



Written by [William F. Jasper](#) on March 13, 2012

## **TONIGHT!: Sen. Rand Paul Hosts Tele-Town Hall on EPA Regulatory Overreach on “Navigable Waters”**

U.S. Senator Rand Paul (R-Kentucky) is hosting a national, live Tele-Town Hall meeting tonight, Tuesday, March 13, 2012 at 9:00 p.m. to discuss his new legislation, the Defense of Property Act of 2012 (S. 2122), and answer questions about it.



Senator Paul’s legislation targets abuses by the federal Environmental Protection Agency (EPA) under the agency’s claimed authority to regulate “navigable waters.” The agency, which was created in 1970 by an executive order of President Richard Nixon, has assumed vast, unconstitutional powers and has mushroomed into a gigantic bureaucracy of more than 17,000 full-time employees.

A flyer for the Tele-Town Hall conference call from Senator Paul’s office notes:

The 1972 Clean Water Act gave the Environmental Protection Agency authority over “navigable waters.” In 2011, the EPA quietly expanded the term “navigable” to cover virtually all U.S. waters and further seized regulatory rights over most U.S. waterways.

The “navigable waters” authority is one of the many dangerous avenues that have allowed the agency to engage in enormous unconstitutional assaults on the rights of property owners. Farmers, ranchers, homeowners, business owners, and municipalities have been forced to abide by costly, and sometimes impossible-to-achieve, EPA mandates that have little or nothing to do with protecting the environment and even less to do with exercising legitimate federal authority.

Senator Paul’s Defense of Environment and Property Act of 2012, according to the Pacific Legal Foundation’s [website](#):

amends the Federal Water Pollution Control Act to redefine “navigable waters” in line with the Scalia majority opinion in *Rapanos v. United States*. Specifically, the term is defined to authorize federal regulation of (1) navigable-in-fact waters (e.g. waters that actually support a boat) and (2) relatively permanent water bodies commonly known as streams, oceans, rivers and lakes connected to navigable-in-fact waters. Excluded from regulation are waters that lack a continuous surface water connection to navigable waters, including intermittent or ephemeral streams.

In addition, it also,

amends the Federal Water Pollution Control Act to clarify that a federal official may only enter private property to collect information about navigable waters (as defined) if the owner of that property has a) consented to that entry in writing; b) is notified regarding the date of entry; c) given access to any data collected. The landowner must also have the option of being present at



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the time the data collection is carried out.

The Tele-Town Hall conference call, which is being cosponsored by Tom DeWeese and the American Policy Center, is open to all interested parties. Those who wish to participate may register at this secure site link: <http://bit.ly/xJFu9w>

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