



# Attorney General Doug Peterson

# News Release

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## **NEBRASKA JOINS MULTISTATE LAWSUIT CHALLENGING NEW EPA RULE**

Nebraska Attorney General Doug Peterson joined with Attorneys General from [twelve other states<sup>\[1\]</sup>](#) in filing a lawsuit against the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) over the EPA's new rule defining "Waters of the United States" under the Clean Water Act. The case was filed in the United States District Court for the District of North Dakota.

In their Complaint, the states contend the new definition of "Waters of the United States" (WOTUS) violates provisions of the Clean Water Act (CWA), the National Environmental Policy Act (NEPA), and the United States Constitution.

"The EPA has redefined "waters of the U.S." in order to gain greater authority and power over private land. It is the individual States that are primarily responsible to regulate land and water resources and the new regulations are not based on true environmental concerns, but merely try to expand federal authority on private land owners," said Attorney General Doug Peterson.

The States assert that the EPA's new rule wrongly broadens federal authority by placing a majority of water and land resources management in the hands of the federal government. Congress and the courts have repeatedly affirmed the States have primary responsibility for the protection of intrastate waters and land management. The states argue that the burdens created by the new EPA requirements on waters and lands are harmful to the States and will negatively affect farmers, developers, and landowners.

Attorney General Doug Peterson said, "Farmers, ranchers, and landowners will find it difficult to operate without added permits and additional obstacles."

The new rule greatly expands and brings numerous isolated bodies of water under the jurisdiction of the EPA and Corps with the result that landowners will have to seek additional federal permits or face substantial fines and federal criminal enforcement actions.

The States are seeking to have the rule vacated and the EPA and Corps enjoined from enforcing the new definition of WOTUS.

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<sup>[1]</sup> Participating in the filing are the attorneys general from the states of: Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, and Wyoming.

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Suzanne Gage  
Director of Communications  
Nebraska Attorney General  
Office: 402-471-2656  
Mobile: 402-560-3518  
[Suzanne.gage@nebraska.gov](mailto:Suzanne.gage@nebraska.gov)