

Washington, D.C. – U.S. Rep. Tom Rooney (FL-16), Chairman of the House Agriculture Subcommittee on Livestock, Dairy and Poultry, this week introduced legislation to protect law-abiding farmers and landowners from reckless, arbitrary and aggressive enforcement actions by the Environmental Protection Agency (EPA) and Army Corps of Engineers.

“For many farmers and landowners, recent actions by the EPA and Corps have engineers have put their fundamental right to private property at stake,” Rooney said. “The EPA and Corps have unilaterally expanded their own jurisdiction, giving themselves new authority to regulate private property and spend millions of dollars to prosecute law-abiding citizens.

“By clearly defining federal water policy and setting firm limits on the regulatory authority of the EPA, this legislation strikes the right balance between protecting the environment and preserving the fundamental right to private property.”

Background:

The EPA and Army Corps of Engineers spend millions of dollars each year on “wetlands enforcement,” prosecuting citizens for building or expanding on their own private property if that property has a wetlands designation. On April 27, 2011 the EPA and Army Corps released a joint guidance document, which redefined “navigable waters” and asserted federal jurisdiction over “all waters . . . subject to the ebb and flow of the tide.” This includes canals, ditches and ephemeral streams, which form when it rains. This is a blatant power grab to remove “navigability” as a component of federally regulated water bodies and assert government control over all U.S. waters.

Bill Summary:

The [Defense of Environment and Property Act](#), HR 4304, would restore common sense to federal water policy and protect private property rights by:

- *Redefining “navigable waters” as “permanent, standing, or continuously flowing bodies of*

water that form geographical features commonly known as streams, oceans, rivers and lakes that are connected to waters that are navigable-in-fact.”

- *Excluding ephemeral or intermittent streams, which sometimes form when rain falls, from federal jurisdiction.*
- *Prohibiting the EPA and the Army Corps from regulating or redefining “navigable waters” without Congressional authorization.*
- *Reasserting the primary authority of states over the land and water within their borders.*
- *Forbidding federal agents from entering private property without the express consent of the landowner.*
- *Requiring the government to pay double the value of the land to any landowner whose property value is diminished by a wetlands designation.*

The Rooney legislation is a House companion to S. 2122. Representative Glenn Thompson (PA-05) and Representative Raul Labrador (ID-01) are original cosponsors.

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