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Testimony
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Before the
Committee on Natural Resources
U.S. House of Representatives

In Opposition to
H.R. 4003
Hudson River Valley Special Resource Study Act

January 21, 2010

Thank you for the honor of testifying today at the hearing of the Committee on Natural Resources on H.R. 4003, the Hudson River Valley Special Resources Study Act. My name is Carol W. LaGrasse, president of the Property Rights Foundation of America, a voluntary, non-profit, educational organization. We are national in scope, while based in Stony Creek, New York. I am a retired civil and environmental engineer. Stony Creek, where I reside, is located on the Hudson River, about 25 miles north of the northerly edge of the portion of the Hudson River under study. The town is located in the watershed of the Hudson River and an important part of the town's land is located in the Hudson River Valley. The southern boundary of the Town of Stony Creek, where I reside, is the northern boundary of Saratoga County, which is entirely included in the study area. This is about six miles from my home.

Deception

The first comment that should be made is that, on its face, the bill's title is deceiving. The wording of the bill conflicts with the title, Hudson River *Valley* Special Resource Study Act. The bill's study area pertains to "any relevant sites and landscapes within the *counties* in New York that abut the area described in subparagraph (A)," which area "means the portion of the Hudson River from Rodgers Island in Fort Edward to the southern-most boundary of Westchester County, New York." (Sec. 2 - Definitions)

So the bill actually encompasses sites and landscapes within the entire area of twelve counties.

Abutting the east side of the Hudson, from north to south, are the following counties (with their 2008 populations):

Washington (62,804)
Rensselaer (155,261)
Columbia (62,006)
Dutchess (292,878)

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significance of the Hudson River! How could that all-important value of the Hudson be omitted in the bill's summary of key areas of importance of the Hudson River Valley?

How could the bill overlook the significance of the Hudson River Valley in respect to its momentous importance that, once the Erie Canal was completed in 1846 and the Hudson River could transport cattle and grain from the Midwest through Chicago and the Great Lakes to New York City, the City's growth outstripped Boston and Philadelphia and it became the great commercial hub that it remains today?

I suspect that there is a method to this deception. Instead of thinking of the Hudson River as merely a trace of a by-gone war, a place of habitation of Native Americans, the location of a voyage of a very important sailing vessel in 1609 and a single important steamboat voyage in 1807, a place of some undefined role in the Industrial Revolution and the modern labor and environmental movements, if the public and the Members of Congress were to think of the mighty Hudson as the commercial spine that made New York State into the Empire State, it would be obviously peculiar to want to diminish this great river, which has served the people of New York and the nation so well, to the mere status of a reservation, a National Park, at that. To obtain passage, this bill must be presented deceptively.

I've examined enough federal and state government studies to know that that it is commonplace that those who carry out the study invariably understand the agenda of the commissioning agency and create results that satisfy, even promote, this agenda. So I am comfortable in stating that, if enacted, the study will be designed to bolster the preconceived conclusion that National Park status would be justified for the Hudson River Valley.

The bill repetitively indicates the study's desired agenda for the park by its stream of references to aspects of the region that that could be "studied" to argue for preservation and by the bill's lack of balanced references to innumerable facts of the type that would weaken arguments for preservation and which far outweigh the information sought by those who seek to commission the study. In addition, and importantly, the bill lacks a requirement of an accurate overview of the current social and economic character, the economic and cultural heritage of the region, and the potential economic and social impact of preservation on the localities. No mention is made of the requirement for a study of tax impact. These are all indications of the bias inherent in the bill that apparently states an agenda that is to be translated into bias in the ultimate study.

Potential Negative Impacts of Designation of the Hudson Valley National Park

In July 1994, when I was, along with Lee Ann Deak, the first person to testify in Congress against a National Heritage Area, I never dreamed that, a mere sixteen years later, the proposed Hudson River National Heritage Area would be under consideration for study for National Park status. If I had even hinted at such an outlandish idea, I'd have been laughed out of the hearing room.

After all, not only was the magnitude of the then-proposed National Heritage Area far larger in extent and population than any Park Service administrative unit, but the whole idea of National Heritage Areas was to create public-private "partnerships" for landscape preservation, to restore the beauty and natural attribute of these corridors without the federal government

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to the degree that remaining land is scarce, taxes are high, and the elderly and moderate income people who historically lived in the area are under pressure to sell and leave. National Park status for the Hudson Valley would exacerbate this already difficult situation.

Furthermore, as land that would have been developed is transferred to the National Park Service, the tax revenues that these lands would have generated when homes, businesses, and other real property assets were developed would be foreclosed.

Ultimately, the shift in land ownership to the National Park Service would have an even broader economic and cultural impact than the loss of tax base. As land is foreclosed from development, the future would be cut off and the growth and flourishing of the vast twelve-county region would be stunted.

The Adirondack so-called park, a region including all or parts of twelve counties, and established in 1973 as a "partnership" of government and private land, and heavily regulated by a governor appointed commission, has parallels that may help to indicate the course of the future for a Hudson Valley National Park in 37 years. The state steadily acquires land, so that half of the six million acres of land are now state-owned as constitutionally protected "forever-wild" Forest Preserve, where timber cannot be harvested, just as in a National Park. In addition, the state has over very recent years, acquired 700,000 acres of conservation easements.

Over the years there has been a steady exodus of young people from the region. Park residents average just under 43 years of age, older than any state for median age. By 2020, only the west coast of Florida will exceed the Adirondacks as the oldest region in America. Houses have become unaffordable for the ordinary people. Only 7 park communities have complete cell phone coverage. Jobs are scarce. The school enrollment has declined by thirty percent, while teachers have increased by 34 percent. A study entitled, "Adirondack Regional Assessment Project," published in 2009 by the Adirondack Association of Towns and Villages, documented the economic and social trends for the Adirondack Park, which is comprised of 101 towns and villages.

If environmental preservationists who determine policy at the National Park Service obtain free range over the twelve counties defined by the proposed study, the results over ensuing decades are likely to parallel those seen for the Adirondack region.

Access to Privately Owned Land

The National Park Service has a history of interfering with established legal access to private property. Owners of lands that are legally accessed through New York City's watershed lands are already subject to challenges by the legal office of the City's Department of Environmental Protection. The treatment of these property owners would likely become more difficult for them under National Park Service ownership of City watershed lands.

Imagine the potential number of property owners whose legal access would be negatively impacted if the National Park Service acquires properties now owned by the City of New York, local municipalities, the state, and non-profits.

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acquisition by eminent domain procedures and have a Federal Court determine the compensation to which you are entitled.”

This man wrote in response to the Thott study, “I did not agree to sell on the first call but talked to my lawyer—it’s hard to buck the government so I sold. I had feelings for this land beyond its material worth.”

Mr. Thott’s study covered landowners distributed all over the country. One relatively recent example of the heavy hand of the National Park Service to build a new National Park, in this case the Cuyahoga National Recreation Area, became the subject of an acclaimed *Frontline* television segment by Jessica Savitch. A number of homes that were not burned to the ground became National Park Service facilities.

Eradication of Homes for the Cuyahoga Valley National Recreation Area.

Authorized in December 1974, the Cuyahoga Valley National Recreation Area is an example of the Park Service’s egregious treatment of landowners to establish a National Park. Martin Griffith’s bitter comments on the National Park Service’s destruction of homes to make way for the park appeared in the December 2009 issue of the “Community News” of Peninsula, Ohio:

“At the inception of the Cuyahoga Valley National Recreation Area, oops, National Park, lots of promises were made including the one about 26 to 30 homes being taken. We were also promised that tourism would create an economic watershed. The local private property owner resident tax payer pays for all services, roads, rescue, fire, school, library, etc...”

“The park service more than kept its promise. They took close to 400 homes, not 26 to 30, and our township lost 80 percent of its tax base. The visitor figure they give out is actually the population of NE Ohio...”

Mr. Griffith wrote in December 2008 about the true legacy of Congressman John Seiberling, who was honored in the *Bath Country Journal* with an article entitled “The Legacy of John F. Seiberling” for the enactment of the Cuyahoga Valley National Recreation Area.

“Those of us who live in the valley will not forget the anguish and suffering that came with the condemnation of their homes.

“When plans for the park were announced, Congressman Seiberling said that no more than thirty homes would be taken, primarily along the river.

“Almost 400 homes were taken out of about 650 homes and several homeowners died shortly after losing their homes. Boston Township lost eighty percent of its tax base, and is still struggling financially.

“To many of us, that is his legacy.”

Neither the Park Service nor the Congressman kept their promises. Their legacy was that the homeowners were betrayed by the crudest imposition of eminent domain.

When I visited Peninsula in Boston Township, Ohio, in 1997, I photographed the few remaining once prideful homes that became National Park Service facilities.

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The bill has a caveat that the study should "examine other park models, particularly national recreation areas, as well as other landscape protection models that...protect and respect rights of private land owners." (Sec. 4)

This is fine irony. Legally, eminent domain "protects and respects" the rights of private property owners and is constitutional, but it is a horror to the property owner and to the community. The clause in the bill is meaningless as a protection for the property owner, for families, for communities, and for the local culture and economy. A flat prohibition against eminent domain, of course, would never allow the heavy handed, fast destruction of homes and communities necessary to accomplish the Park Services agendas.

Potential for Future Expansion of the Hudson Valley National Park

When the Hudson River Greenway and the Hudson River National Heritage Area were enacted, both were bounded on the north by the area of Saratoga National Historic Park in Stillwater. After President Clinton created the American Heritage Rivers initiative by executive order, Governor George Pataki nominated the Hudson River to become an American Heritage River in December 1997 and the President's executive order followed shortly. But, hidden from the local populace to the north during the time it was under consideration, the American Heritage River designation extends for the entire length of the Hudson to its origins in the Adirondacks. Although this designation has not been an active program, the expansion of the idea of the Heritage River to the full length is indicative of another potential negative impact of the proposed study for the Hudson River Valley National Park. As illustrated with the Park Service's treatment of the Cuyahoga River and the Indiana Dunes parks, boundary expansions are part of the normal course of events.

Because of the unprecedented large area of twelve counties encompassed by this bill, there will be no requirement to go back to Congress when the National Park Service intends to add new sites or land areas to the properties owned by the federal government within this vast region. If the Congress goes through with the unrestrained intentions of this bill, it will have waived its legislative authority to create National Park Service administrative units, because undoubtedly the area would enclose a number of separate sites and landscapes that could be administrative units.

(At least for many years, there would be many disconnected sites. The question should be asked, is the intention to ultimately make one grandiose National Park, leaving the cities intact, but leaving only islands of privately owned property and existing communities in the rural areas, as appears to be the direction intended at least since 1989 in the Adirondack Park?)

What's next? An entire state to become an administrative unit? An administrative unit so large that the Park Service will have been bestowed such authority over the American landscape as to include at its discretion unlimited numbers of potential normal administrative units and insulate the Park Service from historic congressional legislative action whereby administrative units re enacted?

At what point would Congress have unconstitutionally delegated its power to enact National Parks to the National Park Service?

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