

**Prepared Statement of J. Peyton Knight, Executive Director,
American Policy Center, and Washington D.C. Representative
for the American Land Rights Association, on S. 175**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today. My name is Peyton Knight. I am executive director of the American Policy Center in Warrenton, Virginia. The Center is a nonprofit grassroots organization dedicated to advancing the principles of private property rights, free markets, and limited government. In addition, I am the Washington, D.C. representative for the American Land Rights Association (ALRA). ALRA promotes the protection of property rights and the wise use of our nation's resources. I have the distinct pleasure of being the only witness appearing today who is not asking you for any money.

And that is important, because at last check, the federal debt is approaching eight trillion dollars. Extreme fiscal irresponsibility aside, National Heritage Areas (NHAs) embody a more sinister characteristic. Though billed by those who hope to cash-in at the federal trough as nothing more than innocuous designations bestowed upon local communities for the purposes of national recognition and tourism-seed money, Heritage Areas are actually federal land use mandates foisted upon local communities. Quite simply: Heritage Areas have boundaries, and those boundaries have consequences for property owners unfortunate enough to reside within them.

Funding and technical assistance for NHAs is administered through the National Park Service (NPS), a federal agency with a long history of hostility toward private landowners. The recipient of these funds and NPS direction is a management entity, which typically consists of strictly ideological special interest groups and local government officials. This public/private "partnership" then imposes its narrow vision of land use planning on unsuspecting landowners within a Heritage Area's boundaries. The result is a top-down, federal approach to zoning that is not responsive to the local citizenry.

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. In each of the three Heritage Area bills before us today (S. 175, S. 322, and S. 429), 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.

The late Representative Gerald Solomon (R-NY) strongly warned his colleagues against the Heritage Area scheme. In a letter dated September 19, 1994, Solomon wrote:

I urge you to defend property rights and strongly oppose the American Heritage Area Participation Program . . . The environmentalists advocating this bill have FEDERAL LAND USE CONTROL as their primary objective.

The bill wastes tax dollars that could be more appropriately spent on maintaining our national parks . . . Property rights defenders have legitimate concerns about the provision in the bill requiring localities to obtain approval by the Secretary of Interior for land use plans . . . WHY SPEND \$35 MILLION ON NON-FEDERAL HERITAGE AREAS WHEN OUR NATIONAL PARKS DESPERATELY NEED FUNDS FOR MAINTENANCE AND REPAIR? Again, I ask you to defend property rights and oppose this bill. (The emphasis is Rep. Solomon's--not mine.)

Little has changed in the ten years since Congressman Solomon warned his colleagues about the imprudence and danger of National Heritage Areas. The advocates of this program still have federal land use control as their primary objective. Heritage Areas still waste tax dollars that would be better spent on a Park Service maintenance backlog that now numbers in the billions of dollars. And the Secretary of Interior still has the ultimate say over the management and land use plans of each Heritage Area, these present bills included. Clearly, National Heritage Areas are nothing less than federal land use policy.

Also on September 19, 1994, Rep. Bob Smith (R-OR) penned a letter to fellow Congressman Richard Pombo, warning him about the inherent dangers of National Heritage Areas:

Dear Richard,

On Tuesday, the House will consider legislation that I consider to be the most significant threat to private property rights I have seen during my twelve years in Congress.

This legislation . . . will threaten private property by authorizing a broad new program of federal land use controls, extending from coast to coast. There are nearly 100 Heritage Areas currently under consideration and it's likely that your constituents will be impacted by these incredible restrictions on private property.

This program is based on the existing Columbia Gorge Scenic Area in Oregon and Washington. The management plan for the Gorge regulates nearly every detail of private property use, including the color landowners can paint their homes and the species of trees they can plant in their own yard. Your constituents, like mine, will be outraged at this gross abuse of government over-regulation if this bill is enacted. Believe me, you do not want to be part of a town hall meeting after masses of your constituents learn the federal government has the final say over what they can do on their own property.

In reality, National Heritage Areas are nothing more than land targeted by NPS for future national parks, historic sites, landmarks, and land acquisition. This is evidenced today by S. 323, which intends to make the French Colonial Heritage Area in Missouri a permanent unit of the Park Service and a National Historic Site. The Rivers of Steel Heritage Area in Pennsylvania has existed almost exclusively as a NPS lobby--outwardly campaigning for federal land acquisition authority and national park status.

The federal government owns almost one-third of America's total land mass. The National Park Service is assigned to caring for much of this property. At present, the Park Service is running a multi-billion-dollar deferred maintenance backlog. It can't handle its current responsibility. How on Earth does it make sense to give it more? A wise man once observed:

The federal government continues to acquire greater amounts of land throughout the nation. In almost every state, officials are saying it is time to address existing public lands' needs before we swell the size of the federal government . . . It's time for Congress to protect the rights of private property owners and instill some common sense into federal land acquisitions.

These words were spoken only last Friday by our good Chairman Thomas upon the introduction of his "No-Net-Loss of Private Lands Act" (S. 591). If I may say so, it is a brilliant bill rooted in sound principle.

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. Why? Because each and every Heritage Area bill refuses to include simple written notification to property owners. Seemingly the Park Service and their management "partners" are not too eager to share all the good news with the local citizenry.

If these National Heritage Areas were truly driven by local enthusiasm we wouldn't even be here today. Instead, local enthusiasm would have attracted and generated local funding to create local Heritage Areas. Such locally supported Heritage Areas are plentiful across the nation. Instead, National Heritage Areas depend on federal tax dollars because they lack local interest--something they lack throughout their entire infinite lives. Proponents claim NHAs are merely seed grants, and that sooner or later, they will attain self-sufficiency and no longer need federal funding. Yet National Heritage Areas almost never meet their funding sunset triggers. Once created, they are permanent units of the National Park Service and always dependent on increased federal funds. Indeed, National Heritage Areas are the 40-year-old "child" still

living in mommy and daddy's basement. Someday, they swear, they'll grow up and move out on their own. Yet that day never comes.

In fact, there is a bill before this very Congress (H.R. 888) that would extend the federal life of nine existing National Heritage Areas until the year 2027, and double their funding! It certainly appears that Junior has no plans to leave the basement. Life on the dole suits him fine.

In conclusion, National Heritage Areas are a worse idea now than they were ten years ago. Experience shows that they not only become federal funding albatrosses, but also public/private conglomerates that quash property rights and local economies through restrictive federal zoning practices. The real beneficiaries of National Heritage Areas are conservation groups, preservation societies, land trusts, and the National Park Service--essentially, organizations that are in constant pursuit of federal dollars, land acquisition, and restrictions on property rights.

True private property ownership lies in one's ability to do with his property as he wishes. Zoning and land use policies are local decisions to be made by locally elected officials who are directly accountable to the citizens they represent. National Heritage Areas corrupt this inherently local procedure by adding federal dollars, federal oversight, and federal mandates to the mix.

Thank you again for inviting me to testify on this very important issue. I would be happy to answer any questions that of the subcommittee may have.

Tuesday, March 15, 2005

[S.Hrg. 109-28 — ESTABLISH BLEEDING KANSAS NATIONAL HERITAGE AREA; CHAMPLAIN VALLEY NATIONAL HERITAGE IN VERMONT AND NEW YORK; COLONIAL HERITAGE AREA IN MISSOURI; AND UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA IN CONNECTICUT AND MASSACHUSETTS | Congress.gov | Library of Congress](#)