

Committee on Resources

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Testimony on:

H.R. 280, The National Aviation Heritage Area Act

H.R. 1618, The Arabia Mountain National Heritage Area Act

H.R. 1594, The St. Croix National Heritage Area Feasibility Study

H.R. 1862, The Oil Region National Heritage Area Act

Written Statement of

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Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today on the behalf of property rights advocates across the country who are concerned with the impact of National Heritage Areas on land use, private property rights and local communities.

One of the biggest problems that both residential and commercial property owners face with Heritage Areas is that they effectively lead to restrictive federal zoning and land use planning. Funding and technical assistance for Heritage Areas is administered through the National Park Service, a federal agency with a history of hostility towards 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 conglomerate then works to impose its narrow vision of land use planning on the unsuspecting landowners within the Heritage Area's boundaries. The result is a top-down approach to local zoning, with little or no involvement from the local property owners most affected.

Proponents of Heritage Areas present them as innocuous designations bestowed upon local communities in an attempt to preserve, interpret and celebrate the cultural and historic significance of a particular area. Incredibly, they argue that despite this mission of "preservation," Heritage Areas do not influence zoning or land use planning. Yet by definition this is precisely what they do. Heritage Areas have boundaries, and these boundaries have consequences for the property owners within them.

For example, both the National Aviation and the Arabia Mountain National Heritage Area Acts specifically direct the management entity to "encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the Management Plan." This can be construed as nothing less than a top-down, federal zoning mandate.

In the Oil Region National Heritage Area Act, section 5(b)5 calls for creating an "inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance." Thus, landowners are subject to

the whimsical interpretations of the preservation-driven management entity. Should their property be deemed “significant” in any way to the Heritage Area, you can bet that its use will be strictly curtailed. Again, this is a federal zoning mandate.

In the past, federal funds have even been dangled as a carrot, while the stick of zoning and land use restrictions were firmly applied. When the Augusta Canal National Heritage Area in Georgia was in its developmental stages in 1994, the National Park Service refused to accept the management plan put forth by the planning committee until they agreed to succumb to the Park Service’s vision of zoning.

Property rights and limited government advocates are also concerned that National Heritage Areas will effectively become a feeder program for a ravenous national parks program. These fears are well founded.

The Rivers of Steel National Heritage Area in southwestern Pennsylvania states boldly on its website:

“Rivers of Steel is spearheading a drive to create a national park on 38 acres of original mill site...Bills have been introduced before the U.S. Congress to make this urban national park a reality.”

Thus, here is an example of a National Heritage Area, funded and guided by the National Park Service, taking the initiative in lobbying Congress for land acquisition authority and the creation of yet another national park. It hardly appears that Heritage Areas and National Parks are strictly dichotomous.

It is also worthwhile to note that these Heritage Areas are coming at a time when federal funding is becoming increasingly scarce and the Park Service faces a multibillion-dollar maintenance backlog.

If any of these proposed Heritage Areas eventually do come to fruition, and property rights advocates sincerely hope that they do not, it is morally imperative that landowner notification be included in the procedure. Each and every property owner within the boundaries of a proposed Heritage Area should be notified on an individual basis, and given the opportunity to opt-in to the designation. This is far more than merely a common courtesy to landowners. It is the ONLY way to truly gauge the interest level of the local population—something that Heritage Area advocates claim is a prerequisite for designation in the first place. Anything short of this type of notification is wholly insufficient, yet proponents of Heritage Areas consistently shun this most common sense action.

In conclusion, the Heritage Areas program should not be allowed to proliferate. Experience shows that it will not only become a funding albatross, as more and more interest groups gather around the federal trough, but also a program that quashes property rights and local economies through restrictive federal zoning practices. The real beneficiaries of a National Heritage Areas program 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 to development.

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. The result is a system with little or no accountability to those who are most affected by these decisions.

Again, Mr. Chairman, thank you for inviting me to testify on this very important issue. I would be happy to answer any questions that you, or other members of the subcommittee may have.