

**Property Rights Foundation of America®**  
Founded 1994

**Striving to Cancel Pymatuning Creek Wild & Scenic River Status**  
**Douglas Piontkowski**  
**Kinsman, Ohio**

**Twenty-Third Annual National Conference**  
**on Private Property Rights**  
**October 19, 2019**

Good afternoon, everybody. I am certainly humbled to be here. I appreciate the opportunity. I was somebody who was asleep to all this not too very long ago. I didn't realize that property rights foundations existed. Really, when it comes to local government, I was not partaking in it. I paid attention to the federal. I probably hinge on the Second Amendment more than anything. I was always trying to stay abreast of what was going on at the federal and state level. I was rather overwhelmed at how there has been, in such a short time, such a push by the Socialists to take over our constitutional republic.

That being said, in my hometown in Ohio where I live we have townships. There are a couple of villages and cities on the outskirts but this is essentially in just a township form of government. They designated, they call it a river. It does not meet the qualification of a river. Some places are about as wide as this table, an eight to ten foot span. Thirty-one miles of that river that starts in Dorset Township. This is the State of Ohio and you can see where part of Pymatuning Creek is up in the upper right-hand corner. We are close to Lake Erie but our watershed actually goes away from Lake Erie. It ends up in Pennsylvania in a Lake called Shenango.

That being said, a closer view that is actually taken from the study that the ODNR [Ohio Department of Natural Resources] presented and this Western Reserve Land Conservancy [WRLC] is working very hard on agricultural conservation easements in this area. They are a perpetuity-type contract where the landowner can only farm, can't develop the land, can't do anything with the land. That's another topic but I have issues with what I see going on there as well. When this happened, I did not find out about it. They actually designated it in December of 2018 and I didn't find out until March of 2019. I started reading up on it because the entire process is kind of sketchy. I'm not a college-educated individual. I'm certainly not a lawyer. I'm just a layperson. I work as a plant engineer without an engineering degree. I'm fairly mechanically inclined. I keep a manufacturing plant running. I work seventy hours a week. I got today off to be here which I'm very grateful for. I have the utmost respect for everybody in this fight because they run over the individual and the Constitution was made to limit government not our rights. Boy, we're a long way from what our founding fathers designed us to be. [applause]

I'd like to read a few sections that I have bullet-pointed here for you. This is from the Ohio Revised Code. This law was passed in 1968. It has been renumbered, amended numerous times and I can't even go back and find what the original text said. I would like to but I haven't had time.

"The director may propose for establishment," the director being the Director of Natural Resources in the State of Ohio, "may propose for establishment a wild, scenic, or recreational river area a part or parts of any watercourse in this state, with adjacent lands, that in the director's judgment possesses water conservation, scenic, fish, wildlife, historic, or outdoor recreation values that should be preserved. The area shall include lands adjacent to the watercourse in sufficient width to preserve, protect, or develop the natural character of the watercourse, but shall not include any lands more than one thousand feet from the normal waterlines of the watercourse..." One thousand feet is almost one-quarter of a mile. The next line says, "... unless an additional width is necessary to preserve water conservation, scenic fish, wildlife, historic, or outdoor recreation values."

"The director shall publish the intent..." This to me is where this whole law is rather hokey. "The director shall publish the intent to declare an area a wild, scenic, or recreational river area at least once in a newspaper of general circulation of each county, any part of which is within the area, and shall send written notice of intent to the legislative authority of each county, township, and municipal

corporation and to each conservancy district established under Chapter 6101 of the Ohio Revised Code, any part of which is within the area, and to the director of transportation, the director of development, the director of administrative services, and the director of environmental protection. The notices shall include a copy of a map and description of the area.

So, they ran an ad in two of the county papers. I did not get the original ad but this is the posting from the ODNR website. They held one meeting that was in the Kinsman Township administration building. The meeting was Tuesday, November 20. The ad ran on 11/13/2018. From that point what I found out when I started educating myself and asking questions of the people who did go to the meeting because they got the paper. I didn't get the paper. It's bad news I didn't want it around. So, I started asking questions. There were about one hundred people there. There are ten townships that are involved in the watershed and it represents about ten thousand people. Of these ten thousand people one hundred showed up. Numerous people expressed concerns. One farmer actually owned land adjacent to the water and he stood up and asked a question. He said, that currently, the way it is now, he has a problem with beavers building dams in the water and it will backup on his farmland. The gentleman who was there — his name was Matt Smith of the ODNR — he went into the story about what he would go through. He currently would get a hold of the game warden and he would get permission to trap, out of season or in season, the beavers. He would trap the beavers, pull apart the dam, the flood waters would recede and he would be able to farm his land. He asked, "Under the designation, will I be able to do that?" When he told me this story this was what motivated me to go further. They said, "Maybe, if it was your basement but certainly not your farming." Now when you go back and you read the law and it says, "... shall not include any lands more than one thousand feet from the normal waterlines of the watercourse..." You have to begin to challenge what is the normal waterline. If a beaver builds a dam and now suddenly 250 feet become flooded and it's a natural event, well, we know the water shifted so now you have the riparian buffer that they want to put in will now move.

His story launched me into, well, I'm getting ahead of myself. This is the journal entry by the Ohio Department of Natural Resources director, and that's the other part I have to go back on. I missed something on the law. The other hokey thing is that this is brought into existence by the director of Natural Resources writing it in his journal. That's all it takes. It's the stroke of a pen and we now have a wild, scenic or recreational river area. But I did want to read a little bit more out of this.

So, the third bullet point. "After thirty days from the last date of publication or dispatch of written notice as required in this section, the director shall enter a declaration into the director's journal that the area is a wild river area, scenic river area, or recreational river area. When so entered, the area is a wild, scenic, or recreational river area, as applicable. The director, after thirty days' notice..." Now, this is my whole key. "The director after thirty days' notice as prescribed in this section, may terminate the status of an area as a wild river area, scenic river area or recreational river area by an entry into the director's journal. They left that in there. Whoever the politician that was able to keep that in I thank them because this is exactly what I'm petitioning. That the director bow to the will of the people and rescind this because we don't want it.

The fourth bullet point that I had here, this is their claim that everything before the designation would be the same. It basically says that although they can lease, it gives nobody any jurisdiction over your private property rights. I can go... Well, I'll show you in a minute. Here's the letter of notice for the open house and then here's the director's journal. That happened in December 2018. About March 20, 2019 I found out about the designation. I attended a zoning meeting and they referred me to the trustees' meeting. I went to the trustees' meeting with a list of questions. I think there were twenty-two questions. Some of them were questions like, "Who investigated and did the due diligence on this because what I see in the Ohio Revised Code is that you're setting us up for a land grab.

Now, I want to clarify. I don't live on the water. If I live in the watershed I'm on the very, very edge. Buy I may not live in the watershed. But this is close enough to home that it woke me up. I said, "Wait a minute they're bringing Agenda 21 to my hometown. They're bringing Socialism and they're bringing a taking of the property that's going to violate the Fifth Amendment of the Constitution. I need to do something." I attended the trustees' meeting with the questions. I also emailed the trustees the questions. I was not allowed to ask the questions. I was told to sit down and be quiet. They got hold of the ODNR. The ODNR brought their Matt Smith, their specialist representative, out and held a meeting at the Kinsman library. He did answer and clear up several of the questions that I had because there was some rules in the Ohio Revised Code and other sections that says that if you take a pet on the

land and they defecate, you have to clean it up. You're in the woods. Are you serious? Have you gone this far? But this is if they acquire the land because they can. Within in the law they can allocate money and they can purchase the land forever. The state government can buy it and the ODNR Wild and Scenic River designation will run that and manage that land. Under that, if you take a pet on that land despite being in the woods next to a stream and that animal defecates on the ground you have to clean it up. You can't throw a rock. You can't skip a rock on the water. There's all sorts of extra rules that go on if they buy it. But that's another story.

This is me and my wife and our six kids and their friends. All of these kids are just unbelievable kids. They're constitutionalists. They're conservative and they give me hope for our future. As you can see, there became a competition to see who could get the most signatures. It was Snapchatting back and forth as each team bested the other team each night with who would get the most signatures. It actually became very positive for them. We looked forward to going out. We got to interact with people. We got to educate people. Heck, we got to pray for people. It was outstanding. And they got Gatorade. We actually had some people who were really just blown away by the fact that kids were involved and would invite them in the house. The kids would say, "We'd love to stay to talk. We'll come back another time but we've got the petitions. We've got to get signatures."

The petition efforts were in ten townships across, I want to say nine weeks but it might have been ten weeks. We did three hours a night from 6:00 pm to 9:00 pm. We did three to four days a week and somewhere between two and four cars going out every time and we amassed 1,300 signatures. About seventy-five... [applause] Honestly I give all glory to God in this because He's the one who laid out this plan for us to do it. I'm standing here with tears in my eyes talking about it because those kids are my future. That's my duty. Thirteen hundred signatures. That's more than the watershed which, if we go back here, there's ten townships. Not every township is completely done. In this township they didn't even include and this township they didn't even include and by the law they're supposed to. So, my next steps in this fight is that I'm going to take the information that I'm about to show you from the watershed planning commissions of other scenic and wild rivers in Ohio and go to the local trustees' meetings, Because most of the trustees had to sign off on this. I am going to go there with this information and try to arm them to show them that they've been lied to because, essentially, they have.

I was very excited. If I went back to the original designation the guy's name was the director of the ODNR. His name was Jim Zehringer I believe it was and he was a Ted Strickland appointed Democrat and [Mike] DeWine won and he appointed Mary Mertz to be director of the ODNR. She is from the Republicans and I have very high hopes that she would take this petition and just roll with it. Ha, ha, this is going to be good. I found an article on her in my research. I won't read the whole thing. This is from the Plain Dealer article and the key quote is... and this is a quote from Mary Mertz, "I'd like to see the whole Ohio coast of Lake Erie become a Howard Marsh [Metropark]. Now, they did a Howard Marsh of a thousand acres in Dayton to clean the water and this is a Republican. They did a thousand acre Howard Marsh in, I'm sorry, it was Toledo to clean up the water they had success with it, limited success. But the phosphorous levels are still high. They blame the farmers. All of that being said, when I saw this my hopes kind of sagged that she would do anything just from the standpoint that I believe she's an environmental extremist, as are most of the politicians, it seems. She also said that \$900 million was recently set aside for the H2Ohio program to improve water quality around the state. It will include a focus on Lake Erie and its watershed.

Now fortunately, like I said in the beginning, we don't drain the Lake Erie. We drain the Shenango and Pennsylvania. I'm holding out hope there that she will come to her senses and honor the petition but I don't think the fight is far from... I think we've got a ways to go yet.

During my initial research of looking into this what I found was that this is a long-term slow effort to dissolve the riparian rights of the landowner and claim the land through the use of riparian buffers, which when they claim the land they're not going to honor the Fifth Amendment. They're not going to pay anybody anything. They're going to take it. They're going to take the managerial rights of the land and we'll still pay taxes on it.

About a hundred people attended the open-house meeting and we had thirteen hundred signatures. This is the article that was in two of the newspapers, actually the same two that ran the ad for the scenic river program. This is the Star Beacon Journal and the Warren Tribune and this is an article that showed the effort that we took. I'm not going to read the whole thing to you. It was a somewhat fair

article but, of course, they gave the ODNR the opportunity to totally rebuttal it. The media should be holding the politician's feet to the fire and we've lost that as well in this nation.

I had found in articles that the Kinsman Township trustees were the ones who spearheaded this project across ten communities that to me is another violation. The township trustees should look out for the township residents and their rights not trying to do something. I also think the guy is trying to make a political move to move up within the county or state.

During my research I found a legal, basically, training document where this is the National Academy's press. That's the link to the website. It's a 2002 document called "Existing Legal Strategies for Riparian Area Protection." I'm just going to skip down to, "The importance of protecting riparian areas has prompted several states to establish state-level regulatory programs beyond those authorized for floodplain regulation. The most common form of regulation is to establish buffer zones (setbacks) adjacent to waterways in which development is precluded or limited." Now, here's something that really just kind of threw me into seeing what's gone wrong. "It should be noted that state and local setback regulations on private land have been or are likely to be ruled constitutional, as discussed in Box 4-2," which is the next one that I have.

Basically, the first line here says, "Land-use regulation to protect riparian areas may be hindered by private property rights-related concerns..." well, because they're violating private property rights. So, the entire strategy in which this is written is a shift from our founding is more toward...

*Audience member:* Hate.

*Mr. Piontkowski:* He actually mentioned the word Gaia. I don't know how many of you are familiar with Gaia and Gaia worship but essentially you have a new religion or actually a return to the paganism religion coming back in the form of Gaia worship. And that's what these environmental extremists believe. We are a parasite that is causing an issue with Mother Earth and we need to be held contained so we don't hurt the Earth. He actually [unintelligible] her earlier in this speech. I heard it. I had a whole section prepared on it. I'm not even going to go there. So, here is from the watershed planning committees. This is from the SaveMommy.org, notice we're saving it, that 75 percent of parcels adjacent to open water to have a minimum of a 20-foot riparian buffer by 2044. The plan is in place in this river to take 20 foot of land on each side of the water. Now, that's only 20 foot but it's their land and they're not going to get compensated for it. And we, the people, need to hold the line and say, "No, you can't do this." Little Miami River, which actually is the oldest scenic and wild river in Ohio and it has been moved to a federal. So, here in their watershed planning commission they have to stop spraying herbicides into the stream and on the stream banks. Stop mowing and vegetation removal along the stream banks. If you own that land they're now taking your right to mow your land away. To me, that's a taking. You're limiting the management of my land and I would fight that. I'm not a lawyer. I'm talking from my standpoint, what I believe growing up reading the Constitution in school.

All of you in this room have much more education than I do and I respect your opinion but when I read this stuff, this fires me up because I think that this is not the government working for the people. This is the government taking from the people and they already do that in the form of taxes ridiculously.

Here's another Little Miami River. \$10 million worth of matching funds from local programs for the CREP [Conservation Reserve Enhancement Program] riparian force and buffer wetlands is included in that. Fifty million CREP [unintelligible] could lead to 20,000 acres of riparian corridor protection. Yeah, big money being thrown at this. Big money. And a lot of it is tax dollars.

So, here's another one. Implement 20,000 acres of approved cultivation practices on eligible agricultural cropland and marginal pastureland in prioritized floodplain riparian and upland areas. They have two different things here what they want to do. 5,000 acres of conservation and then the big one. Install riparian buffers on 3,406 linear stream miles. That's a big number. Now, it doesn't tell us the width but even at twenty feet that's a lot of property that they have no right to. [Unintelligible] This one is pretty interesting because I haven't seen how this has all panned out. I just want to briefly go here. Riparian corridor ownership discussion If you look down to Option 3, Option 3 is used the Hellbranch Overlay. With this option the landowner has the option to dedicate the land in the buffer area to the City of Columbus or maintain it themselves with the restrictions in place. Crazy, right? And people are not fighting this. I don't understand. Then in riparian corridor width, they gave them three options,

maybe four options. Minimum width 80 foot, 80 foot each side. The Hellbranch Overlay formula – 50 foot, 25 on each side. Option 3 was 50 foot, 25 each side. There's a calculation down here that, frankly, I'm not smart enough but probably the engineers in the room who did civil engineering it's based on the floodplain and there's minimums and based on elevation what they're wanting to do. But down at the very bottom the issue of width was revisited in a later meeting and actually they voted on it and you can see that nine members actually voted for the biggest riparian buffer which was Option 1 and a minimum of seven of them wanted a minimum of 200 feet, 100 foot per side. Now, as a landowner, there's a lot of landowners that are being represented and none of them had their personal property rights even considered in this because nobody stood up and said there should be zero. I believe in stewardship. I believe you don't go and dump chemicals in the water. I'm for clean water. I'm for clean air. But, if I own the land, then I own the land and nobody has the right to tell me otherwise what I'm going to do with it. That's my belief. So, the width with the hundred year regulatory flood plain Hellbranch Overlay, whichever is the largest with a minimum of 200 foot. The Olentangy River made wide riparian setbacks, and this is where they indoctrinate you why they need them, the range of 25 feet to 300 feet depending on the watercourse drainage area. The Kokosing River at the town hall this is the statement that they made though they weren't here. [According to the Kokosing Scenic River Watershed Plan,] "At the time of the settlement the Kokosing watershed contained nearly 17,000 acres of wetlands (based on hydric soils). Nearly two-thirds of those original wetlands have been destroyed and many of the remaining wetlands are threatened by development, due to their location in the watershed."

So, here's an example. The ODRC rivers program actually bought a 2-acre parcel by the Kokosing River with that that land has unbelievably more restrictions. If you go and visit that land because now it's public owned. Like I said, you can't skip a rock. If you take a pet you have to clean up after the pet. Those are just two of the crazy things that are in there. It's in two acres in the woods that nobody is going to go to. Also a 53-acre Category 3 wetland floodplain now known as the now known as the Blackjack Wetland Preserve those are looking at conservation easements.

Here's a township [College Township]. This, I believe, is still with the Kokosing River. I think that's down around Columbus-Dayton, that area. They're establishing a "120-foot buffer zones along perennial streams and a minimum lot size of one acre per dwelling unit. The Planned Unit Development (PUD) and Conservation Development classification require that 50 percent of the total acreage of the development is set aside as open space in Residential-1 and Residential-2 districts and 80 percent open within Ag districts." Now they're even going further that if you have an acre 50 percent of that land has to be totally open. It's just more governmental control at a township level.

Monroe Township: "Within the PUDC jurisdictional wetland are protected with a 20-foot natural buffer and a building setback of 35 feet (measured from the edge of the designated wetland). Riparian buffers are provided for a width of not less than 120-feet, measured from the river or stream bank. Within the context of preserving natural resources the Monroe Township PUDC could be used as a model for all moderate to high-density development within Knox County."

Here's another one in the same watershed. This is a watershed livestock exclusion fencing project based on nearly \$33,000 taxpayer money to put in 11,680 feet of fence on these properties with a 15-foot setback moving the cattle back to create a buffer zone where the cattle can no longer access the water and the landowner can no longer maintain that land or use that land. As far as I can tell this was a voluntary project but as a taxpayer I don't want my money spent on this.

You guys have inspired me today. This is something that I've found that one person can make a difference. After being here today, you probably know the guy on a first name basis, I didn't, but in 1994 the Senate was ready to ratify the Biodiversity Treaty but at the last minute Dr. Michael Coffman presented through his senator this map. Once the Senate saw what the signing of the treaty would mean to America, the Senate overwhelmingly voted against its ratification. Sadly though its efforts of state, local and regional governments and NGOs the implementation of these policies is continuing. That is the 1994 map that only this color green would be normal use by humans. Everything else would be a buffer zone, highly-regulated use, or core reserve that is basically off-limits to humans.

So, I want to thank you for the opportunity to be here and to meet you guys. This has been great, Thank you.