

# O H I O

## C I T I Z E N S F O R P R O P E R T Y R I G H T S



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# Outline

## A Strong Economy is Determined by Strong Property Rights

### *I. Historic Perspective on Private Property Rights in America*

The founders knew that the ability of the citizen to own property was the key to maintaining the citizen's freedom and economic prosperity for the country.

### *II. Property Rights Crisis in America Will Negatively Impact Economic Prosperity*

A strong economy can only exist in the presence of strong private property rights.  
(Economic Freedom of the World Annual 2013 Report)

### *III. Strategies Used to Infringe on Private Property Rights in Ohio*

Three egregious ways that land is being taken and placed in the public domain is through 1) "green" regulations, 2) conservation easements, and 3) eminent domain.

**1) "Green" regulations** (the Clean Water Act, the Endangered Species Act, the many Climate Change regulations, etc.) from the federal government allow all levels of government to justify the infringement of private property rights in order to provide protection to the environment.

Explanation of how the EPA's is attempting to expand the amount of water over which it has jurisdiction. The land immediately around this water will also be put under the jurisdiction of the EPA and out of the control of the private land owner.

**a. Example 1:** The Attempted Taking of Property Rights under the Guise of Protecting the Vermillion River

**b. Example 2:** The EPA using the Endangered Species Act is causing the Infringement of Property Rights by Preventing Effective Flood Mitigation in Findlay, Ohio

**2) Conservation Easements**, while voluntary, take huge amounts of land out of the control of the private citizen.

**3) Eminent Domain** involuntarily removes property from the citizen.

**a. Explanation** of how regional governments, in order to help the federal government implement its green agenda, offers grant to the local governments to get the local governments to create sidewalks and bike paths-even if it requires the taking of property through eminent domain.

**b. Example 1:** Did eminent domain contribute to a woman's death?

### *IV. How to Restore Private Property Rights to the Ohio Citizen*

If Ohio is to Restore Strong Property Rights protections for her citizens, this system fueled by grant dollars and advanced by an army of NGOs, city planners, and state and federal agencies, must be changed. Grant dollars must be restricted. NGOs must be reined in, and city planners re-trained to respect property rights.

Additionally, limits should be placed on how much of Ohio should be held for public use. Keep in mind that the more land that is not in the control of the private citizen, the weaker will be the state's economy and the citizen's freedom.

Regardless of how the problem of property rights infringement is addressed, the ultimate question that must first be answered, is how much property should be kept out of the control of the citizen, 30%? 45%? 60% 100%? If this question is never answered, and if the past performance predicts the future outcome, then the citizen will over time lose all rights to private property, economic prosperity, and freedom.

# A Strong Economy is Determined by Strong Property Rights

## I. Historic Perspective on Private Property Rights in America

Property rights are natural as evidenced by the Founding documents including many of the state's constitutions created during the Founding era. These documents stated that people have the natural rights of life, liberty... "and the means of acquiring and possessing property."<sup>1</sup>

For the citizen to possess property the citizen must be able to acquire property. Thus the Founders believed it was the job of government to create an environment that would not be an impediment to the citizens' ability to acquire property. For example anything that artificially caused land to be scarce would drive up the price of land, thus creating a diminished likelihood of land ownership.

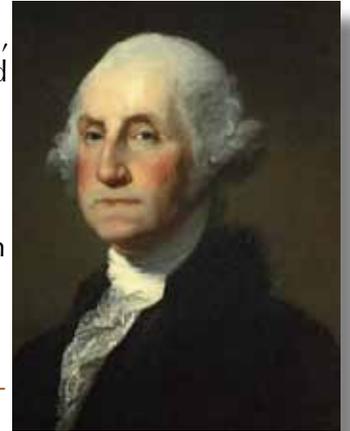
The Founders also believed that government was to create an environment that would maximize the citizens' ability to maintain ownership of his land. For example too great of a tax burden would, in essence, make the citizen, a pseudo tenant of the government. If the landowner did not pay his taxes and fees to the government, the government could remove him from or confiscate his property. Further, with a high tax burden on the property, when sold, the property could only be afforded by the wealthy preventing the right of property ownership to the majority of the citizenry.

The founders believed that when citizens, rather than the government, owned land that the citizen was much more likely to see to the welfare of the land. If the citizen destroyed his land, he also destroyed his livelihood.

Thomas West stated in "Is America's Prosperity in Peril?" that the Founders believed "government must define and protect private property, including broad freedom to use it as one chooses."<sup>2</sup>

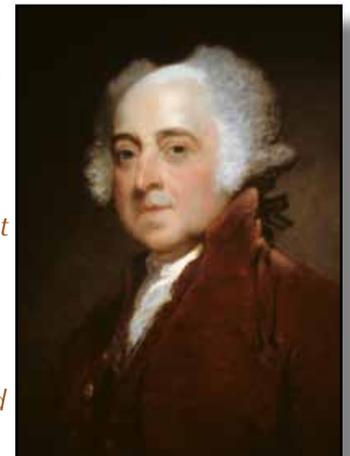
The Founders of this great country believed that by creating this dynamic for their young democratic republic that the common man, through the ownership of property, would create economic prosperity and self sufficiency for himself and his family which, in turn, would create and perpetuate a prosperous and free nation.

The following quote from George Washington demonstrates his understanding of the importance of property rights. *"Property rights and freedom are inseparable."*



As the rest of this packet will show, in today's world we are losing sight of the value of property rights.

Founding Father, John Adams, displays an almost eerie ability to read the future of his young country by stating... *"The moment the idea is admitted into society that property is not as sacred as the law of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence."*



## II. Private Property Rights Crisis in America Will Impact Economic Prosperity for All

The following excerpts, which come from the Economic Freedom of the World Annual 2013 Report,<sup>3</sup> show that still today economic prosperity is bound to the ability of the citizen to own private property.

Since our first publication in 1996, numerous studies have used the data published in Economic Freedom of the World to examine the impact of economic freedom on investment, economic growth, income levels, and poverty rates. Virtually without exception, these studies have found that countries with institutions and policies more con-

### FOOTNOTES:

(1) Virginia Declaration of Rights, Section 1.

(2) Thomas G. West, "Is America's Economic Liberty in Peril?" Hillsdale National Leadership Seminar, May 25 (2010).

(3) James Gwartney, Robert Lawson, Joshua Hall, "Economic Freedom of the World: 2013 Annual Report" Fraser Institute (2013) <http://www.freetheworld.com/2013/EFW2013-complete.pdf>

sistent with economic freedom have higher investment rates, more rapid economic growth, higher income levels, and a more rapid reduction in poverty rates.<sup>4</sup> The EFW index now covers 152 countries and territories. Data are available for approximately 100 nations and territories back to 1980, and many back to 1970.<sup>5</sup>

The cornerstones of economic freedom are (1) personal choice, (2) voluntary exchange coordinated by markets, (3) freedom to enter and compete in markets, and (4) protection of persons and their property from aggression by others. Economic freedom is present when individuals are permitted to choose for themselves and engage in voluntary transactions as long as they do not harm the person or property of others. ... individuals do not have a right to take things from others or demand that others provide things for them.<sup>6</sup>

To a large degree, the EFW measure is an effort to identify how closely the institutions and policies of a country correspond with the ideal of a limited government, where the government protects property rights and arranges for the provision of a limited set of "public goods" such as national defense and access to money of sound value, but little beyond these core functions. In order to receive a high EFW rating, a country must provide secure protection of privately owned property, even-handed enforcement of contracts, and a stable monetary environment. It also must keep taxes low, refrain from creating barriers to both domestic and international trade, and rely more

fully on markets rather than government spending and regulation to allocate goods and resources. In many ways, a country's EFW summary rating is a measure of how closely its institutions and policies compare with the idealized structure implied by standard textbook analysis of microeconomics.<sup>7</sup>

*Security of property rights, protected by the rule of law, provides the foundation for both economic freedom and the efficient operation of markets. Freedom to exchange, for example, is meaningless if individuals do not have secure rights to property, including the fruits of their labor. When individuals and businesses lack confidence that contracts will be enforced and the fruits of their productive efforts protected, their incentive to engage in productive activity is eroded. Perhaps more than any other area, this area is essential for the efficient allocation of resources. Countries with major deficiencies in this area are unlikely to prosper regardless of their policies in the other four areas.<sup>8</sup>*

Below is a chart that shows the Summary Economic Freedom Ratings for 2011 for the most recent year for which comprehensive data are available. The ratings are from 0-10 in eight separate categories that collectively are used to create a chain-linked rating which is used to rank the 152 countries included in this report. This chart only includes the data for the top ranked country, Hong Kong, and the 19th ranked country, the United States. Notice the United States is only 30th out of the 152 countries in the Legal System and Private Property category.

### *Area Economic Freedom Ratings (Rankings) Chart for 2011<sup>9</sup>*

Further this report shows that since the year 2000 the United States has lost significant ground in both property rights protection and economic prosperity.

Labor Market Regulations	Business Regulations	Size of Government	Legal System and Property Rights	Sound money	Freedom to Trade Internationally	Regulation	Credit Market Regulations	Labor Market Regulations	Business Regulations
Hong Kong	E. F. R. Rating (2011) Score 0-10 AND ranking amongst 152 nations ranked	8.9 (3)	8.1 (12)	9.2 (45)	9.4 (1)	9.3 (1)	10.0 (1)	9.3 (1)	8.5 (6)
United States	E. F. R. Rating (2011) Score 0-10 AND ranking amongst 152 nations ranked	6.8 (59)	7.0 (30)	9.3 (37)	7.7 (43)	7.9 (28)	7.3 (121)	9.0 (2)	7.3 (33)

**FOOTNOTES:**

(4) Ibid., v., para 2.  
(5) Ibid., vi., para 3.

(6) Ibid., 1, para 4.  
(7) Ibid., 2, para 2.

(8) Ibid., 5, para 3.  
(9) Ibid., 11,14.

## The Declining Economic Freedom of the United States

Throughout most of the period from 1980 to 2000, the United States ranked as the world's third-freest economy, behind Hong Kong and Singapore...

By 2005, the US rating had slipped to 8.21 and its ranking had fallen to 8th. The slide has continued. The United States placed 16th in 2010 and 19th in 2011. The 7.74 chain-linked rating of the United States in 2011 was nearly a full point less than the 2000 rating.

### What Accounts For The Decline Of Economic Freedom In The United States?

*While it is difficult to pinpoint the precise reason for this decline, the increased use of eminent domain to transfer property to powerful political interests, the ramifications of the wars on terrorism and drugs, and the violation of the property rights of bondholders in the auto-bailout case have all weakened the tradition of strong adherence to the rule of law in the United States and we believe have contributed to the sharp decline in the rating for Area 2.*

Expanded use of regulation has been an important contributing factor to the declining ratings of the United States. During the past decade, non-tariff trade barriers, restrictions on foreign investment, and business regulation have all grown extensively. Michael Walker, who along with Milton and Rose Friedman, was the central figure in the development of this project, often stated: "Regulation is the raw material of corruption". Thus, he would not be surprised that the expanded use of regulation in the United States was accompanied with sharp reductions in ratings for components such as independence of the judiciary, impartiality of the courts, and regulatory favoritism. To a large degree, the United States has experienced a significant move away from rule of law and toward a highly regulated, politicized state.

*The approximate one-unit decline in the summary rating between 2000 and 2010 on the 10-point scale of the index may not sound like much, but scholarly work on this topic indicates that a one-point decline is associated with a reduction in the long-term growth of GDP of between 1.0 and 1.5 percentage points annually (Gwartney, Holcombe, and Lawson, 2006). This implies that, unless policies undermining economic freedom are reversed, the future annual growth of the US economy will be half its historic average of 3%.*

## III. Strategies Used to Infringe on Private Property Rights in Ohio

As stated in the Economic Freedom of the World Annual 2013 Report, "Security of property rights, protected by the rule of law, provides the foundation for both economic freedom and the efficient operation of markets."<sup>10</sup> This statement when applied to Ohio's economy is clearly making the point that anything that the state of Ohio can do to strengthen private property rights will enhance Ohio's economic growth in the future.

Unfortunately, the opposite is occurring in Ohio. The land and the water in Ohio is being removed from private ownership/control, which in turn will have a negative effect over time on the growth of Ohio's economy and the freedom of her citizens. Private Property Rights in Ohio are infringed in many ways. It is not the purpose of this document to provide an exhaustive list of ways that property rights are infringed. Instead the purpose of this document is to focus on the strategies that have the greatest negative effect on Ohio's economy and the freedom of the citizen, as well as to disclose specific negative effects created. Three very egregious ways that land is being taken and placed in the public domain is through 1) "green" regulations, 2) conservation easements, and 3) eminent domain.



### FOOTNOTES:

(10) Ibid., 15,16.

## 1) “Green” Regulations Infringe on Private Property Rights

“Green” regulations from the federal government allow the infringement of property rights using the justification that protecting the environment supercedes the protection of the citizen’s property rights. The number of green regulations are too numerous to mention, but the behemoths are the Clean Water Act, the Endangered Species Act, and the many Climate Change regulations.

### EPA’s Clean Water Act-the Poster Child for Property Rights Stealing Regulations

The EPA’s recent study, *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence*<sup>11</sup> attempts to redefine over which bodies of water the EPA has control. When the CWA was first created in 1972 the EPA gained control over all “navigable” water. Now the EPA wishes, through this study, to expand its jurisdiction to grab regulatory authority over virtually all surface water and groundwater throughout the United States. If not stopped by Congress, the agency could assert jurisdiction over even intermittent seasonal streams, isolated wetlands, ditches, trickles, puddles, and ponds. In September 2013, the EPA issued a draft scientific study purporting to find that virtually all wetlands and streams are “physically, chemically, and biologically connected” to downstream waters over which the EPA already claims authority. The result of this expansion of the Clean Water Act would be the nationalization of all the water in the United States.

In a November 12, 2013 press statement, Rep. Lamar Smith declared: *The EPA’s draft water rule is a massive power grab of private property across the U.S. This could be the largest expansion of EPA regulatory authority ever. If the draft rule is approved, it would allow the EPA to regulate virtually every body of water in the United States, including private and public lakes, ponds and streams.*<sup>12</sup>

Further, it is usually the case that once water has been removed from the public domain, a buffer zone of land around the water will be established. This land too is removed from private ownership/control. You will see in the next document that there was an attempt in Ohio to designate the Vermilion River as a

scenic river and that the buffer zone on both sides of the river could have been in excess of 1000 feet!

As was discussed in the Economic Freedom of the World Report, loss of private property rights has an inarguable negative effect on the economy. Here are some of the ways loss of private control of our water and the surrounding land has a negative impact on Ohio’s economy.

The law of supply and demand says that as less land is available to the private citizen, the remaining land will cost/unit more, meaning fewer and fewer citizens will be able to live “on the land” and instead be forced into town.

The less land left in the tax base means that what land is left in the hands of the private citizen will bear a higher tax burden. Again, fewer and fewer citizens will be able to live “on the land” and instead be forced into town.

As more and more people are forced off of the land and into town, the cities will be forced to create more infra structure to accommodate the influx of humans adding to the economic burden on the cities. Further, pollution would increase as population density increases.

Farmland that was located along the perimeter of the water may be taken out of crop production. Fewer acres in cropland will cause the price of food to increase.

Any privately owned water related businesses will be put out of business and be replaced by government run water related businesses. This will result in money removed from the private sector as well as creating higher taxes to support the usually inefficiently run government run businesses.

Again, to use the quote from Economic Freedom of the World Annual 2013 Report<sup>3</sup> ...*The cornerstones of economic freedom are (1) personal choice, (2) voluntary exchange coordinated by markets, (3) freedom to enter and compete in markets, and (4) protection of persons and their property from aggression by others.* Economic freedom is present when individuals are permitted to choose for themselves and engage in voluntary transactions as long as they do not harm the person or property of others.

**FOOTNOTES:** (11) Iris Goodman, Thomas Armitage, “Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence” U.S. Environmental Protection Agency (2013). [http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr\\_activites/Water-shed%20Connectivity%20Report](http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/Water-shed%20Connectivity%20Report)

(12) William F. Jasper, “EPA Water Police Coming to Your Farm, Business - and Back Yard” The New American (Dec. 13, 2013). <http://www.thenewamerican.com/tech/environment/item/17164-tna-online-epa-water-regulators-coming-to-your-farm-business-and-back-yard>

Heavy handed regulations like those created by the EPA work in direct opposition to the four items listed on page 5. The next section of this packet will provide a real example of how the EPA emboldens state agencies like the Ohio Dept. of Natural Resources to use the environment to infringe on property rights, the free market, and economic prosperity unless checked by a determined and often desperate citizenry.

## Example 1: *The Attempted Taking of Property Rights under the Guise of Protecting a River*

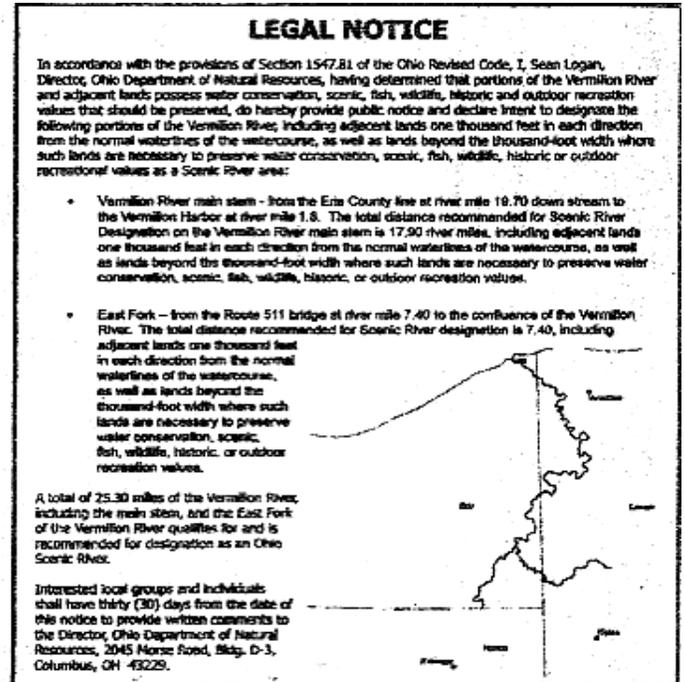
### THE DECEPTION

The whole process of setting the Scenic River designation for the Vermillion River into motion had actually quietly started before the spring of 2010. Local towns, villages and townships were visited by officials of the Ohio Department of Natural Resources (ODNR) and given a slide presentation and sales pitch on doing a “river quality study.” That was it... A STUDY. It seemed harmless enough. And so, one-by-one the local officials signed an official “water study agreement.”

The local college, Oberlin, had students spend considerable time prowling the river... unknown to river property owners... taking water samples, noting erosion, inventorying flora and fauna, etc. They then produced a beautiful bound book of photographs, maps and technical information with what they had found out about the 62 miles of the Vermillion from beginning (at Bailey Lakes) to Lake Erie. What they found was that the river was beautiful and well cared for.

To reward us, the ODNR intended to designate the river “Scenic” with all the perks and privileges a “Scenic River” designation bestows; grants, canoe liveries every 10 miles, tourism, fishing and recreation, and A GRAND PUBLIC WATER PARK RUN BY THE STATE. Also note, there would be controls of a very specific nature on the land adjacent to the river. There would be controls over local small and large governments as to how, and if, they could provide improvements and maintenance along the river’s roads and bridges.

The potential for abuse of private property by recreational boating users... the liability issues, the privacy issues were staggering. Marinas would not be allowed to do yearly maintenance, dredge or disturb the river bottom any longer, effectively putting them out of business. Hunting, fishing and foresting would be restricted or denied along the river. Farm animals would be restricted near the river. Housing and development could be denied. Outsiders would be encouraged to recreate along private properties. The



ODNR would make money from boating, hunting and fishing licenses. Good for them... bad for the property owners along the banks of the Vermillion River. Shortly after this, still in the spring of 2010, the following jaw-dropping notice surfaced.

**... do hereby provide public notice and declare intent to designate the following portions of the Vermillion River, including adjacent lands up to 1000 feet of each direction from the normal waterlines of the watercourse, as well as lands beyond the 1000 foot width where such lands are necessary to preserve water conservation...** <sup>13</sup>

*This land is owned by private citizens. Many of these citizens make some part of their livelihood from this land. Even if they do not, they value and enjoy the land they purchased and on which they pay taxes. How in a country protected by the Constitution can some unelected bureaucrats simply declare that owners of private property suddenly must relinquish control over their land?*

### FOOTNOTES:

(13) Richard Payerchin, “Vermillion River Earns Ohio’s 15th scenic title” The Morning Journal (March 18, 2010). <http://www.morningjournal.com/general-news/20100318/vermillion-river-earns-ohios-15th-scenic-title>

The ploy by the State (ODNR) was simple; put a declaration in the local newspapers (required by law) to inform the public of the plan... but make it small, as not to be too noticeable, and put it about 10 pages in to make it even less noticeable. Then ask for public comments. No! This is part of what is known as the "Delphi Technique".

The Delphi Technique is being used against the average citizen all across America every day. This is how the Delphi Technique works. An organization, like the ODNR, that wishes to make sure something that they want to see happen happens, makes it appear like they want public input while in actuality they are minimizing the likelihood of receiving any. In addition to minimally advertising the meetings, the meetings are often held during hours when most people are working.

Anyone that does find out about these meetings (hearings) and attends is vocally opposed and/or minimized and time-constrained. They are told to "put into writing their feelings and they will be collected, taken back to the office and considered and commented on at a later meeting."

The attendees do not know each other and do not know what each other wrote. At the next meeting, curiously, there seems to be a consensus that the original proposed plan is a "great idea". All fears and concerns are allayed and soon the Vermillion River will be bestowed with this prestigious designation that will benefit everyone. RIGHT?  
YOU HAVE JUST BEEN DELPHIED.....  
minimized, totally disregarded and steamrolled.

In the case of the Vermilion River, the ODNR did not count on one thing. A few very upset and motivated individuals, who sensed what was about to take place, that hastily embarked on a plan. They walked door-to-door up both sides of the river and handed each landowner a copy of the proposed law. Each landowner was informed of the urgency to meet to get up to speed on what had taken place so far... and what was coming at them if they did not act and make their voices heard.

Donations were solicited to have hundreds of signs quickly made. The signs were strategically placed along the main roads and intersections in and around the river valley approaches. The signs were simple and to the point:

**NO LAND GRAB NO SCENIC RIVER!  
MEETING TO BE HELD AT XXXX**

We got a lot of people to show up at the subsequent meetings... ODNR extended them because of the sudden public interest AND the newspaper coverage. One newspaper was fair and accurate and one was very biased. Also, it was an election year... and bad press wasn't something the State Administration wanted.

Keep in mind this was all taking place in a matter of weeks. The original time frame was 30 days from the first announcement. NO VOTE. NO GOING BACK. JUST AN ENTRY IN AN OFFICIAL LOG. DONE!

There was one final ploy attempted by the state at the final meeting. ODNR tried to "divide and conquer" the attendees, the landowners and concerned parties.

The state made it a "Science Fair" with lots of posters, charts and state officials spread out at tables... no meeting, no unified discussion, no chance to let our feelings be known as a "very large group." This quickly infuriated everyone. It was an insult and the ODNR knew it and apparently didn't care.

What now? The attendees did the only thing that decent law abiding folks could do. They left! Abruptly 200 plus people filed out and left the ODNR with egg on their faces, with the local media observing the entire charade.

Everyone moved to a nearby pavilion volunteered by a local marina owner a short distance away and had their own meeting to vent their frustration and left the ODNR looking at each other in bewilderment.

The next afternoon the Ohio Department of Natural Resources announced they were abandoning the "Scenic River" designation of the Vermilion River due to a lack of public support. <sup>14</sup>

A similar situation occurred in 2013 when the Department of Interior attempted to use the National Blueways System to land grab 17.9 million acres along the White River which travels through Arkansas and Missouri. Again, highly motivated and educated citizens, along with an equally educated and motivated group of state legislators, thwarted the takeover by unelected bureaucrats.

"We all agree that we should work to protect our waterways, but a new Federal Blueways program is not necessary to improve the cooperation of federal and state agencies on the management of the White River," said U.S. Sen. John Boozman of Arkansas

#### FOOTNOTES:

- (14) John Wisse, Heidi Hetzel-Evans "ODNR Halts Vermilion State Scenic River Designation" Ohio Department of Natural Resources (May 7, 2010). [http://www.ohiodnr.com/home\\_page/NewsReleases/tabid/18276/EntryId/1681/ODNR-halts-Vermilion-State-Scenic-River-Designation.aspx](http://www.ohiodnr.com/home_page/NewsReleases/tabid/18276/EntryId/1681/ODNR-halts-Vermilion-State-Scenic-River-Designation.aspx)
- (15) Heather Hollingsworth, "Feds Rescind White River Blueways Designation" Associated Press (Kansas City, July 4, 2013). <http://arkansas.securetherepublic.com/news/feds-rescind-white-river-blueway-designation>

in a written statement after the designation was rescinded. "This designation occurred without a formal process — no public comment, lack of transparency from the Federal Government and without the broad support of Arkansans."<sup>15</sup>

The citizens' property rights along both the Vermilion and the White Rivers would, without a doubt, have been infringed if the citizens were not aware

## ***Example 2: The EPA using the Endangered Species Act is causing the Infringement of Property Rights by Preventing Effective Flood Mitigation in Findlay, Ohio***

Another Example of the EPA along with the Endangered Species Act causing the Infringement of Property Rights by Preventing Effective Flood Mitigation in Findlay, Ohio.

The story starts in August of 2007 when Findlay suffered a devastating flood. Afterward, everyone in the community wanted something done so Findlay would not have to go through a situation like this again.

The Corp of Engineers began to create a flood mitigation plan in 2011. Concurrently The Northwest Ohio Flood Mitigation Partnership which was comprised of 11 local businesses including Marathon Oil Corporation, Cooper Tire and Rubber Company, and Pro Tech to name a few along with former city of Findlay mayor, Tony Iriti, was created. The Northwest Ohio Flood Mitigation Partnership from 2008 to 2010 was mostly funded by private grants and gifts.

Just before its termination in December, 2010, the Northwest Ohio Flood Mitigation Partnership came up with three(3) proposals to fix the flooding problems in Findlay.<sup>16</sup> All 3 required about 20 homes to be removed from neighborhoods to the south and west of the fairgrounds, and those residents relocated. All three would involve the construction of levees to hold in floodwater. They also talked about the 1962 plan which involved levies in the middle of town by the river. Then the partnership ran out of funding. So another group called the Hancock County Sustainability Coalition started getting involved with Flood studies.<sup>17</sup>

Hancock is not the only county to have such groups. In other counties there are similar groups that create public-private partnerships with local governments. It may sound wonderful, but in fact these boards, called "stakeholders", use tax payer dollars along with private funds, meet behind closed doors and

of their Constitutional rights, the way that the Delphi Method would be used against them, and a willingness to be David to the government's Goliath. Is this what we want for America: layers of government showing that they have no respect for the citizens' Constitutional rights nor concern that they are putting the citizen in a frantic fight against the clock and bureaucracy? Does government know that without strong property rights there can be no strong economy?

make decisions that affect the public. They often seem to have more say than local and state elected officials. In a one-year span, the plans made by the Northwest Ohio Flood Mitigation Partnership totally changed and new plans were proposed that involved taking much more property.

One plan involves a diversion channel which will be constructed through prime farmland. Here are the specs provided by the Army Corp of Engineers." Flood flow is directed from the current channel to the diversion outlets through trapezoidal channels. Alignment 1 includes a proposed diversion channel that is approximately 7.7 miles long with a 40 foot bottom width and a 15 foot depth (minimum). Alignment 2 includes a proposed diversion channel that is approximately 9.3 miles long with 45-80 foot bottom widths and a depth of around 14 feet (varies)." This description, which is clear as mud to the average citizen, makes it next to impossible to determine actual acreage lost to private control by the farmers, although the best guess is in the neighborhood of 3000 acres.<sup>18</sup> As you can probably imagine, it's not going over well in the farming community.<sup>19</sup> It has been stated publicly that the diversion channel would not stop the flooding, only manage it. In some parts of the town of Findlay, it would induce flooding 2.5 to 6 inches higher than what it was before.

This has been a very expensive process. The Army Corps of Engineers in 2012 disclosed it may need about \$2.5 million more from area governments to finish the "general investigation study" of the river and its tributaries. The grants that are offered from the federal government only have enough money to

### **FOOTNOTES:**

(16) The Courier - December 4, 2010 article, "Flood diversion options expand"

(17) [http://www.hancockrpc.org/upload/11KEG\\_SustainabilityPlan\\_Book\\_2.pdf](http://www.hancockrpc.org/upload/11KEG_SustainabilityPlan_Book_2.pdf), page 12.

(18) Army Corps of Engineers, Buffalo, NY - ScopingPacket\_Blanchard\_River\_FINAL\_WEB.pdf

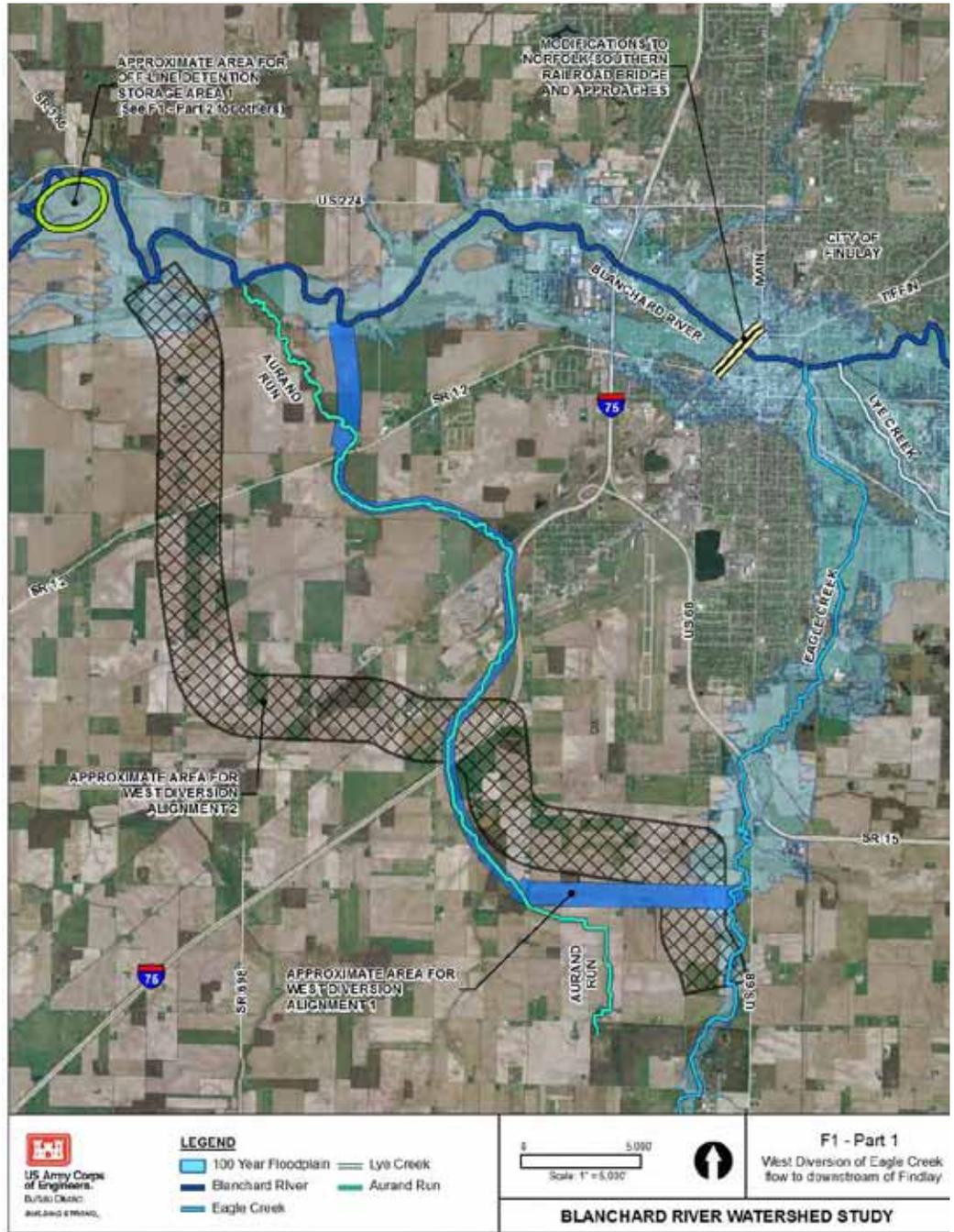
(19) <http://www.toledoblade.com/local/2010/11/17/Rural-landowners-oppose-Blanchard-River-Watershed-flood-plan.html>

to start projects but then require subsidies by raising taxes. Officials scrambled for more funding in the form of a sales tax. About \$6,000,000 has been spent. Obviously if this project continues, that is likely only the tip of the iceberg.

Hancock and Putnam Counties have been going along with the flood mitigation study by the Army Corp of Engineers. <sup>20</sup> After 6 years, nothing structural has been done, not even any of the waterways in their counties been cleaned. In addition, Ottawa is concerned that any gain for Findlay in flood mitigation will simply cause increased flooding in Putnam County.

Many citizens of our county asked the common sense question, why can't we dredge out the river and solve the flooding problems and coincidentally, prevent flooding problems downstream? <sup>21</sup>

The answer from the EPA was, there is a rare type of mussel called the rayed bean freshwater mussel and Indiana bats that would be disturbed by dredging. The bats and clams take precedent over the economic prosperity of Findlay's citizens and citizens of Findlay know that the EPA and the Endangered Species Act will guarantee that even with hundreds of millions of dollars spent on flood mitigation, that Findlay (and down river communities) will continue to experience flooding.



In summary, there are too many layers of government involved in this process. Too many of these layers of government are comprised of unelected bureaucrats and too few citizens of Findlay are being included in the process. The process is virtually all done behind closed doors. There is little transparency. The ONLY time a meeting was held that encouraged participation by the citizens was a meeting created by the citizens for the citizens. <sup>22</sup>

There is too much grant money taken from the taxpayers and borrowed from China being thrown ineffectively at the problem. The various flooding mitigation proposals are all outrageously expensive, yet all still cause parts of Findlay to flood, with some areas flooding even more than before the mitigation. This flooded land is then taken out of the hands of private citizens creating a smaller tax base, fewer crops which increases the cost of food, more green space

**FOOTNOTES:**

(20) The Courier - July 12, 2013 article, "Flood-control meeting stirs objections"

(21) The Courier - December 18, 2013 article, "Critics of flood-control plan plead case to congressman"

(22) <http://www.youtube.com/watch?v=fDclwFdyYs0&feature=youtu.be>

that will then require maintenance by the park district, and, as has been proposed by the government, the land taken from the citizen may be ideal for boat docks, waterfront dining, and shopping which then removes money out of the private sector's pockets and into the coffers of the government.<sup>23</sup>

**NOTE:** *It should be noted that across the country, as new flood plains are established and/or expanded, citizens are discovering that their homes are suddenly located in a flood plain. They also discover that they must carry very expensive flood insurance. Even if the home owner can afford to pay this added burden, the value of their home is now decreased while the difficulty of selling the home has increased.*

Yet again, to use the quote from Economic Freedom of the World Annual 2013 Report...

*The cornerstones of economic freedom are (1) personal choice, (2) voluntary exchange coordinated by markets, (3) freedom to enter and compete in markets, and (4) protection of persons and their property from aggression by others. Economic freedom is present when individuals are permitted to choose for themselves and engage in voluntary transactions as long as they do not harm the person or property of others.*

Heavy handed regulations like those created by the EPA work in direct opposition to the four items listed above and create negative effects on the economy.

## 2) Conservation Easements, While Voluntary, Take Huge Amounts of Land out of the Control of the Private Citizen

A conservation easement is a restriction placed on a piece of property to reduce usage of the resources (natural or man-made) associated with the parcel. The easement is either voluntarily sold or donated by the landowner, and constitutes a legally binding agreement that is usually permanent and theoretically protects land for future generations. There is an annual property inspection by the grantee, stewardship fees paid to the grantee by the landowner and the threat of a lawsuit against the landowner if violations occur.<sup>24</sup>

### FACILITATORS

Land trusts, farm bureaus, soil & water conservation districts, sewer districts, state departments of natural resources,<sup>25</sup> townships and county health departments<sup>26</sup> are all entities that facilitate and become parties to conservation easements.<sup>27</sup> Land along water is often targeted. Federal and state budgets have money earmarked for these entities to purchase property from private landowners<sup>28</sup> or to pay landowners to give up many of their rights of land use through a conservation easement.

### CONSEQUENCES

Conservation easements protect natural resources, wildlife habitat, farmland, and open spaces from development. When the current landowners give up their use and development rights, future owners are similarly limited. Typical limitations on improvements are: no sub-dividing, no buildings, no roads, no property use changes related to agriculture, no energy generation, no commercial recreation and only one or two houses. The land is worth less without the development rights, therefore its market value

declines. This creates increased prices for other land in the area. When prices are higher less people can afford to buy the unencumbered property. Less people can afford to pay the increased property taxes.

Publicly-owned conservation easement property (e.g. parks) also generates no property tax revenue<sup>28</sup> and costs additional taxpayer money for maintenance.

In Ohio there are no property taxes levied on conservation easements.<sup>24</sup> Farmland owners can also get income tax deductions for several years under a federal program.<sup>29</sup>

Schools and counties, which rely heavily on property tax to operate, must raise the property tax rates on private property owners who do not have conservation easements.<sup>30</sup>

It is important to note that without the existence of conservation easements there are still wildlife habitats, farmland, open spaces AND income and property tax generation. There is often talk about land

**FOOTNOTES:** (23) [http://www.lrb.usace.army.mil/Portals/45/docs/CivilWorks/FinalReviewPlans/BlanchardRiverWatershed\\_24\\_Jan\\_2012\\_320072.pdf](http://www.lrb.usace.army.mil/Portals/45/docs/CivilWorks/FinalReviewPlans/BlanchardRiverWatershed_24_Jan_2012_320072.pdf)

(24) File #2013-0467389" Lorain County Recorder (2013), <http://162.39.12.36/External/HTML5Viewer/ImageViewer.aspx?blHideCartFunctions=False&blsRefresh=False>

(25) Office of Coastal Management "Areas of Concern Acquisition Grants" Ohio Department of Natural Resources (FFY2014), para 7. <http://www.ohiodnr.com/tabid/23157/default.aspx#>

(26) "Black River Remedial Action Plan" Lorain County Medical Reserve Corps (2013).

<http://loraincountymedicalreservecorps.createsend1.com/t/ViewEmail/t/91B3DCFC4756DA1B2540EF23F30FEDED4BEEB32CF946EF79D08BC3D516CA522B>

(27) "Who may acquire conservation or agricultural easement" Ohio Revised Code 5301.69 (July 26, 2001). <http://codes.ohio.gov/orc/5301.69>

(28) "Exemption of government and public property" Ohio Revised Code 5709.08 (Nov.2, 1989; March 30, 2006). <http://codes.ohio.gov/orc/5709>

(29) Carol Dumas "Enhanced Conservation Incentive Set to Expire" Capital Press (Dec. 11, 2013). <http://www.capitalpress.com/article/20131211/ARTICLE/131219975/1169>

(30) Dustin Hurst "Taxpayers funding huge federal land grabs that may harm the environment" Washington Examiner (May 15, 2013).

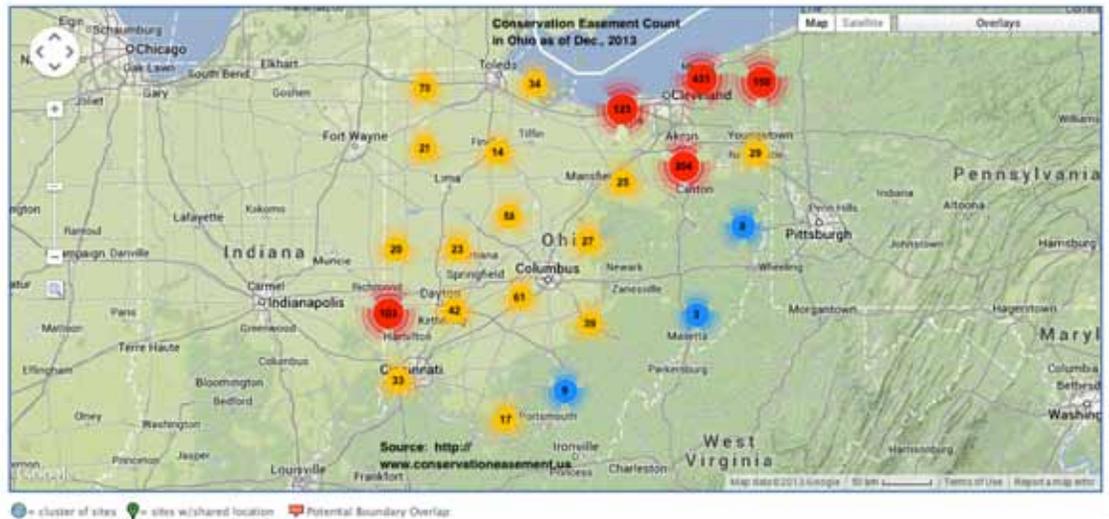
<http://washingtonexaminer.com/taxpayers-funding-huge-federal-land-grabs-that-may-harm-environment/article/2529712>

'development pressure'<sup>29</sup> and it's assumed evil nature but there needs to be equal attention paid to 'perpetual property tax hike pressure' and reduced income generation opportunity. As more land is restricted by conservation easements, there is less land available for property tax generation<sup>32</sup> and private income generation.

## CONSERVATION EASEMENT QUANTITY

There are 1,545 conservation easements in Ohio according to the National Conservation Easement Database.<sup>31</sup>

Here is a map showing quantities around the state. "How much conservation is enough?"<sup>32</sup>



### 3) Eminent Domain Involuntarily Removes Property from the Citizen

It is no secret that in the last six years the federal government has been aggressively pushing the "green agenda". This agenda has a clear goal of decreasing carbon emissions by minimizing the use of automobiles while increasing the use of bicycles and mass transit and encouraging walking. One only has to Google "Complete Streets grant" to learn that to receive a Complete Street grant for road repairs requires that the street design include sidewalks, bike paths, and be handicap assessable. While these "bells and whistles" often make no sense in a rural community, the local governments are too cash strapped to refuse the money that is being offered by the regional governments. The local governments are also too desperate to stop and think about the amount of money it will take in the future to maintain these sidewalks and bike paths.<sup>33</sup>

The next problem is how to obtain land adjacent to the road in order to have land on which to build these sidewalks and bike paths, which when completed can be wider than a car. If there is an adequate easement, there is no problem for the local government. Of course, if homes are hard up against the easement, their property values will be negatively affected. Or, in the worst case scenarios, the bike path and/or sidewalk will require land to be taken through eminent domain.

In 2005 in the *Kelo v. City of New London* Supreme Court Case the Supreme Court found that the transfer of land from one private owner to another private owner to further economic development is constitutional. The court held that the general benefits a community enjoyed from economic growth qualified private redevelopment plans as permissible "public

use". For example, if a certain business could bring in taxes to the community and wishes to locate on a property that is not for sale, the government can take the land through eminent domain for the "greater good" of the community.<sup>34</sup>

Of course, eminent domain can also be used to take land that is needed to provide critical infrastructure like bridges and roads. How is the taking of land for bike paths and sidewalks justified? Sidewalks and bike paths are hardly critical infrastructure and they do not provide economic growth for the community. Yet across America eminent domain is being used to take land to build bike paths and sidewalks. The section below will provide a tragic Ohio example of how much of a hardship this can create for the citizen.

#### FOOTNOTES:

(31) Results of search for conservation easements in Ohio, National Conservation Easement Database (2014). <http://www.conservationeasement.us/search/results?search=43108&type=advanced>

(32) Rob Snyder "What happens when land conservation meets community economy" The Working Waterfront (Sept. 17, 2013) para 9. <http://www.workingwaterfront.com/articles/What-happens-when-land-conservation-meets-community-economy/15568/>

(33) Staff "What are Complete Streets?" Smart Growth America- National Complete Streets Coalition (2013) <http://www.smartgrowthamerica.org/complete-streets/complete-streets-fundamentals/complete-streets-faq>

(34) Contributor "Kelo v. City of New London" Wikipedia (last update Nov. 20, 2013). [http://en.wikipedia.org/wiki/Kelo\\_v.\\_City\\_of\\_New\\_London](http://en.wikipedia.org/wiki/Kelo_v._City_of_New_London)

## Example 1: *You Decide. Did the Taking of Land through Eminent Domain Contribute to a Women's Death?*

Jennie Granato is a tax-paying citizen of Montgomery County, Ohio. She and her family own a 165-year-old historic house and farm just outside of Dayton, Ohio. Jennie and her family, which includes her 84 year old mother, have lived there nearly forty years.

The Miami Valley Regional Planning Commission (MVRPC) approved Federal funding for a \$5-million bike path extension on March 6, 2008. On January 6, 2011, the MVRPC adopted a complete streets policy. Even as the Granato family protested the project, Montgomery County awarded a construction contract for the project on February 19, 2013.

The bike path was originally only 5 feet wide and supposed to go through a nearby park. Then the plan changed. The path would now cut through private property and would be 10 feet wide! It would claim the doorstep and be a mere five feet off the front wall of the Granato home. All the mature trees and shrubs which help to mute the noise of the road way and add beauty to the home would be destroyed. It would also mean that bikers would be flying past her front door at 10-20 miles an hour. Even worse, Jennie's mother, Mary, was handicapped and could only use the front door to enter and leave the house. Also, Mary slept in a room on the first floor in the front of the house. The bike path would be active all hours of the day and night and there were security concerns. The plan would render the home useless for its occupants.

Jennie and her family tried for over a year to negotiate and reason with this unelected planning commission and the county commissioners.

Unfortunately, their neighbors were advised by lawyers not to say anything publicly about the pending land grab, so the media viewed it as a non-story. The county and its appraisers kept stalling, saying they wanted a meeting with Jennie, even as they ignored her pleas and offered a pittance for taking her front yard. Officials didn't even allow Jennie's uncle to speak at a hearing.

The Granato's chose to fight in court the effort to take the front yard through eminent domain. The court date was set for October 2013.

The County Commissioners chose to move ahead regardless of the fact that the matter had yet to go to court. On July 31, 2013 bulldozers arrived and moved into the Granato's front yard and proceeded to clear it of the mature trees and shrubs. Jennie's 85 year old mother, Mary, became so upset at the government's heavy machinery destroying her yard



and favorite trees that she suffered a heart attack and died.

Jennie and her family, who felt strongly about the injustice of the bike path, now had a much bigger reason to continue to fight—the death of their mother. So the legal battle continued and the need to attend meetings continued.

On September 18, 2013 Jennie attended a Miami Valley Regional Planning Commission symposium with a panel of “experts” from around the state of Ohio where information about bike paths would be discussed. During the opening comments Mayor (Troy) Beamish, President of MVRPC stated that this program (Going Places) “had TREMENDOUS public support”. In actuality out of the mere 1,200 people attending their public



meetings, open houses, workshops - "600 were middle and high school students who neither vote nor pay taxes. This is a Delphi Technique. Overstate the amount of participation in order to create an appearance of wide support for the project even if that is not the case.

During the meeting attendees were asked to submit any questions they had on a card. Only certain questions were selected to be answered during the meeting. This, too, is a Delphi Technique. Those in control of the meeting choose only those questions that are non-controversial/soft ball questions. This will keep the atmosphere in the room "quiet"-nothing said that could upset the crowd or that would give the audience the impression that there is any opposition to the project. Any attendee that has a critical question to answer will just have to wait until the folks running this meeting decide they have time to post the answers on the website. Well, finally...months later the answers, such as they were, as many questions were sidestepped and blame shifted elsewhere, were on the web site. Jennie's question about the bike path that was to be constructed up against her house was

not answered at the meeting or on the website. By then it was old news and the forces that were moving for completion of the bike path were now several months closer to the finish line.

There was no vote for this bike path. There was no referendum on the ballot to approve this project or the spending of their tax dollars. Ah, but there were grant dollars available from the unelected bureaucrats on the Miami Valley Regional Planning Commission. Money that is fed down from the federal government that is taken from the pocket of taxpayers and borrowed from China and used to entice local government to do things that left to their own devices they in their wildest dreams would never do to their fellow citizens-all this for a non-essential project-a bike path.

The Granato's will continue to fight for their property rights in court. We must all wish them success, as "there for the grace of God I".



## IV: How to Restore Private Property Rights to the Ohio Citizen

The Economic Freedom Report of 2013 stated that the economy in the United States has suffered due to a significant drop in our property rights protections. It is not a great leap to assume what applies to the United States as a whole, would also apply to Ohio. A look at the chart on Page 22 of the Gross Domestic Product of Ohio August 2012 Report shows that Ohio's GDP adjusted for inflation rose from \$420.6 billion in 2001, peaked in 2005 at \$444.1 billion, only to drop sharply to \$403.6 by 2009, with a slight improvement in 2010 and 2011 to end at \$418.9 billion. In other words Ohio's GDP was less in 2011 than it was a decade ago.<sup>35</sup>

Further a September 20, 2013 article in Policy Matters Ohio stated,  
*With August's (2013) loss, Ohio has only added 32,500 jobs (0.6 percent) in the last 12 months. Between August 2011 and August 2012, the job-growth rate of 1.2 percent was more than double what it is now. In order to recover the jobs lost since the start of the recession the state would need to add another 217,600, without considering jobs needed to match population growth. Since the recovery began more than four years ago the state has added only 157,400.*<sup>36</sup>

Ohio by the Numbers states that  
*Ohio's employment peaked in March 2000 at 4.85 million jobs. Using job-growth rates from the '90s boom, employment would not return to that level until December 2017. Most likely, full recovery won't happen until the early 2020s.*<sup>37</sup>

Statistics like these mean that it is critical that Ohio's politicians do everything in their power to increase the health of Ohio's economy. It would seem that as private property rights protections is supremely important to economic prosperity... that **ALL** Ohio legislators, to increase economic prosperity in Ohio, would

**ABSOLUTELY** support **ANY** bill that would bolster our property rights here in Ohio. Unfortunately, unless done properly, that is to say unless certain key contributors to the loss of property rights are addressed, the legislation would be ineffective.



### Facilitators of Property Rights Infringements

The federal government's green agenda has created policies that will "encourage" the rural population to relocate to the city. This in turn will require massive changes to the physical organization of cities. This is what Al Gore meant when he said "a wrenching transformation of society".

This kind of transformational change requires...

- I. an endless series of regulations being created on a federal level and the federal agencies to guarantee forced compliance,
- II. Regional governments to funnel "enticement" money, grants, from the federal government to state and local governments to create "voluntary" compliance,
- III. a small army of implementers; state agencies, non-governmental organizations, city planners, etc., to acquire grant money, lobby officials on all levels of government and to create bogus oversight boards that guarantee a specific outcome,
- IV. and a disregard for the American citizen's Constitutionally-protected property rights.

### Regional Governments and Grants

Regional governments in Ohio are the "gate keepers" for the information, money, and power that are being directed downward from the federal government to the regional governments who then decide how best to direct it to the local government.

In other words, the local government, which was meant from the founding of this country to be the "dog" and not "the tail", is now subservient to all layers of government above it through grants that the regional government offer to the local government. Put another way, just as Presidential Executive Orders can make the Congress irrelevant, so can regional governments make local government irrelevant.

Most state and local governments are cash poor today and therefore susceptible to any offer of "free"

money-even if there are considerable strings attached. The irony is that it is not uncommon for more tax dollars to be taken from local governments and sent to D.C. than are returned, creating a net deficit of funds for the local government. If the federal government would allow the local government to keep more of their funds to provide for their own local needs, the local government would not need to “compete” for grants and could maintain its local autonomy.

It is worth mentioning that the grant “spigot” is on full in D.C. and is not an insignificant factor in the size of the federal deficit, which in turn has a negative effect on the national economy and ultimately the economy here in Ohio.

### Non-Governmental Organizations

Non-governmental groups are groups of people with specific political agendas, who want to get the government to get the citizen to do whatever the NGO wishes. There are literally thousands of NGOs working behind the scenes of government every single day.

*\*The largest NGO is Amnesty International with a membership of 1.8 million members.*

Some of the more familiar non-governmental organizations are the World Wide Fund for Nature (WWF), World Resources Institute (WRI), International Union for Conservation and Nature (IUCN), National Audubon Society, The Nature Conservancy, National Wildlife Federation, Zero Population Growth, Planned Parenthood, The Sierra Club, The National Education Association, and The Environmental Defense Fund.

And then there is the infamous NGO called the International Council for Local Environmental Initia-

tives (ICLEI) whose main function is to design ways to force Sustainable Development (aka the green agenda) into local government policies.

The NGOs work closely with the politicians in Washington, those on a state level, as well as the local politicians. The NGOs receive help from the city planner, who has likely been trained with information from the American Planning Association that strongly supports the green agenda. There is little wonder that the cash strapped state and local politician ultimately is “convinced” to accept the “free” grant money-strings and all.

If Ohio is to Restore Strong Property Rights protections for her citizens, this system fueled by grant dollars and advanced by an army of NGOs, city planners, and state and federal agencies, must be changed. Grant dollars must be restricted. NGOs must be reined in, and city planners re-trained to respect property rights.

Additionally, limits should be placed on how much of Ohio should be held by government ostensibly **(not always)** for **public use**. Keep in mind that the more land that is not in the control of the private citizen, the weaker will be the state’s economy and the citizen’s freedom.

Regardless of how the problem of property rights infringement is addressed, the ultimate question that must first be answered, is how much property should be kept out of the control of the citizen, 30%? 45%? 60% 100%? If this question is never answered, and if the past performance predicts the future outcome, then the citizen will over time lose all rights to private property, economic prosperity, and freedom.



### FOOTNOTES:

(35) Don Larrick “Gross Domestic Product from Ohio” Ohio Department of Development (August 2012). <http://jobs-ohio.com/images/ohio-gross-domestic-product.pdf>

(36) Hannah Halbert “Ohio is riding a job growth see-saw” Jobwatch (Policy Matters Ohio, Sept. 20, 2013) [http://www.policymattersohio.org/wp-content/uploads/2013/09/JobWatch\\_Sep2013.pdf](http://www.policymattersohio.org/wp-content/uploads/2013/09/JobWatch_Sep2013.pdf)

(37) Staff “Ohio Employment” U.S. Dept of Labor / Bureau of Labor Statistics (Nov, 2013). <http://www.buckeyeinstitute.org/uploads/files/ObN-2013-11.pdf>

## *Additional Resources*

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- I. Vermilion State Scenic River Designation to be Discussed at Public Information Meeting  
[http://www.ohiodnr.com/home\\_page/NewsReleases/tabid/18276/EntryId/1589/Vermilion-State-Scenic-River-Designation-to-be-Discussed-at-Public-Information-Meeting.aspx](http://www.ohiodnr.com/home_page/NewsReleases/tabid/18276/EntryId/1589/Vermilion-State-Scenic-River-Designation-to-be-Discussed-at-Public-Information-Meeting.aspx)
- II. Scenic River Designation to be Discussed  
<http://www.loraincounty.com/vermilion/feature.shtml?f=21293>
- III. Putting Bicycles Ahead of People  
<http://americanpolicy.org/2013/08/19/putting-bicycles-ahead-of-people/>
- IV. Land owners argue against Austin Boulevard widening project  
<http://www.daytondailynews.com/news/news/land-owners-argue-against-austin-boulevard-widenin/nSpPb/>
- V. Conservation Easements  
Dana Gattuso “Conservation Easements: The Good, the Bad, and the Ugly” National Policy Analysis (May, 2008). <http://www.nationalcenter.org/NPA569.html>
- VI. ODNR Accepting Grant Applications for Land Preservation Projects to Improve Water Quality Staff  
“ODNR Accepting Grant Applications for Land Preservation Projects to Improve Water Quality” Ohio Department of Natural Resources (Dec. 16, 2013).  
<http://www2.ohiodnr.gov/news/post/odnr-accepting-grant-applications-for-land-preservation-projects-to-improve-water-quality>
- VII. Using the Delphi Technique to Achieve Consensus  
Lynn Stuter “Using the Delphi Technique to Achieve Consensus” Eagle Forum (1998).  
<http://www.eagleforum.org/educate/1998/nov98/focus.html>
- VIII. International Council for Local Environmental Initiatives (ICLEI)  
“Who is ICLEI?” ICLEI.org (2013). <http://www.iclei.org/iclei-global/who-is-iclei.html>
- IX. Affirmatively Furthering Fair Housing  
Office of the Secretary, HUD “Affirmatively Furthering Fair Housing” Federal Register Vol. 78, No. 139 (July 29, 2013).  
<http://sustainablefreedomlab.org/wp-content/uploads/2013/11/HUD-FURTHERING-FAIR-HOUSING-PROPOSED-RULE-2.pdf>
- X. Executive Order affords the President of the United States nearly unlimited authority to infringe on neighborhoods, property rights and livelihoods in the name of climate change preparedness.  
Office of the Press Secretary “Preparing the United States for the Impacts of Climate Change” White House Executive Order (Nov. 1, 2013). <http://sustainablefreedomlab.org/wp-content/uploads/2013/11/BHO-EO-Preparing-the-U.S.-for-the-Impacts-of-Climate-Change.pdf>

# CONSTITUTION OF THE UNITED STATES

## AMENDMENT XIV

### SECTION 1.

ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES, AND SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE UNITED STATES AND OF THE STATE WHEREIN THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS.