

Dorgan says provision protects property owners

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BISMARCK - Sen. Byron Dorgan D-N.D. said a final version of an appropriations bill regarding the Northern Plains Heritage Area will include provisions to ensure property rights are protected.

Dorgan expects the bill that contains the provision he authored to be approved by Congress this week.

"The Northern Plains Heritage Area will help our state parks and historic sites access federal resources to attract visitors, but I also want to make it crystal clear that property rights are the first priority and that they are protected," Dorgan said in a statement.

"The provision that I added to the Interior Appropriations bill makes it clear that landowners will not be included unless they opt in, and that they can opt out at any time.

"This is a solution that will help us boost our tourism industry and protect property rights at the same time"

Earlier this month at a public meeting in Bismarck, more than 150 people showed up to express concerns and their suspicions about the designation.

Wayne Ruzicka of Wilton was one of them.

Ruzicka owns range land along the river near Wilton and said Dorgan's assurances, while helpful, don't even come close to addressing the objections raised by landowners when it comes to property rights.

He said administration of the land as a National Heritage Area will not work unless the majority of those on the Northern Plains Heritage Foundation are landowners.

At the meeting earlier this month, Ruzicka called for Tracy Potter, president of the foundation board, to step down.

He said Potter "grossly misrepresented" information he provided at that meeting about his testimony to Congress and people who have been contacted on the designation.

Potter Wednesday said it comes down to people on both sides of a fence seeing things differently.

"This is all about perception," Potter said. "The property rights were always there."

The area in question encompasses about an 80-mile stretch of land along the Missouri River from Huff to the Knife River Indian Villages north of Stanton.

The heritage area could extend five miles on each side of the river and could mean \$10 million in federal money over the next 15 years to enhance and protect cultural and historical areas.

About 150 such areas have been identified.

Dorgan's amendments would allow landowners to decide if they want their land to be included in the area and would allow them to opt out at any time with "proper notification."

Publicly-owned land also could opt out with notification by the governing body and private landowners would maintain complete control of their land.

Ruzicka said he is worried that land in the designated areas would have to be open to public access.

He said there remain more questions than answers and the whole thing has left "a bitter taste" in his mouth and others' who felt they are being railroaded.

Potter said there is nothing in the law to provide for public access and the rights of property owners are protected under federal law.

"They're (property rights) absolute," he said.

Potter said he welcomes Dorgan's assurances and hopes it lays to rest the "irrational positions of certain people."

Potter said, "It has nothing to do with regulation of property, it has to do with marketing."