

WATERS OF THE U.S. AND RECENT SUPREME COURT RULINGS

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Waters of the U.S., as defined by the E.P.A. and U.S. Army Corps of Engineers, have been a contentious issue within the U.S. for a while now. The U.S. Supreme Court has weighed in on the issue of waters of the U.S. definition in two significant court cases in the last seven years. In 2001, the U.S. Supreme Court attempted to clarify adjacent/isolated wetlands and their jurisdictional basis. In 2006, the U.S. Supreme Court waded into the issue again by attempting to define when a navigable water is jurisdictional, or not. Although the issue can be complicated and frustrating, there are tools to assist in the determination if a waterbody still meets the definition of waters of the U.S. This presentation describes the process of waters of the U.S. delineations and shows examples of these.

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