

Home and Hearth vs. a Park

Rick Rikoski

Ricky, Jenny and Dad at their new dream home in 1985



The Duneland Dream

People working to preserve Northwest Indiana's dunelands as a national park want to see all the land indicated on this map added to the Indiana Dunes National Lakeshore.

-  Existing Indiana Dunes National Lakeshore
-  Proposed additions



The Pauli Principle of Physics



Two things cannot occupy the same space at the same time

Outline of Today's Talk

- The federal legislative process
- The Indiana Dunes legislative history
- Introduction of 1989-1992 INDU expansion proposals
- Beverly Shores homeowners' successful efforts to resist federal taking of Beverly Shores homes and land

The US Park Service's Master Plans for Beverly Shores as seen from 1989

- There had been repeated attempts in a series of congressional park bills since 1966 to include all of Beverly Shores within the INDU's park boundaries.
- BS homeowners rose up in opposition when necessary to prevent their homes being acquired by the INDU. Eg. "Hope" (Homeowners Opposed to Park Expansion: (John Daraska, Dr. John Rackauskas.)

Early legislative history of INDU acquisitions of Beverly Shores homes and land

- 1947 Town of Beverly Shores is incorporated. 1800 acres.
- 1965 Senate passes bill to include all of Beverly Shores . House didn't.
- 1966 Eventually, 1200 acres went into the park including all beach front homes. Island and strip remain free.
- 1972 Second INDU expansion bill introduced to bring in both Island and Strip.
- 1975 Indiana Dunes Bill (Fithian) includes Island and Strip.

Legislative history of INDU acquisition of Beverly Shores land

- 1976 House passes Fithian Bill. Senate passes Fithian bill but defers action on Island and Strip for NPS desirability study.
- 1977 NPS completes study which makes a case for inclusion of Island and Strip
- 1978 Fithian-Byah-Lugar introduce bill to include Island and Strip.
- 1978 Fithian-Byah-Lugar bill passed by Senate, but House adjourns before final vote
- 1979 Fithian-Byah-Lugar bill re-introduced
- 1980 Bill fails to reduce the size of the Island
- 1989-1992 Another Dunes Bill (My Concern)
- 1990's Route 12 "Scenic Highway" Study

The INDU's 1987 plan included taking more of Beverly Shores

D R A F T

LAND PROTECTION PLAN

INDIANA DUNES NATIONAL LAKESHORE

INDIANA

JULY, 1987

How Federal legislation can turn your house and yard into a national park

- Congressional legislation is passed to allow a park or lakeshore to expand its boundaries.
- Once that happens, the US government has given itself the right to acquire any privately-held property within its new boundaries.
- Funds can be appropriated for home and land purchases

Easements: Good for Them; Bad for Us

- Sometimes by threatening takings, NPS gets municipalities and private owners to grant easements which allow trespass by park visitors. No payments necessary.
- These are generally called "trails."

Limitations on Acquisitions

- The federal park may not acquire any municipal land, like roads, town parks or town beaches, except by mutual agreement, donation or trade.
- Private property to be acquired must be at an existing park boundary, i.e. “Contiguous” to a park boundary.
- “Fair” market value must be paid to the owner.

The legislative process

- Somebody proposes an idea, e.g. for the acquisition of a home, or a group of homes to a congressman.
- He drafts a congressional bill to do that and alerts the US Senate that a bill is coming.
- House and Senate draft their own bills, same topic but different in details, considering the special interests of their constituents.
- The bills are sent to a conference committee for reconciliation. One combined bill comes out.

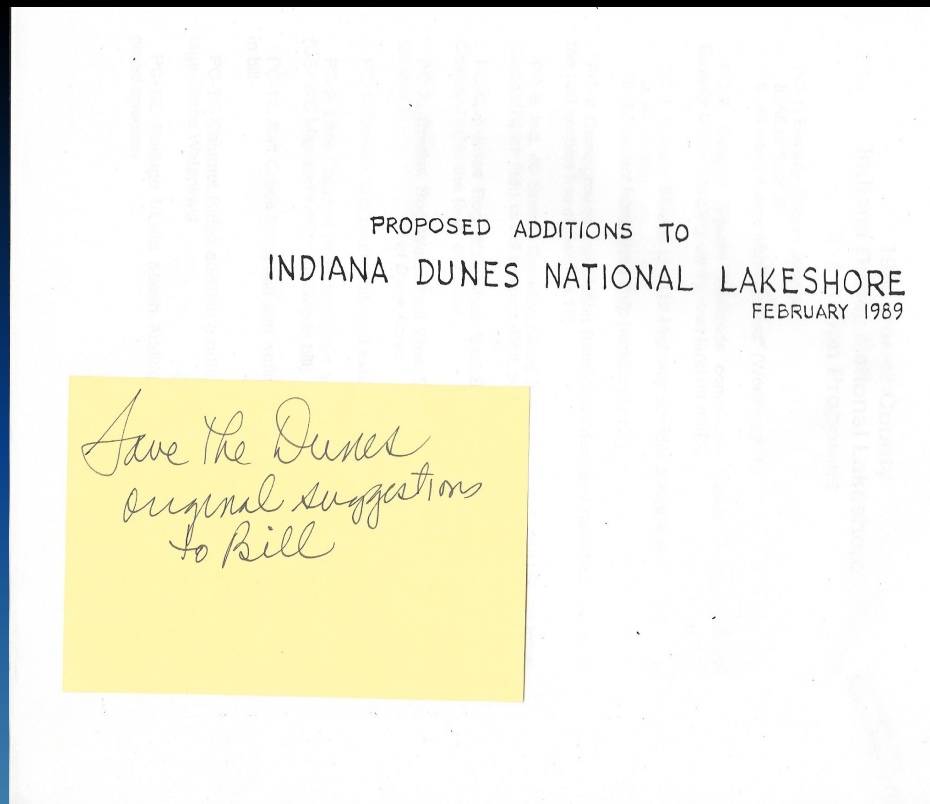


Limbo

- The joint bill is further adjusted at mark-up and eventually is passed (or not) by the full house and senate.
- The bill is (or isn't) signed by the President and becomes law.
- The actual purchase is held up waiting for an appropriations bill to fund the purchase. Might be held up for years or never happen. Meantime the home owner is in limbo. The price that he can sell his property on the open market drops. i.e. "Kills the real estate market."



In 1989, the Save the Dunes Council wanted
to include all of Beverly Shores into the
Lakeshore



Save The Dunes Council endorsement of INDU expansion

1989 Porter County Indiana Dunes National Lakeshore Expansion Proposals

PC-1. Beverly Shores Island:

- a. All of "Island"
- b. All vacant land within "Island" (Wording in bill.)

PC-2. Beverly Shores Wetlands completion (Great Marsh north of Beverly Drive including contiguous land on north)

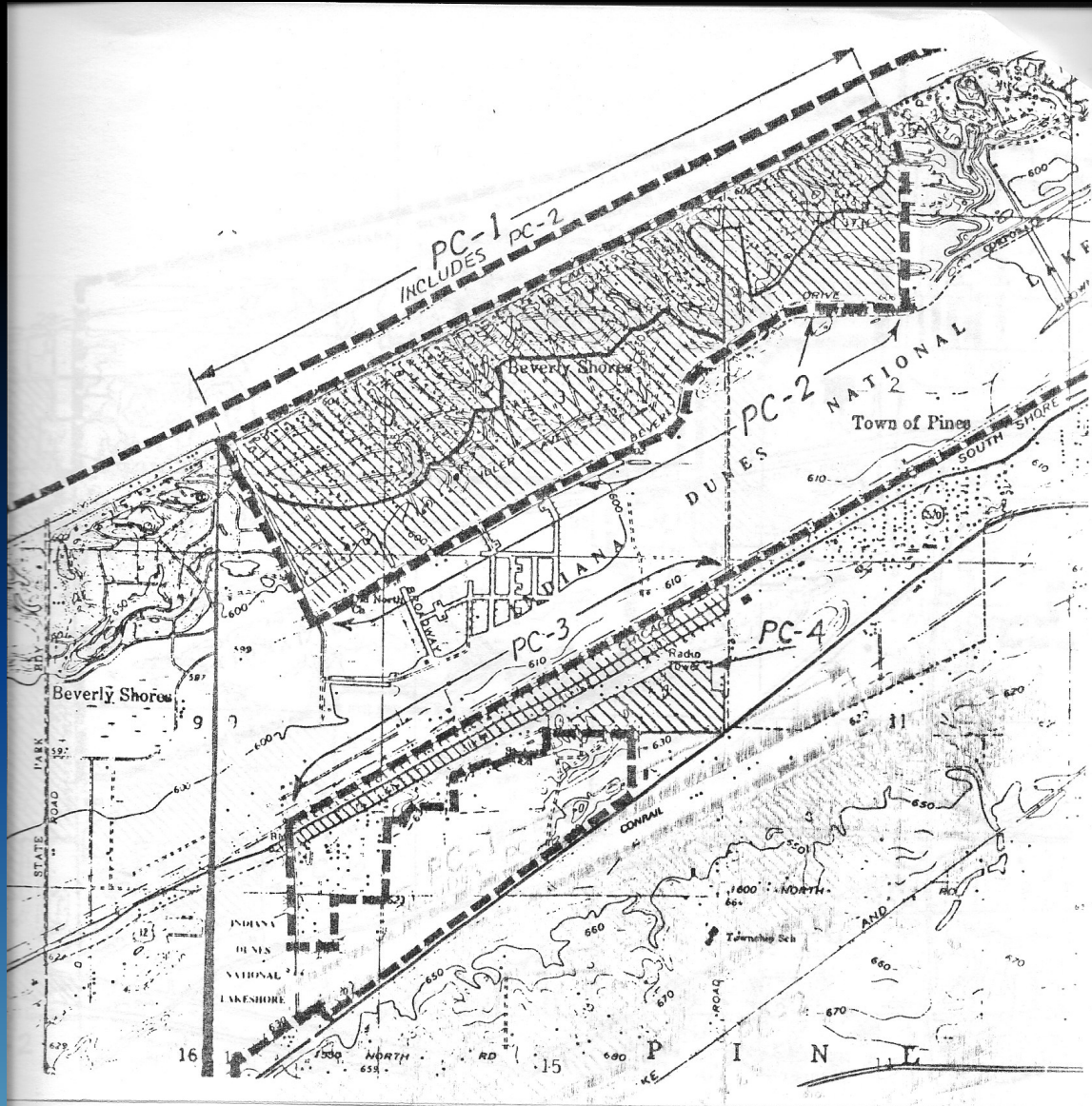
PC-3. Beverly Shores U.S. 12 Highway corridor completion

- a. All of strip
- b. All vacant land along strip (wording in bill)

PC-4. Campground completion (north boundary and northeast corner to the half section line of Section 10)

PC-5. Ind. 49 Scenic Corridor: Along Ind. 49 from Ind. 49/U.S. 20 Interchange(Hjelm Rd.) to the present IDNL boundary

All of me; Why not take all of me?



Post Tribune News Story

Visclosky has lakeshore plan

By Rich James

Staff writer

U.S. Rep. Peter J. Visclosky unveiled his Indiana Dunes National Lakeshore expansion plan Monday, with emphasis on greater access for park visitors.

Visclosky, a Merrillville Democrat

Porter and Beverly Shores wetlands.

"I commend him for including the Little Calumet River and Salt Creek basins," Herbert Read said of the two Porter County rivers. "The Izaak Walton League has proposed that from the start. I don't want Porter County developed as Lake County has been."

■ A considerable amount of land at Porter Beach, which is adjacent to the Indiana Dunes.

■ Twelve acres known as the old University of Chicago property just south of the entrance to Ogden Dunes. The land could provide a new entrance to the

NAME OF PAPER	POST-TRIBUNE
WHERE PUBLISHED	CARY
DATE OF ISSUE	8-8-89
SENT IN BY (PARK)	INDU-NJ
COPY SENT WAS07	Yes <input type="checkbox"/> No <input type="checkbox"/>

Peter Visclosky story, continued

...lled the Indiana Dunes
...eshore Access and En-
...ct, drew praise from en-
...ts, although they collec-
...visclosky should have gone
...d acquisition, including

...we praise the congress-
...g the initiative," said Da-
...spokesman for the Hoo-
...of the Sierra Club. "This
...cy year for the Dunes.
...ed areas are threatened."
...echoing that comment,
...is increasing develop-
...around the Dunes. After
...ple know the park is
...ases the quality of life
..."

...the legislation are stud-
...lead to acquisition of
...nd. It also alters the
...icy for some residents.
...Read of the Save the
...l said, "We have to com-
...gressman for introducing

...tential of Gary's lakefront can be
...more fully realized while the
...Park Service can more effectively
...accomplish its mission to 'pre-
...serve and protect' its natural
...areas."

The bill proposes the following
land acquisitions:

- The rights of way on Beverly Drive and Broadway in Beverly Shores. The acquisition of a small piece of Broadway property for creation of a small parking lot in Beverly Shores.

- Land to the east of the existing Beverly Shores campground on the south side of U.S. 12. It would be for additional camping and a proposed amphitheater.

- A parcel on the southwest corner of U.S. 20 and Brown Road, to be used as a staging area for shuttle service to nearby beaches.

- Several small parcels along U.S. 20 to make the highway a

...dor for possible inclusion in the
national lakeshore. Another
study earmarks the Beverly
Shores wetlands just north of
Beverly Drive.

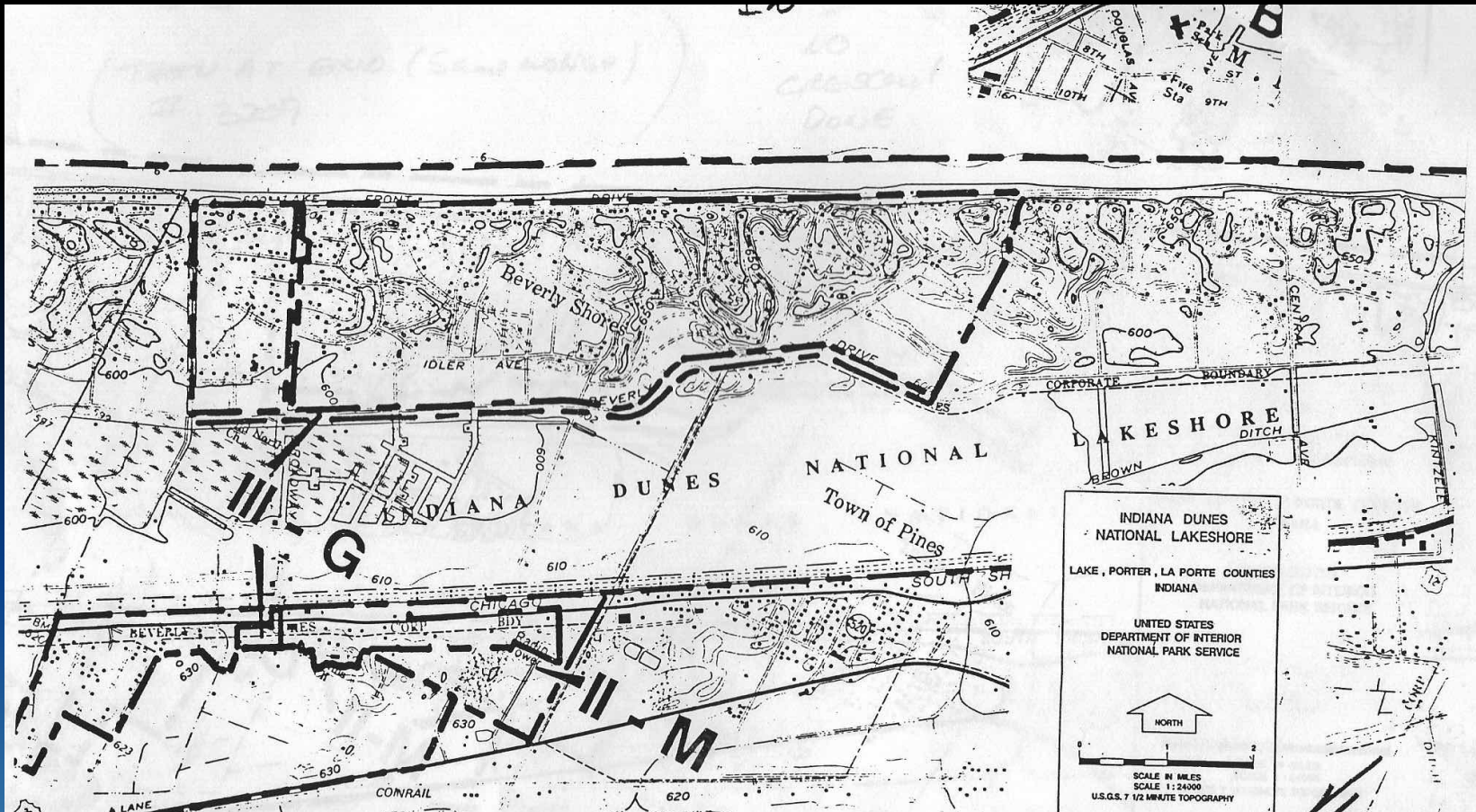
For leasebacks, the bill would
allow original leasebacks to be
extended until 2010. For home-
owners whose land is acquired
by the government after Aug. 1,
1989, a leaseback is available
through 2010 or it can be passed
on to children of the owner.

The proposal also renames the
visitor center on Kemil Road to
the Dorothy Buell Memorial Visi-
tor Center.

The late Buell, a former resi-
dent of Ogden Dunes, founded
the Save the Dunes Council.

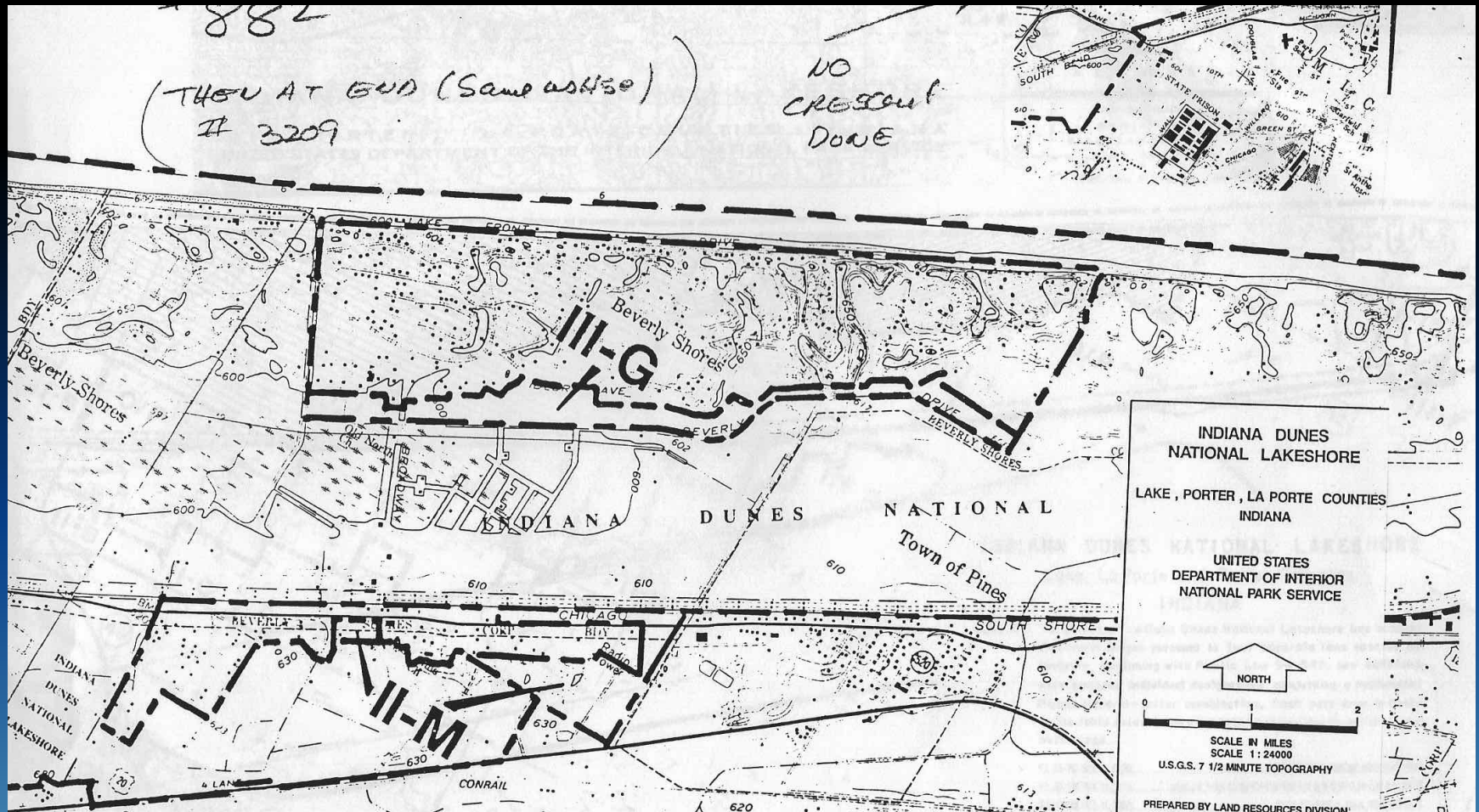
"There wouldn't be a national
lakeshore without the Save the
Dunes Council," said Canright.

House bill 3209

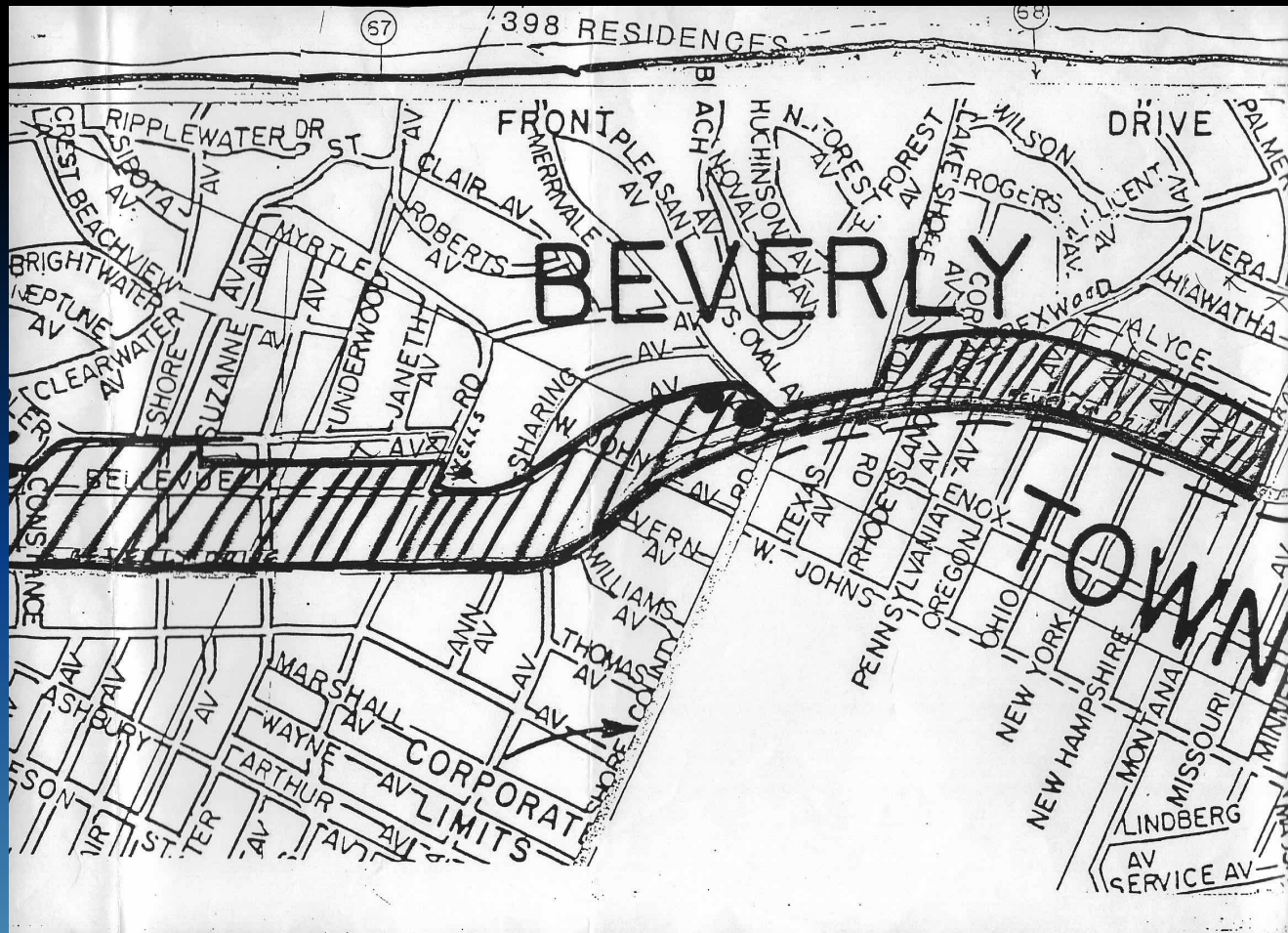


The bill also included acquisition of Greco's (now Angela's) to be used as a parking lot

Senate proposes alternative Bill 2882



Proposed Acquisition South of Bellevue



1989/92 Bills Going into Reconciliation

- Visclosky's House Bill: Angela's House and "Protection" of Access to Lakeview by taking Broadway Corridor. Also Beverly Drive.
- Lugar-Coats Senate Bill: Old North Church; Four other homes; and wetlands between Bellevue/Idler and Beverly Drive.

Supporters of the 1989/92 Bills:

- The Save The Dunes Council.
- Residents who wanted to unload useless property (swamps, unbuildable wetlands, etc.).
- Residents who needed cash and wanted leasebacks. Also known as "Reservations of Use."
- Leaseback holders from an earlier bill whose time was running out and hoped for extensions of their Reservations of Use.
- Commercial property owners who were unable to sell their property on the open market for the price they wanted. (Greco).
- One member of the BS town council and Save the Dunes who was hoping to sell her building to the Lakeshore. (Firme)

Political opposition to the 1989-91 Bill began to organize at a grass-roots level

Beverly Shores home owners asked:

How can we save our homes against an all-powerful
federal government?

I wasn't alone in the fight

- A dozen Beverly Shores property owners, established Watchdogs of the Dunes; 10/15/1989.
- We joined hands with a regional, Northern Indiana group; STOP (Stop Taking Our Property) to oppose any taking of property by the INDU.

Watchdogs of the Dunes

WATCHDOGS OF THE DUNES

CHARTER

The Watchdogs of the Dunes shall monitor the management of the Indiana Dunes National Lakeshore; shall lobby proposed legislation affecting the Lakeshore and its neighboring towns; and shall resist activities of the Lakeshore not in concert with the complete preservation of these towns and the rights of residents to live freely therein, retaining, buying and selling their privately-held homes and lands unencumbered in any manner by the Indiana Dunes National Lakeshore.

10/15/89

How we planned to fight!

- We, home owners, organized ourselves independently from the town government. We didn't trust, initially, that the town council would represent our interests.
- Actually, we didn't trust anybody. We just wanted to protect our homes.
- We mounted a campaign of letter-writing, lobbying, and trips to Washington to meet our senators and congressmen. Some of us testified before congress.
- We knew that the Save the Dunes Council and their friends would lobby hard to support taking our homes. We couldn't let them go unchallenged!

The Majority of Beverly Shores Homeowners were opposed to the NPS taking their homes and yards

- The ABSR in 1989 under President Reagan Stephens, polled Beverly Shores home owners and residents; finding them largely against acquisition.
- The Beverly Shores Town Council, under President Carol Rusic, voted 4/5 for a resolution opposing the bill.
- The Porter County Council also opposed the bill.
- The Porter County Commissioners also opposed the bill.

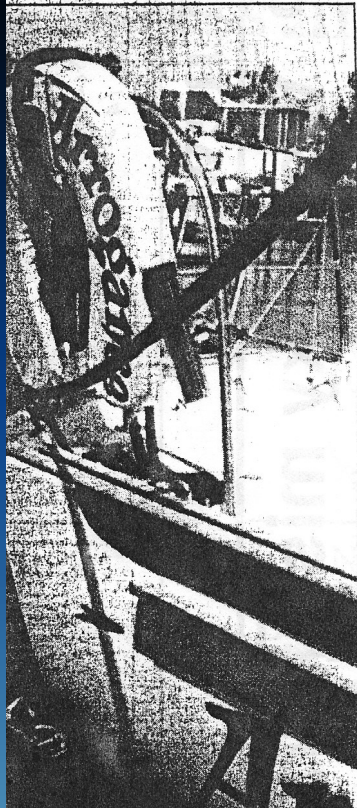
Our strategy to defeat the bill

- We went national by enlisting the aid of the property rights lobbying group the National Inholders Association.
- We mounted a campaign of letter-writing, lobbying, and trips to Washington to meet legislators and to testify before congress.
- We contributed small amounts to the legislators campaign war chests.
- We sought publicity for our cause.

News-Dispatch

5 SECTIONS

isters



Thou shalt not...

Residents wage war on covetous Congress

By **Paulene Poparad**
News-Dispatch correspondent

CHESTERTON — Gerry Regnier likes to tell the Biblical story of Ahab, king of Samaria.

Ahab was covetous of a vineyard owned by Naboth. "Give me thy vineyard, that I may make me a garden of herbs ... and I will give thee for it a better vineyard: or if thou think it more convenient for thee, I will give thee the worth of it in money," said Ahab.

Replied Naboth to his king, "The Lord be merciful to me, and not let me give thee the inheritance of my fathers."

Ahab was angry, yet he respected Naboth's decision.

Centuries later, Regnier and his neighbors have been put on notice that the federal government is covetous of their property.

But unlike Ahab, Regnier believes Congress isn't likely to be satisfied taking no for an answer.

The approximately three acres Regnier owns along the Little Calumet River south of Indian Boundary Road is included in the

LOOK INSIDE

From Washington, a report about the battle for land along Salt Creek and the Little Calumet River..... A4

U.S. Rep. Peter Visclosky schedules a public meeting for Tuesday in Chesterton to clear the air on his expansion bill..... A4

From Visclosky, a list of "Facts & Fiction" he says clears up "misinformation" about the issue..... A4

A map of one of the hot areas — land along the Little Calumet..... A4

Indiana Dunes National Lakeshore expansion bill written by U.S. Rep. Peter Visclosky, D-Merrillville, has passed the House and action due in the Senate.

The Little Calumet corridor ar
●See **RIVER**, Page A4

Some of the Congressional Committees we lobbied

- Subcommittee on National Parks and Public Lands
- Public Lands, National Parks and Forests
- Senate Energy and Resources Committee
- Committee on Interior and Insular Affairs
- House and Senate Appropriations Committees
- House Interior Committee

How to get a Senator's attention

U.S. SENATOR
DAN COATS

P.O. BOX 2365, INDIANAPOLIS, IN 46206
(317) 636-1990 FAX: (317) 635-2684

June 19, 1991

Mr. Richard A. Rikoski
Lakefront Drive and Broadway
Beverly Shores, Indiana 46301

Dear Rick:

Thank you for your early and generous contribution. Your support is crucial to my campaign as I plan for the 1992 election. As before, preparedness is imperative, and I want to run this campaign in an aggressive, up front, all out manner.

Republican leadership has led this country through a difficult situation with overwhelming success. Now, as attention is focused on world peace and domestic issues, it is important to provide even stronger, bolder leadership for the issues we all deem vital - strengthening the American family, discouraging spending and tax hikes, allowing free enterprise to flourish, and maintaining a strong national defense are but a few of the issues.

Running two statewide campaigns back to back is a tremendous challenge for both myself and my supporters. However, with the support of people like you, I am confident we can achieve victory in November of 1992.

Sincerely,



Dan Coats
U.S. Senator for Indiana

P.S. If you have a friend who might be interested in helping my reelection campaign, I am enclosing a business reply envelope for you -- thank you in advance for any further assistance you provide!

Enclosure

RICHARD G. LUGAR
INDIANA

SH 306 SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510
202-224-4814

COMMITTEES:
FOREIGN RELATIONS
AGRICULTURE, NUTRITION AND FORESTRY

United States Senate

WASHINGTON, D.C. 20510

July 30, 1991

Mr. Terence Boris
P.O. Box 465
Beverly Shores, Indiana 46301

Dear Mr. Boris:

Thank you for your recent letter concerning Greco's parking lot. I have decided not to include Greco's in my proposed Senate Dunes bill.

I have cooperated in passing legislation to expand the Indiana Dunes National Lakeshore in a manner which has been respectful of the rights of private property holders.

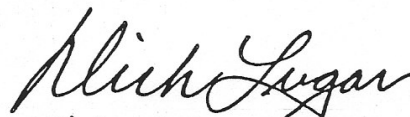
I am currently considering introducing Dunes legislation which would include Crescent Dune (but no other parcels in La Porte county) as well as some parcels in Lake and Porter counties.

I am presently reviewing the justification and cost of each parcel which has been proposed for acquisition in Congressman Visclosky's recently introduced bill.

Your comments on these issues will be most valuable to me as the legislative process proceeds.

I am grateful for your interest in this vital issue and for taking the time to communicate your views to me.

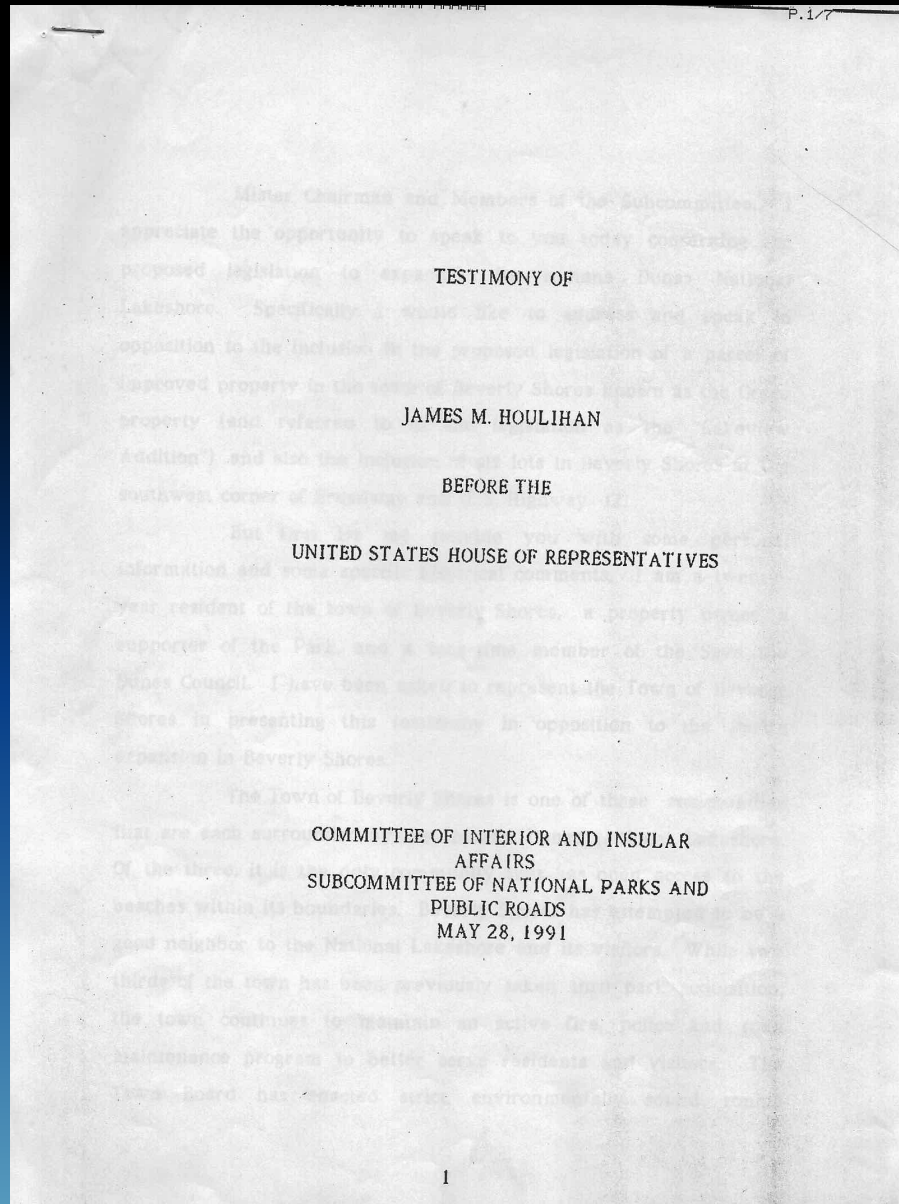
Sincerely,



Richard G. Lugar
United States Senator

RGL/dwl

Jim Houlihan's Testimony, 1991



Jim Houlihan's Conclusion

Moreover, expansion of those parking facilities can be accomplished without endangering residents, park visitors, or the environment. Both options are already entirely on park property and therefore do not involve further acquisition costs.

This Committee must take the first step in restoring the town's basic rights by the elimination of the two properties in the Beverly Shores portion of the legislation before you. A second and significant step would be a complete review of the wisdom of turning the only uninterrupted four mile stretch of lakefront access into a veritable parking lot with cars forever circling in a game of bumper tag looking for never opening parking spaces.

Thank you Mister Chairman and Members of the Committee for your time. I am happy to answer any of your questions.

COMMITTEE ON INTERIOR AND OVERSEAS

ARTS AND

SUBCOMMITTEE ON NATIONAL PARKS AND

RECREATION

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, D.C.

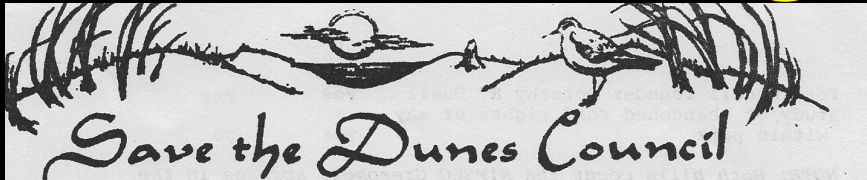
1971

After Serious Lobbying by us in opposition:
Neither bill included the entire Island or the
Strip as Save the Dunes initially wanted

Major Differences between Senate and House Bills Going into Reconciliation

PARCEL	SENATE BILL	HOUSE BILL
B. Shores	Wetlands between Beverly Drive & Bellevue	Easements along Broadway and Beverly and "Greco"

Save the Dunes Urges Action



Save the Dunes Council

444 Barker Road, Michigan City, IN 46360 Phone: (219) 879-3937
Celebrating its 40th Year

February, 1992

GOOD NEWS GOOD NEWS GOOD NEWS GOOD NEWS GOOD NEWS GOOD NEWS

The Senate committee on National Parks has scheduled a hearing on the Coats/Lugar Dunes bill (S. 1919) for Wednesday, Feb. 19!

The Senate hearing on S. 1919 will consist of testimony only from the National Park Service, because the committee position is that there is testimony on the record already on most of the issues. In the interests of time, the Save the Dunes Council has agreed to these conditions. Council President Tom Serynek and Technical Assistant Tom Anderson will be in Washington for the hearing and for educational work with committee members.

HELP!

We need you and your letters and phone calls of support for a good Dunes bill, including the areas not in the Senate bill. The record is to be held open one week--until Feb. 26--which allows no time for procrastination. Please write right away, even if you have written before, even if you have never written. See reverse.

COMPARISON OF DUNES BILLS--H.R. 1216 and S. 1919

	H.R.1216	S.1919
LAKE COUNTY LANDS		
Woodlake Dune/Inland Manor	193 acres	193 acres
Pottawattomie Woods (Cohen/Heinze Fd.)	22	22
U.S. 20 (Fadell) Dune	45	45
Hoosier Prairie Addition	175	175
Calumet Prairie	270	270
Hobart Prairie Grove	280	280
PORTER COUNTY LANDS		
U.S 12 Hwy. strip (aka U. of C. prop.)	13	13
State Route 49 Corridor	33	--
NIPSCO Greenbelt	90	90
Greco/Byers	1+2= 3	--
Totals	1124	1088
OTHER PROVISIONS		
Removes the restriction on purchase of Crescent Dune	yes	yes
Includes study of Deep River Corridor	yes	no
Provides for cooperative agreement between Gary and NPS	yes	yes
Life estates for homeowners	yes	yes
Leaseback terms (year)	2020	2020
Extensions for total of 29 years for existing leaseback holders	no	yes
Renames the Lakeshore Visitor Center		

End Game!

Just when we were beginning to feel optimistic....

- We realized that the entire Island and Strip might be re-introduced and included at mark-up in a last minute political deal!
- Save the Dunes, after all, was in Washington for “Educational work with committee members.”
- We had to trust that the congressmen and senators that we had lobbied would protect our homes during mark-up!!

We lucked out!!!

The Beverly Shores acquisitions were not reintroduced during markup!

A final Park Bill was passed but:

- No Beverly Shores Homes or Yards were included!
- No Beverly Shores roads were lost!
- No Beverly Shores easements were granted!

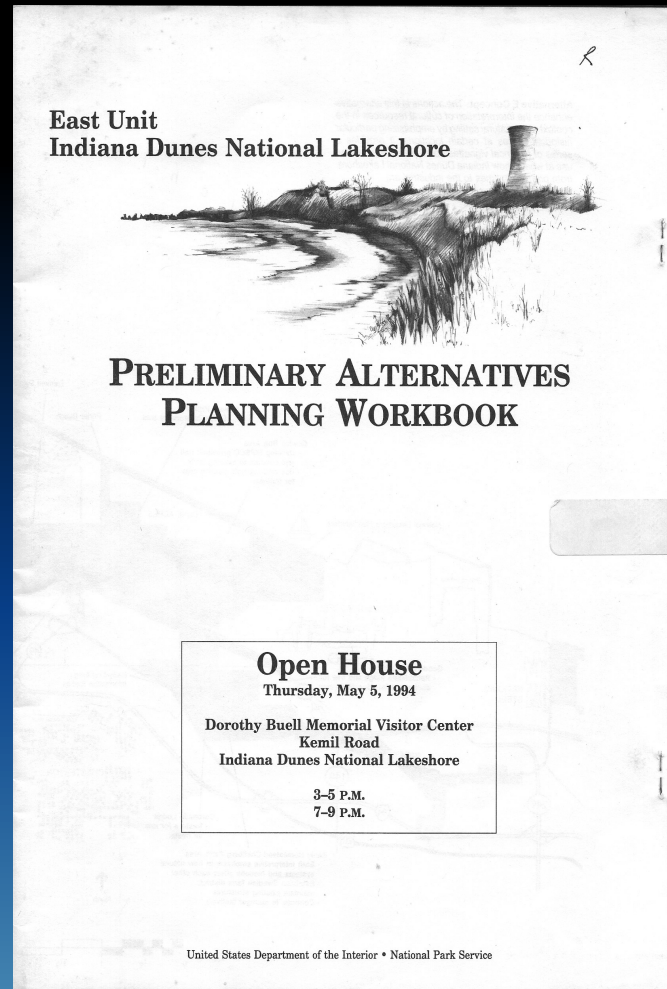
- Had we not organized and lobbied in opposition, we believe, the result would have been far different!

In the End

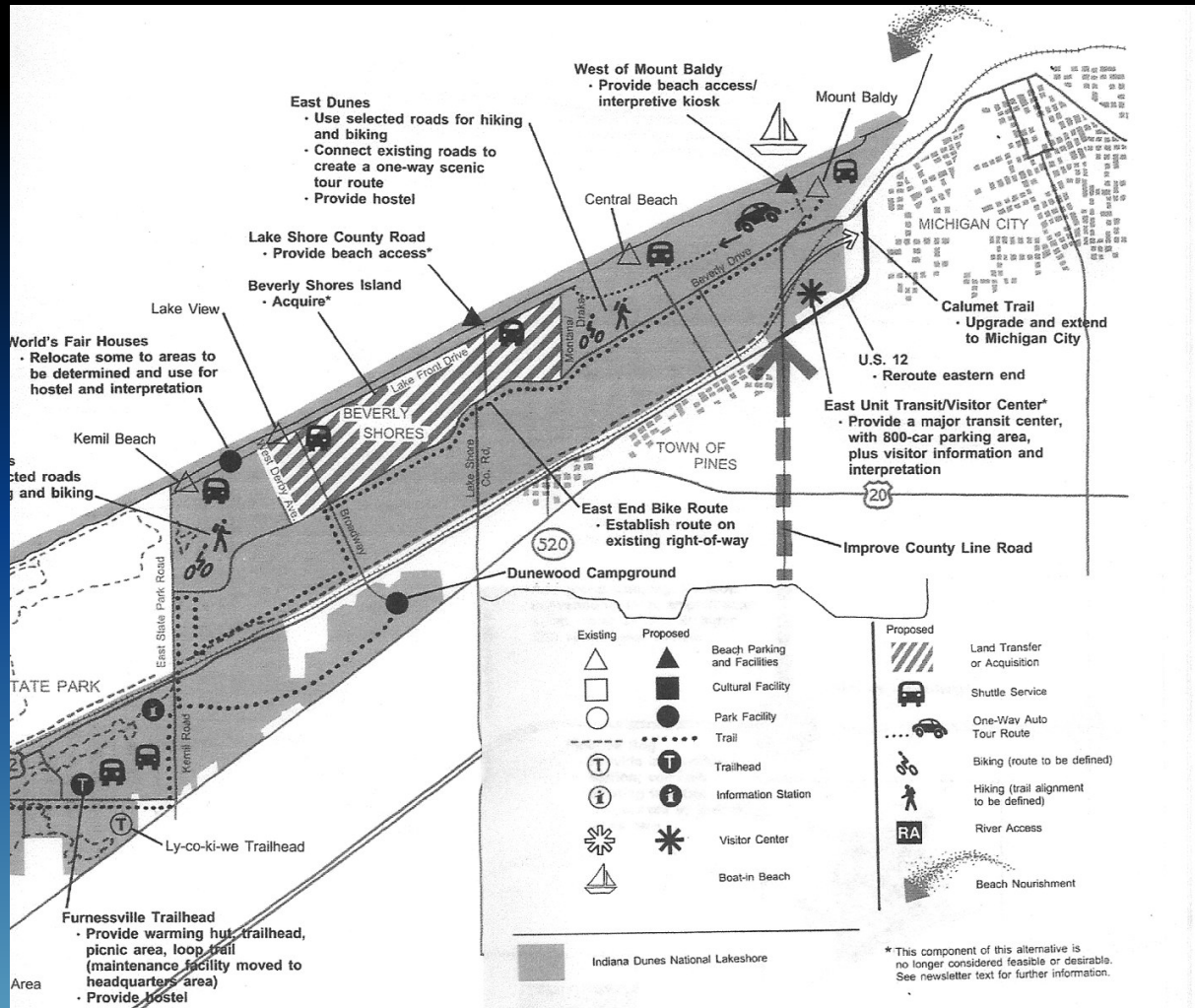
Park Officials commented after the 1992 bill failures that there would be no future taking of Beverly Shores homes or land as that would be too expensive for the federal government to afford.

- I was happy to hear that!
- And only too happy to forget about park bills and go back to my normal life!

But 2 years later, the Lakeshore was still thinking about acquisitions



"Acquire" vs. "No longer considered feasible or desirable"



Summary

- The Save the Dunes Council's and the Indiana Dunes National Lakeshore's plan traditionally had been to include all of Beverly Shores within its boundaries.
- There were a series of park bills to do just that, starting in 1966.
- The 1989-1992 park bills were fought successfully by a group of concerned Beverly Shores homeowners over a period of 3 years...

- So that's my story!!!

But as Steve Jobs would have

- said...

There is one more thing...

There is a new park bill

- Congressman Visclosky and Senator Donnelly have introduced a new park bill, this time with broad bi-partisan support, to change the name of the Indiana Dunes National Lakeshore to the Indiana Dunes National Park.

Sounds Innocuous Enough

- After all, who doesn't want a national park for Chicago?

- With the change in status, will there be a change in budget; the acquisitions budget?

Is there an acquisitions bill in
our future?

- rikoski@earthlink.net