were still responsible for the old code violation and had to fork over \$28,000 in fees and fines to bring the property in compliance. They also discovered that there is no statute of limitations on land use code violations.

A man and his son had all the permits necessary to fill in a portion of the waterfront property in an East Coast state. Along came the Army Corps of Engineers and hit them with a criminal violation of filling in a wetland and took them to Federal Court. The judge would not allow the landowners to enter into evidence their permits and sentenced the man and his son to 21 months in a federal prison, with the further requirement to restore the property when they were released.

It gets even worse. An Idaho couple bought a lot in a completed subdivision with homes all around them and applied for a building permit to build their dream home. The lot was over 500 feet from the nearest body of water. That didn't stop the Environmental Protection Agency (EPA) who came on their property as the couple was clearing and leveling the lot for the foundation and slapped them with a non-compliance order for, you guessed it, filling in a wetland. The EPA then told them that they would have to restore the property to its original condition. They couldn't build on the lot and if they didn't comply, they would be faced with a \$37,500 per day fine. They eventually beat the EPA but had to go to the U. S. Supreme Court to win, at great cost.

These few stories we have chronicled here are a drop in the ocean. We have many more we could tell. The American rural landowner is forced to endure this government assault quietly and without complaint .... or else! The response from the

government, the environmentalist, or the city folk is, in the French vernacular, ***“Qu’ils mangent de la brioche”***. The English translation is, ***“.... let ‘em eat cake!”*** After all, if you live in a big city, why should you care what happens to the rural landowner? **Because they grow the food that keeps you alive! Over regulate them, fine them, or take land out of production and your food prices go up.**

There are many writers who lament the rural dilemma but there are very few national advocates for the unrepresented and disenfranchised rural landowner. Back in 2005, after learning of the American landowners’ plight and their lack of representation, we established the [National Association of Rural Landowners](#) (NARLO), now known throughout America. For twelve years we have acted as advocates for the rural landowner, providing massive amounts of information on our website and further providing tools that the landowner can use to fight the growing erosion of their constitutional property rights. Our weekly column and monthly newsletter illuminate some of what landowners face each day. From NARLO’s powerful, legally intimidating [No Trespassing signs](#), to NARLO’s informative [Rural Landowner Handbook](#), to [Land Patent](#) information, to [landowner consulting](#), we provide services for the rural landowner not found anywhere else. The NARLO Team is essentially, a one-of-a-kind, one-stop shop advocate for the American Rural Landowner, to help free landowners from being ***“Prisoners on Their Own Land.”***

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