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When Snow Falls On Pike's Peak

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When Snow Falls On Pike's Peak

By Jo Ann Emerson

There is no end to the appetite of this administration to regulate the lives, livelihoods, private decisions and private property of the American people. The latest example of the aggressive agenda of the federal bureaucracy is, not surprisingly, by the Environmental Protection Agency.

Together with the U.S. Army Corps of Engineers, the EPA has drafted “guidance” that signals the Administration’s intention to dramatically expand what it considers to be “navigable waters of the United States” to include simply “waters of the United States. The expansion of this regulatory categorization means that streambeds with a trickle of water running through them, culverts which are bone dry for 50 weeks each year, even the water in a swimming pool or the snow on Pike’s Peak would fall under the jurisdiction of the federal government.

And the EPA already uses its authority with aggression and vigor that carries incomprehensible penalties. Fines accrue from the first moment the EPA considers a violation to have occurred, usually long before the EPA has noticed it. The penalties routinely tally into the hundreds of thousands of dollars. And more often than not, these violations leave no room for honest mistakes, nor do they allow a property owner to set a situation right – let alone contest the decisions of the EPA. The property owner is guilty until proven innocent.

This is not the balance of powers that our Founders envisioned. One branch of government, acting alone, cannot grab this much power without anyone taking exception. And there have been challenges in our judicial system and statements from Congress to directly contradict the unreasonable actions on the part of the Corps and the EPA. But those agencies of the administration are not only undeterred, they are also seeking more authority, more reach, and more power.

This week, after I spoke in favor of legislation to stop the Corps and the EPA from expanding their reach in a U.S. House of Representatives Committee, another member asked to be recognized. He simply asked the members of the committee, rhetorically, if we thought we knew better than the Corps and the EPA.

The response was a resounding “No!” from one side of the room and a resounding “Yes!” from the other.

This is the state of the debate over this issue. In Southern Missouri, we understand the burden created by an aggressive federal agency which wants nothing more than to tell us how we can use our private property. In other parts of the country, no one

understands that the owner of the land is -- generally speaking -- its best caretaker, a person to be trusted with the resources he or she has purchased. Property rights are meant to protect us from the absurd whims of the federal government.

This is a principle the courts and most of our Congress understands very well. Unfortunately, the view of private property is not shared by the most aggressive, expansive federal administration in the history of our nation. As we fight against its unlimited appetite for power, we should remember the dangers of a government which looks at a dry ditch and sees instead a navigable waterway – sorely in need of its regulation.

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