

Last week the Supreme Court heard arguments in *Sackett v. EPA*, a case of blatant federal agency overreach and abuse of private property rights. Without any proof or reason, and no chance for appeal, the Environmental Protection Agency determined that a small single home lot was a "protected wetland." The owners, Mike and Chantell Sackett, were ordered to halt construction already underway, to remove all of the work already done, and plant trees and shrubs consistent with a wetlands environment. After making these costly changes, the Sacketts then would have to wait several years for the EPA to decide if they would be allowed the use of their own property. Refusal to comply with these outrageous and arbitrary commandments would result in daily fines greater than the value of the property!

Outraged, the Sacketts sought relief through the courts, but court after court determined that they had no standing. The actions of the EPA were not subject to judicial review until a mountain of fees had already been assessed. This is just another example not only of how federal agencies wield enormous power over average citizens, but also how little practical protection our court system provides when such citizens are harmed by those agencies.

Constitutionally, when the government determines private property is needed for public use, it is taken through eminent domain. In that process the owner is due fair market value in compensation for any condemned property. The EPA not only refuses to compensate the Sacketts for effectively taking their land, they are assessing-- or threatening to assess-- ruinous penalties that greatly exceed the value of the land. They arrogantly claim the power to determine how certain property owners can use their land, while assessing fines or ordering actions that must be undertaken at the property owner's expense. All of this is done at the administrative level, with no judicial oversight. In short, the EPA does not believe the Constitution applies to them.

A decision on this case is expected this summer. My fervent hope is that the Supreme Court will thwart this rogue agency and stand up for property rights and the right of people to have their day in court when they find themselves unwittingly accosted by the EPA. My own district in Texas is no stranger to these issues. Again, with no evidence to support their decision, the EPA arbitrarily determined Matagorda County to be an "Ozone Nonattainment Region", meaning the air quality is substandard. In fact, the population in this county has been decreasing and the small amount of emissions reported from Matagorda County has actually declined in recent years. The Texas agency charged with environmental protection disagrees with the EPA. Yet Matagorda County, like the Sacketts, finds itself at the mercy of the EPA.

New business and construction will be stymied until the Washington masters are satisfied.

Unless Congress acts, EPA bureaucrats will continue to inflict potentially devastating economic consequences on communities like Matagorda County and people like the Sacketts. Destroying the economy is no way to save the environment. A thriving economy and a fair judicial system that respects property rights and the Constitution provide the best protection of the environment.