

# Wetlands Regulation Case Law Interpretation And Commentary

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### Wetlands Regulation Case Law Interpretation

#### **ENVIRONMENTAL LAW IN NEW YORK - Harris Beach**

Jul 04, 2017 · Environmental Conservation Law and associated regulations pertaining to wetlands regulation and permitting have not been significantly amended since their enactment in the 1970s In New York, the New York State Department of Environmental Conservation (DEC) implements the state wetlands protection program,

#### **The Application of the Federal Five-Year Statute of ...**

of environmental regulation 2 One area where the case law is particularly muddled is with respect to the application of 28 USC § 2462 to violations arising from the discharge of dredged or fill material into wetlands 3 and other waters of the United States, which are ...

#### **What Wetlands I. Clean Water Act Jurisdictional Wetlands ...**

tures treated as wetlands subject to regulation under the CWA have changed over the course of the years The geo- and will be established in regulatory practice and case law over the coming years Congress may also amend the CWA to address this issue tional interpretation 11 The current Corps and EPA regulations define waters of

#### **Chapter XVIII LAND USE REGULATION A. ZONING**

3 B WETLANDS 1 Federal Wetlands Regulation The enabling legislation for the federal wetlands program is set forth at Clean Water Act §404, 33 USC §1344, which regulates “the discharge of dredged or fill materials” within

#### **Restoration of Wetlands Under Section 404 of the Clean ...**

WETLANDS: THEIR USE AND REGULATION at 143-44 (1984) reprinted in CONGRESSIONAL INFORMATION SERVICE 143-44 (microfiche no J952-15) (1984) [hereinafter OTA REPORT] For criticism of the ACOE's role, or lack of it, in wetlands protection, see Note, Wetlands Protec

### **Wetlands, Property Rights, and the Due Process Deficit in ...**

and Director of the Center for Business Law and Regulation at the Case Western wetlands regulation originally adopted a narrow interpretation of its jurisdiction under the CWA)

### **The National Environment (Wetlands, River Banks And Lake ...**

The National Environment (Wetlands, River Banks And Lake Shores Management) Regulations, No 3/2000 (Under section 107 of the National Environmental Act Cap 153) S T A T U T O R Y I N S T R U M E N T S 2000 No3 Part I: Preliminary 1 Citation These Regulations may be cited as the National Environment (Wetlands; River Banks and Lake

### **Revised Definition of "Waters of the United States" The ...**

Apr 15, 2019 · not, by itself, require federal regulation Where the agencies have put forward an interpretation of "waters of the United States" to reach waters or wetlands lacking such a nexus, the assertion of jurisdiction has been rejected The Court has reached this conclusion on both statutory and constitutional avoidance grounds As noted in both

### **Reckoning with Rapanos: Revisiting 'Waters of the United ...**

expansive interpretation adopted by the US Army Corps of Engineers, Environmental Protection Agency, and most lower courts, 4 and reaffirmed that federal regulatory authority only extends to those wetlands that have a \* Professor of Law and Co-Director of the Center for Business Law and Regulation, Case

### **The Supreme Court and the Clean Water Act: Five Essays**

of the Center for Business Law and Regulation at the Case Western University School of Law, takes a different view of Rapanos, finding it a natural reflection of the Court's approach to issues of federalism in the regulatory sector Characterizing the Corps' prior interpretation of the Clean Water

### **THE SUPREME COURT LEADING CASES - Harvard Law Review**

Aug 11, 2006 · "effect interstate or foreign commerce"17 The interpretation also included tributaries to these bodies and wetlands adjacent to them18 Shortly after the Court struck down the Corps's migratory bird rule in SWANCC, the Corps and the EPA issued an advance notice of proposed rulemaking19 After receiving over 130,000 comments, however,

### **Journal of Environmental and Sustainability Law**

reviewed whether the Corps' interpretation of waters subject to regulation under the CWA was overly broad inasmuch as it included wetlands adjacent to navigable-in-fact waters 38 Ultimately, the Court held inclusion of wetlands adjacent to navigable-in-fact waters under the interpretation of waters of the United States was reasonable 39 This

### **Land Use Law Update: New Hampshire Supreme Court Cases**

The Supreme Court noted that interpretation of subdivision regulations is question of law which it reviews de novo with the key issues being the definition of "building site" and whether area within setbacks could be included in calculating the minimum required contiguous square footage The subdivision regulations

### **Environmental Law Handbook et al. - UW Tacoma**

and/or case law involved in describing current status, and the student's recommendations for future action or resolution of the issue Topics to be in

the field, including the Wetlands Regulation: Case Law, Interpretation, and Commentary, Washington Environmental Law Handbook and Wetlands: An Introduction to Ecology, the Law, and Permitting

#### **A RESEARCH GUIDE TO SELECTED WETLAND LAW AND ...**

Summarizes existing statutory, regulatory and case law pertaining to wetlands Recommends a continuation in the refinement of regulations, without sacrificing protective values, in order to properly preserve wetlands Liebesman, The Role of EPA's Guidelines in the Clean Water Act § 404 Permit Program — Judicial Interpretation and Adminis

#### **The National Agricultural Law Center**

Apr 21, 2020 · language of the Corps' regulation fully refuted the Sixth Circuit's interpretation Because the Corps was in charge with interpreting § 404 of the CWA, and its interpretation of "wetlands" was reasonable, the Supreme Court overturned the Sixth Circuit's opinion The Corps' interpretation that the CWA required permits The Corps ,

#### **Integrating Ecosystem Services into Environmental Law: A ...**

Vanderbilt Law School Faculty Publications by an authorized administrator of Scholarship@Vanderbilt Law For more information, please contact markjwilliams@vanderbilt.edu Recommended Citation JB Ruhl and Juge R Gregg, Integrating Ecosystem Services into Environmental Law: A Case Study of Wetlands Mitigation Banking, 20

#### **Pace Environmental Law Review**

SWANCC could put between twenty and sixty percent of the nation's wetlands at risk depending on subsequent judicial interpretation of key terms related to the Clean Water Act (CWA), including "navigable-in-fact," "tributary," "adjacent," and "significant nexus" See Jon Kusler, The SWANCC Decision: State Regulation of Wetlands to

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legislation, election law, legislation and regulation, constitutional law, and property From Swamp Drainage to Wetlands Regulation to Ecological Nuisances to Environmental Ethics, The Worst Statutory Interpretation Case in History, 94 Northwestern Law Review 1445 (2000)