

Private Property, Common Use:
Changing Land Ownership and Use in a Midwestern Rural County,
Including the Impact of a Nature Conservancy Preserve

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Abstract

I present an exploratory investigation of changing land ownership and use in a midwestern rural county. Because a considerable portion of the county has a topography too steep for agriculture, much of it consists of forest that is privately owned but left alone except for occasional timber harvests at 50-80-year intervals. As a consequence, much of this steep, forested land has been and still is treated as a commons-- although it is private land it is used by others, in particular for hunting, for mushroom and herbal root digging, and for riding all-terrain vehicles (ATV's). But increasingly, larger nonresidence holdings in the county are being sold in smaller parcels to owners who come from outside the county, who build vacation and retirement homes and who are more restrictive about use of their property.

At the same time, the international conservation group the Nature Conservancy has bought many thousands of acres in the county, to create a preserve for the protection of rare species and their supporting habitats. The Conservancy generally allows others access to their property for hiking and fishing, but does not allow hunting, mushroom gathering, root digging, or ATV-riding.

I explore these changes in the county, drawing on interviews with landowners in describing how different groups of landowners view use of their land by others and whether change in land use is indeed taking place. I conclude that: 1) It does appear that use of private land as commons in Pine County¹ is being restricted by the sale of larger rural holdings to new owners from outside the county. However, because the sample was small and not truly random, the differences must be interpreted with caution. 2) The Nature Conservancy's purchase of land to create a preserve also appears to reduce some uses of those lands as commons-- but it may also protect other common uses.

Because similar changes are taking place in many areas of the U.S. (large numbers of people are moving to rural areas) and because the Nature Conservancy is one of the nation's largest private landowners and its holdings are growing, these conclusions have application elsewhere and a larger study seems warranted.

¹ To protect the anonymity of the participants in this study, all place names are fictitious.

Preface

This is an exploratory study and I want to make it clear that I am unfamiliar with the literature on commons. I simply hope this exploratory work is of interest to those in the field, and I welcome any suggestions for theoretical or other nourishment.

Introduction

Picture a rural county in a midwest American state, which I will call Pine County.* This is a sparsely populated county of small villages and the economy is based largely in agriculture and local business. The median household income is below \$25,000; about a quarter of county residents live in poverty. It is also a county of considerable natural beauty. Much of it is forested and the rolling agricultural fields are equally pleasant. Streams and a larger river add to the appeal.

Pine County is not a place that time forgot. It has a Wal-Mart, and McDonald's as well as several other national fast-food chains. You see plenty of shiny, late-model cars and pickups on the roads, in parking lots, and parked in driveways. Video rentals are popular, and satellite dishes seem an almost ubiquitous fixture. If you drove straight through Pine County as part of a longer trip, you would probably remember it as simply a typical rural county of the U.S., one that happens to be located in the Midwest. You'd have some nice views of a landscape of forest and agricultural fields. You might find yourself going through one or two of the half-dozen or so medium-sized to very small villages, and if you stopped for gas you'd find the same brightly lit row of self-serve pumps and a convenience store you enter to pay— unless you pressed the “Pay outside” option and used your credit card.

Pine County, like many rural areas, also appears to be undergoing a significant change with respect to land use, and this apparent change provides an opportunity for an exploratory study of commons in Pine County.

First, it should be noted that the apparent change in land use is being brought about through the exchange of private land. No new public parks are being created in the County, with the possible exception of one or two green areas of an acre or two in one or two of the villages. And this paper is not concerned with that small addition of new public areas. The larger and more important change is the possible reduction in private lands treated as a commons by a larger group than the owners.

Such commons exist largely because a considerable portion of Pine County has a topography too steep for agriculture. Much of the county thus consists of forest that has been left alone except for occasional timber harvests at 50-80-year intervals, and this privately owned land is often treated as a commons. It is used in particular for hunting, for mushroom and root gathering (particularly from the plants Ginseng and Goldenseal, or Yellowroot), and for riding all-terrain vehicles (ATVs). But the availability of these commons may be declining, the result of two much larger and more important changes taking place in the county.

The first larger change appears to be the sale of larger rural holdings, owned by lifetime county residents, to new owners from outside the county. As part of these sales, the larger piece is often broken into smaller ones and use of the land changes from logging, farming, or simply leaving the land alone, to that of a residence. The new residence may be simply for weekend use, it may be for retirement residence, or it may be a new permanent residence for a person who

family who has left a more developed county for this more rural one. Thus the first question I will address in this exploratory paper is whether the nonresidence holdings were more often used as commons by local residents, and whether the sale to new owners from outside the county is affecting this use.

The second larger change is the creation of a private preserve, and this is occurring because for one important international organization, Pine County is not simply another typical rural county of the U.S. The Nature Conservancy, one of the world's largest private conservation organizations, identifies this particular county as containing some of the best remaining habitat in the world for several dozen species rare enough to have global importance. The Conservancy is a powerful, sophisticated, creative, and pragmatic organization whose principal goal is to protect rare species. How does the Conservancy protect species? According to them, "Not by campaigning, picketing, or suing.... We find natural habitats that are in danger and we buy them." Indeed, they have acquired several thousand acres of land in the county, called the Green River Preserve, which contains the habitats the Conservancy believes to be critical to the rare species they want to protect. Thus the second question I will address in this exploratory paper is whether the inclusion of land in this preserve is affecting the secondary use of these areas as commons.

Data and Methods

I began collecting data in the county in summer of 1998. I lived in the county for three-and-a-half months in 1999 and made numerous trips to the county before and after that period. The principal source of data for this exploratory study are 40 research interviews conducted with county residents, which were taped and major portions of which were transcribed. This is largely a "snowball" sample (initial contacts were used to extend my network of contacts), but others were found by stopping randomly on county roads or making acquaintance with strangers in various public venues. Thus this is not a truly random sample. Finally, my own observations of county life were an important supplement to this data.

Discussion

Private Land Used As Commons

It does appear that the larger nonresidence holdings were often used as commons. Landowners I spoke with, whether they grew up in the county or came to the county as adults, often mentioned their land being used by others, and for various purposes, including hunting, digging roots, riding ATVs, and others. The following three descriptions of such use are typical. The first owner grew up in the county, while the other two moved to the county from elsewhere.

"How do you feel about other people being on the land you own?"

I don't mind it a bit. I want them to respect it. There was a boy yesterday wanted to come up and kill squirrels. And he called up. Neighbor. They come to us and hunt deer, turkey.

"What if they want to ride their ATV?"

Yeah, that's all right. Neighbors with 4-wheelers come up the weekend before.

“How do you feel about other people being on the land you own?”

I would never go up to someone and tell them to get off, or yell at them, or stick a gun in their face, or shoot at them, or anything like that. But I might go up and talk to them. For example, one year I was out deer hunting and I was walking across the back part of my property, no roads around at all, thinking I was by myself. And I come across four deer hunters, all in a line along a certain place that looked like a deer trail. I couldn't believe it. I asked them where they were from, and they said they were from [a distant larger city]! I didn't ask them to leave, but I did tell them I really wished that people wouldn't hunt on my land, that I have animals and children and so on.

Interview 326

[W]e have had hunters come on our property without our permission, and we've had root-diggers. If they would ask— well, root-digging now we probably wouldn't allow it, because so much of it has been dug out we don't know what's left. But the main thing is if someone would just ask permission.

“Have you had exchanges then, walked up to people and met hunters or anyone else?”

We met some root-diggers. They said they'd just been digging it here for years, just took it for granted that they could keep it up, and we told them not to.

Interview 309

The Change to Residence Holdings

Many county residents noted the increase in private residences on smaller lots, outside the village areas. Many also noted that the new private residences are often being built by new owners from outside the county. It was a common topic of conversation in the county. The following comment, from a lifetime county resident, is typical:

[T]here used to be just a handful of families on this road, all with farms. Now you've got trailers and houses everywhere, people living right next to one another. It's gotten that way all over the county. People coming down here and building summer homes, and retiring here. People who want to get out of the villages because there's so much crime and drug use in them. They want to get their kids away from that.

Interview 320

And frequently, county residents noted that these outsiders, or city people as they referred to them, are less tolerant of others' use of their land. Here's an illustrative quote from a local realtor who grew up in the county:

When these city people buy a piece of land, the first thing they do is put a bunch of No Trespassing signs all over it. So now other people around them, who've maybe hunted and gathered mushrooms on their land their whole life because the former owners had allowed that, they suddenly aren't allowed to.... For these people, part of owning land seems to be keeping other people off of it, that seems to be part of what they want it for.

A county resident who had grown up in the county echoed this observation:

[Y]ou can pretty much tell when someone's bought a weekend property. They're not living there, they put a little cabin and stuff, they put up a locked gate. It's announcing they're not there, but it's also announcing, that they didn't grow up around here, because you very rarely find people who live here, with a gate.

Interview 510

Of my sample of 42 interviews, 27 owned enough land that access to others was a question. Of those 27, 20 were asked whether they allowed others on their land and whether they posted their land with signs restricting access or hunting, and whether they allowed specific uses such as hunting, gathering mushrooms, digging roots, or riding ATVs. The other seven interviews are either not yet transcribed, or did not include questions about others' use of their land.

TABLE 1. Whether Landowners Allowed Use of Their Land by Others

Landowners allowed others on their land

12 of 13 natives said yes (92%)

5 of 7 immigrants said yes (71%)

Landowners posted signs restricting access or hunting

10 of 13 natives said no (77%)

5 of 7 immigrants said no (71%)

Landowners allowed others to hunt on their land

10 of 14 natives said yes (71%)

3 of 5 immigrants said yes (60%)

Landowners allowed others to gather mushrooms on their land

10 of 13 natives said yes (77%)

3 of 6 immigrants said yes (50%)

Landowners allowed others to gather roots on their land

9 of 13 natives said yes (69%)

1 of 6 immigrants said yes (17%)

Landowners allowed others to ride ATVs on their land

7 of 15 natives said yes (47%)

0 of 4 immigrants said yes (0%)

The answers of these 19 did not support the notion that residents born in the county were more tolerant of others' use of their land than were those who had moved to the county as adults (See Table 1). Twelve of the 13 residents (93%) who had been born in the county said they allowed others access to their land, while five of the seven residents (71%) who had moved to Pine County from elsewhere said so. Similarly, three of the 13 residents (23%) who had been born in the county said they posted their land with some kind of sign restricting Trespassing or Hunting, while two of the seven residents (29%) who had moved to Pine County from elsewhere said so. Because the sample size is small and was not chosen at random, these differences are too small to support a difference between residents born in the county and those who moved to the county as adults. Also, with only one or two exceptions all of these landowners wanted those who used their land to first ask for permission. It was seen as an important courtesy, and a way to reduce the dangers posed by hunting and livestock.

When questioned about other uses, a stronger pattern appeared (see Table 1). Across all four specific uses asked about, residents born in the county were more tolerant of others' use of their land than were those who had moved to the county as adults, and this was especially true of root gathering and ATV riding. But it should again be noted that given that this is a small and not truly random sample, even the larger differences found for root-gathering and ATV-riding need to be interpreted with caution.

Whether they allowed use of their property by others or not, landowners typically mentioned similar reasons for concern about use by others: danger or damage to their family or property, danger to the users, and fear of liability. Compare these two comments, the first by a resident who was born in the county and no longer allows others to use his land, and the second by a man who moved to the county as an adult and does allow use by others.

“How do you feel about people being on the property?”

I tell them no. And I'll tell you why. Most people's all right, but a few spoiled it for everybody. They left the gate open up here a couple years ago. Cattle got out and came down here. And I had 600 pounds of ammonia nitrate laying over there in the barn, and they got over there and ate it. How many were laying there dead the next morning?— 8 or 9 great big Hereford cattle. I just told them-- that was it.... And they like the arrowheads, but I stopped that, because they'll wait until after a big rain when it's muddy and go in there and trample around.... And [hunters], they get excited when they see a deer, they just start shooting, and if the deer is running at you then you get shot at.

Interview 215

“How do you feel about people being on your land?”

I don't expect them to be on my land. If they've got business, fine. It's not for the community to roam around on.

“What if they ask permission?”

It depends on what they want. I'm a farmer. When you have livestock, your livestock are going to get out, travel back and forth....

“What if they just said they wanted to walk?”

That would just depend on who it is.... A farm's a dangerous place. You have to know kind of

what to expect, what not to.

Interview 315

What might then explain the difference between the two groups, with respect to their allowing others to use their land? I propose two explanations. First, those raised in the county were more likely to allow use of their land by acquaintances and especially neighbors, than were those from outside the county. This landowner clearly has concerns about the use of his property by others, but says that it is nevertheless appropriate for neighbors to enjoy some use of his land.

I allow that in very limited amounts and I do that reluctantly, because I think it is really bad for compaction and erosion. I've run people off for doing that, they've been people who haven't asked, I've occasionally had the neighborhood boys down the road ask me, kids I've known a long time, ask me if they can ride on the farm, and what I tell them is, 'I'll tell you what, there's a logging road in the woods.' Or if they're hunting I'll say, 'You can ride on that road, but for these reasons I'd prefer you not just ride out on the field.' And they'd always respected that. Actually, it's not been kids I've had to run off, it's always been adults. They seem to be the least respectful. And probably about half the times they've been from away. I say that not to mean away versus here, but I say that meaning they don't have any real reason to be there in particular, it's not like they own the place next door and are extending their yard or anything. They just kind of see it as free range, and I run them off in a heartbeat.

Interview 510

This man said at first he didn't want anyone on his property except for business (see above); it was only after further questioning that he made it clear this was true of strangers, but not of neighbors.

Well, it's got down to the point you just can't let people on your property. If anything happens to them, they're going to sue. You just can't take the chance. Your neighbors that you know all the time-- don't really worry about them. But the way things have got anymore, you just can't let yourself be put in that position.

Interview 315

Second, while the majority of both groups identified root gathering and ATV riding by others as possibly destructive for their property, more of the residents raised in the county felt some such use by others was permissible, while most of the residents who'd migrated to the county felt simply refusing all such use by others was the proper way to deal with it.

“How do you feel about other people being on your land?”

It don't bother me as long as they don't tear anything up or nothing. People come through here all the time....

“What about digging roots?”

They dig roots here too.

“And that's okay?”

Yeah.

“What about riding a 4-wheeler or...”

I ride too, so yeah.

Interview 319

“What if someone asked to dig roots?”

Well as a matter of fact– this is a coincidence-- I just had a couple of fellows I know ask to go up on my place and dig, look for Ginseng. I said fine.

“What if they asked to ride a 4-wheeler or motorcycle on your land?”

I just had a 4-wheeler out there. But that was my brother-in-law’s. Generally, as a rule, no. If they’re going to ride it to hunt, fine. If they’re going to ride it to ride it, no.... It just tears up the land too much. It’s destructive.

Interview 317

“Would you let them gather roots?”

I’d be kind of mixed about that, I guess, because I don’t know enough about it, and I don’t know if they take it all, does it replenish itself, how long does it take, things like that. I’d want to know a little bit more about them before I’d say ‘Yeah, go ahead.’

“What if they wanted to ride ATVs of some type?”

I wouldn’t have a problem with that till they started making a track of it.

Interview 509

In sum, the sale of larger rural holdings owned by lifetime county residents to new owners from outside the county may be affecting local residents’ use of these areas as commons. Across all comparisons, a smaller proportion of owners from outside the county said they allowed such use of their property by others. However, because the sample was small and not truly random, the differences must be interpreted with caution. The trend is consistent, and warrants attention. But with the possible exceptions of root digging and ATV riding, the differences in the data are small and may not reflect actual differences in the population. A larger sample is needed.

The Change to a Preserve

When the Nature Conservancy has purchased land to create their Green River Preserve, has that then reduced its use as a commons? That is the second question I will address in this exploratory study. As noted above, the Conservancy has purchased several thousand acres to create this preserve. According to the preserve manager, they allow free access, without permission, for the purposes of hiking, photography, nature study, and fishing. They do not allow hunting, camping, root digging, or riding ATVs. In several small areas they do ask that visitors stay on designated trails, to protect rare plant species that are restricted to these sites. The Conservancy has posted much of its property, indicating the owner and saying no hunting.

The preserve manager did relate having disagreements over use of Conservancy land, stemming from previous owners permitting activities the Conservancy now prohibits. He described ATV riding and root digging in particular, as areas of disagreement.

One [problem] is a man who owns an ATV shop in [a distant large city] and who brings huge groups of his friends out to roar around the country a couple of weekends a year. I've lectured them a bunch of times on not riding in the preserve, but they keep doing it. They keep trails open that would otherwise grow over, which invites all the other ATVers to use those trails as well, the rest of the year. If I could end that one source of ATV use, I bet I'd solve most of the ATV use on the preserve. I've offered to buy him out a dozen times, but he won't sell.

Another problem is the gathering of wild plants such as ginseng, goldenseal, and others. It's been done for a long time, but the prices for these are now very high (ginseng is \$575 per pound) and people are overharvesting. They get upset when we tell them they can't collect where they've collected for generations, but they're overharvesting and that damages the preserve, so we have to try to stop it.

Interview 501

In the first case the specific problem appears to be large numbers of ATV riders from outside the county, who then exacerbate the problem of ATV use in the preserve by those who live inside the county. While it's not clear whether the owner of the shop lives in Pine county, he does own land in the county (thus the Conservancy manager has offered to "buy him out"). In the second case note that the preserve manager himself describes such use as being a tradition extending back generations. The creation of the preserve appears to have ended that tradition.

Just as with the change from nonresidence to residence areas, I did not uncover, through interviews, people who told me their own use of areas had changed as a result of the Conservancy taking ownership. Indeed, ownership of even as large an areas as the Green River Preserve, several thousand acres, is dwarfed by the size of the county overall. Those whose use of the land is affected by the creation of the preserve are likely to be neighbors, especially those neighbors whose own holdings are too small to support their desired uses. Few others may be affected. That impact appears to be supported by the complaints from the preserve manager, above, as well as by the following observation from a man who was raised in the county in the area of the preserve. He mentioned people opposed to the Conservancy, and I asked him who they were.

If you want to find the group who's opposed to the Nature Conservancy, you're looking for somebody's who's on a 4-wheeler, you're looking for someone who's probably at Joe's [a rural bar in the vicinity of the preserve], you're looking for people who live adjacent to those lands, who are... you know when those lands were just in timber, the people who owned those lands didn't care what happened on that property as long as the trees weren't hurt. And so you could hunt, you could ride your 4-wheeler, that wasn't perceived as an activity that would impact the value of that property. And when the Nature Conservancy came in and bought a lot of those pieces of property and their [the 4-wheelers and others] actions were restricted, that's where the animosity came from.

"Are they people who live here in Pine County?"

Yeah. Almost exclusively.

Interview 510

In addition, while few in the county knew of the Conservancy (I asked if they knew of the Conservancy, and what they thought if they did know of it), among those who did know a significant proportion were under the impression that use of the preserve was much more restricted than indicated by the preserve manager. The following man, raised in the county, was typical of those who told me they didn't like the Conservancy and who described the preserve as essentially off limits to use by others. Ironically, he likewise did not allow others to use his land (see page 6).

[T]hey take land out of public use. The Conservancy doesn't want people to hunt or fish on their land, or pick mushrooms on it, or hike on it, or do anything on it, because all they're worried about is somebody stepping on one of those little plants or whatever they're trying to protect.

Interview 327

Thus it appears that some uses of private land as a commons have been interrupted because the Conservancy purchased the land and created a preserve. But it should be noted that the two uses described as problems by the preserve manager-- digging roots and riding ATVs-- were also uses prohibited by many other landowners, new owners in particular. If the Conservancy is purchasing land that would otherwise remain as large nonresidence holdings, then use of these holdings as a commons for hunting, root digging, ATV riding, and other uses is probably being restricted by the change in ownership. On the other hand, if the Conservancy is buying large nonresidence holdings that would otherwise become small residence holdings, the impact on common use is less clear. Most or a good portion of private residence landowners do appear to allow hunting, mushroom gathering, root digging, and ATV riding, while the Conservancy does not. Conservancy ownership thus restricts those common uses. But the great majority of landowners also wanted to be asked permission for these uses, as well as simply walking on the property. The Conservancy, on the other hand, allows almost unlimited access to those who are simply walking; no permission is required. In addition, the Preserve includes almost no buildings or residences, will not be farmed, and most of it the Conservancy is legally bound to hold as is, in perpetuity. These characteristics suggest that the preserve is more likely to remain a commons for those who simply walk, than will other private holdings.

Conclusions

It does appear that use of private land as commons in Pine County is being restricted by the sale of larger rural holdings to new owners from outside the county, who purchased them to use as residences. While new owners appear to be more restrictive of all uses asked about, digging roots and ATV riding appears to be most affected. However, because the sample was small and not truly random, the differences must be interpreted with caution. The Nature Conservancy's purchase of land to create the Green River Preserve also appears to reduce some uses of those lands as commons-- but it may also protect other common uses. In particular, Conservancy purchase appears to restrict the common use of land for hunting, mushroom gathering, root digging, and ATV riding. But Conservancy purchase may also better protect common use of these lands for walking, not only in the present but particularly in the future. It is certainly possible, and probably likely, that the pattern of large nonresidence holdings being converted to

smaller private residence holdings will continue or increase, and the new owners will be largely from outside the county. If so, the following observation, by a man who grew up in the county, may be apt. As common use of smaller private holdings becomes more restricted, the Green River Preserve may become, ironically, more important as a commons.

I think people who come from away buy a piece of property and are so much into, 'This is mine,' that they expect everything else to be, 'This is theirs.' Actually, I think they kind of look at the Nature Conservancy as almost a public park system, and so feel more ownership of Nature Conservancy land than they would somebody else's land.

Interview 510

Because similar changes in private ownership are taking place in many areas of the U.S. (large numbers of people are moving to rural areas), and because the Nature Conservancy is one of the nation's largest private landowners and its holdings are growing, these conclusions have application elsewhere and a larger study seems warranted.