



Attorney General Doug Peterson

# News Release

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Lincoln--Attorney General Doug Peterson welcomed the U.S. Supreme Court's unanimous decision today recognizing that federal district courts have jurisdiction to hear legal challenges to the "Waters of the U.S." Rule (WOTUS).

Under the Obama Administration, WOTUS was redefined and greatly expanded the federal government's authority and power over private land. "We believe individual States have primary responsibility to regulate land and water resources," said Attorney General Peterson, "this is the very reason we joined twelve other states in filing a lawsuit in 2015."

Nebraska and the coalition of twelve states obtained a preliminary injunction against enforcement of the WOTUS Rule in 2015, when the U.S. District Court of the District of North Dakota found that "the states are likely to succeed on the merits of the claim that the EPA has violated its grant of authority and its' promulgation of the rule.

The district court also accepted Nebraska's argument that district courts have jurisdiction to hear challenges to the WOTUS Rule. Today's [Supreme Court decision](#) upholds Nebraska's position on the jurisdictional issue, reversing a ruling that challenges to the WOTUS Rule must be brought in federal appeals courts.

The Trump Administration announced last summer its intent to have the EPA rescind the WOTUS Rule.

Today's decision provides the direction for legal challenges to the WOTUS Rule to proceed in federal district courts. The coalition of 13 states will continue to move forward in the federal district court in North Dakota in order to protect their legal status and arguments.

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