

EXAMPLES OF NATIONAL HERITAGE INFLUENCING PRIVATE PROPERTY AREAS

Mississippi Delta National Heritage Area & Mississippi Gulf Coast National Heritage Area

The heritage of the Mississippi was once whole generations of river people living on boats; however, the American Heritage Rivers Initiative moved those living on house boats off the river. Environment protection; also curtailed other boat traffic and river activities. In addition, traditional flood plain designations were moved to an extreme distance from the river – making it impossible for existing homes to get flood insurance and stopping any further building along the river. The heritage of life on the river was certainly not preserved.

<https://americanpolicy.org/wp-content/uploads/2013/12/AK2-Manual.pdf> (See Pages 63 – 64)

Yuma Crossing National Heritage Area in Arizona.

“The fear of adverse impacts on private property rights were realized when local government agencies began to use the immense heritage area boundary to determine zoning restrictions” as stated in a report submitted to Congress by Congressman Pombo. Property owners became concerned over the size of the designation and the potential for additional Federal oversight. “The local community decided, for their own protection, to reduce the scope of the project back to what was originally proposed: 4 square miles or 2,560 acres of downtown Yuma and the Colorado River inside the levee system. **Even with strong local support it took Yuma over 3 years to change the original legislation.**”

<https://americanpolicy.org/wp-content/uploads/2013/12/AK2-Manual.pdf> (See Page 67)

A local farmer noticed that the county was out surveying on his ground. When he asked what they were doing he was told they were surveying the boundaries for the Heritage Area. A little later when he tried to get approval for an equipment shed, he was told by the county he was told that his plans needed to be reviewed to see if they complied with the aesthetics of the Heritage Area. Please understand that there was no ordinance on the books concerning the Heritage Area. County P&Z was using this building as a reason to create an ordinance.
- Harold Maxwell

A business within ¼ mile of the Heritage Area wanted to put up a new billboard on their property. The City of Yuma using the regulations pertaining to National Parks to decline the request.
- Harold Maxwell

The Kansas Nebraska Heritage Area Partnership Tourism Plan

The Kansas Nebraska Heritage Area Partnership Tourism Plan brochure states the following Environmental and Accessibility Considerations. “This is the need to offer a quality product with a pleasant travel experience. It requires designations to look internally to ensure their basic tourism resources are protect and **to look externally to examine ways of improving the route and travel experience involved in reaching them.**” The strategies stated

are: 1) Functional Differentiation through Park Classification, 2) Functional Differentiation through Zoning, 3) Carrying Capacity, 4) Multiple Use and 5) Accessibility.

So in order to control the access to the “Product” they will use zoning and other means to improve it. So if your private property happens to surround the “Product” – what does that mean for you?

<https://drive.google.com/file/d/1t4JUCqhmzVUxq4QDVZ9xB5oFdoNymKd7/view?usp=sharing>

How a NHA can acquire property

The law only states that Federal funds cannot be used to acquire property; however, the NHA will say they are not responsible for the actions of 3rd parties once the money is donated. Here is an example:

“Freedom’s Frontier National Heritage Area in Kansas and Missouri has given a lot of money to a 3rd party in Douglas County, KS. That third party brags about how they purchased property that is now in conservation.... for pollinators. Freedom’s Frontier does not hide the fact that they work with pollinator protection groups. In fact, they brag about it -- but, do I have the evidence that the FEDERAL dollars given to FFNHA went to the purchase of that land by the third party? – not without a FOIA, which will never happen because they are a non-profit. And unless the bills were marked, probably wouldn’t as FFNHA pools their money together once it comes in.” (*Angel Cushing-Advocate to Stop Freedom’s Frontier National Heritage*)

Condemnation to Create a National Park Designation within a NHA

In the instance of Janice Revella in New York, the City of Schenectady threatened condemnation of her property for cross-state NPS Erie Canalway Trail within the Erie Canal National Heritage area. (*David Riley, “Tour de Schenectady - Local resident fights City Hall’s attempt to put a bike path in her backyard” - Metroland, Albany, N.Y., Nov. 7, 2002*)

In the instance of Herter Dierner in New York, the Town of Wawarsing condemned a historic railroad station he owned for the cross-state NPS Delaware and Hudson Canalway Trail within the Delaware and Hudson Heritage Area (not yet a NPS National Heritage Area). (*Dianne Wiebe, “Negotiations off track in drawn-out dispute over train station,” Daily Freeman.com, Kingston, N.Y., 12/17/2002, referenced 8/7/03*).

Shenandoah National Heritage Area acquired land with Federal monies. Also, the National Coal Heritage Area called for zoning to protect the areas and The Rivers of Steel Heritage Area called for its being turned into an actual national park. (*Robert J. Smith, Director of the Center for Private Conservation, June 24, 2004*).
