

OFFICIAL COMMENT TO EPA/DEPARTMENT OF THE ARMY

From Arkansas* MARION County, Justice(s) of the Peace

(*In Arkansas, by constitution and by law, an individual Justice of the Peace is fully commissioned by Governor-- constituting local government as a township/district officer - see Const. Article 7 and ACA 14-14-1301(b), et al)

RE: Comments to EPA/CORPS regarding Presidential Executive Order #13778
pertaining to restoring proper definition of "navigable waters"

WHEREAS, President Donald John Trump has issued on February 28, 2017, an "Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule"; and

WHEREAS, Section 2 of that Executive Order calls for the review of the 2015 "Clean Water Rule: Definition of 'Waters of the United States'" (as ordered on June 29, 2015 by the Obama administration), and that 2015 rule, because of its far-reaching federal intrusion into historic state and local properties, has been met with much alarm and therefore remains in challenging litigation to the present time; and

WHEREAS, President Trump's stated intent is to interpret the term "navigable waters" as defined in 33 U.S.C. 1362(7) (<https://www.law.cornell.edu/uscode/text/33/1362>), in a manner consistent with the opinion of Justice Antonin Scalia in *Rapanos v. United States*, 547 U.S. 715 (2006); and

WHEREAS, EPA and the Army Corps of Engineers are accepting substantive comments from state and local governments until June 19, 2017, stating the local county government position on the definition of "navigable waters" (EPA requests that comments be sent in written form to EPA staff at CWAwotus@epa.gov)

THEREFORE, BE IT DECLARED BY THIS/THESE MARION COUNTY JUSTICE(S) OF THE PEACE, District(s)# 1 THAT I/WE support the Presidential Order pertaining to the making of the "Waters of the United States Rule" consistent with the interpretation of the term "navigable waters" in the opinion of Justice Antonin Scalia in *Rapanos v. United States*, 547 U.S. 715 (2006) (<https://supreme.justia.com/cases/federal/us/547/715/opinion.html>) <https://www.law.cornell.edu/uscode/text/33/1362>; thereby rescinding any and/or all portion(s) of the 2015 Obama administration rule that is in conflict with the Justice Scalia opinion or the original and/or historic definition and rule.

IT IS THEREFORE DECLARED ON THIS 19 Day of the Month of JUNE, in the Year of our Lord, Two Thousand and Seventeen.

Signed,

Michael Service, MARION County Justice of the Peace, Dist. 1

_____, _____ County Justice of the Peace, Dist. _____

and electronically Forwarded to the EPA address given above.

(Obtaining official seal and file-marking/filing from/by the County Clerk's office is optional.)