

The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. The text is centered on the slide.

PACIFIC LEGAL FOUNDATION

CLEAN WATER ACT LITIGATION

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PACIFIC LEGAL FOUNDATION

- PRO BONO PUBLIC INTEREST LAW FIRM, FOUNDED 1973
- WEBSITE: PACIFICLEGAL.ORG
- REPRESENT PROPERTY AND BUSINESS OWNERS, AND OTHERS
 - FREQUENTLY REPRESENT CLIENTS AGAINST LOCAL GOVERNMENTS AND SPECIAL DISTRICTS
 - BUT ALSO REPRESENT LOCAL GOVERNMENTS IN SEVERAL CASES
- STATE AND FEDERAL COURT
- NATIONWIDE

PLF CLEAN WATER ACT EXPERIENCE

- RAPANOS V. UNITED STATES (1986 REGULATIONS)
- SACKETT V. EPA (COMPLIANCE ORDERS)
- ARMY CORPS V. HAWKES CO. INC. (JURISDICTIONAL DETERMINATIONS)
- NATIONAL ASSOCIATION OF MANUFACTURERS V. DEPT OF DEFENSE (2015 REGULATIONS)
- ROBERTSON V. UNITED STATES (SCOPE OF “NAVIGABLE WATERS” POST-RAPANOS)
- OREGON AND WASHINGTON CATTLEMEN’S ASSOCIATIONS V. EPA (2015 REGULATIONS)
- DUARTE NURSERY V. ARMY CORPS/U.S. V. LAPANT (SCOPE OF FARMING EXEMPTION)

NORTH DAKOTA, et al, v. EPA

- 13 STATE CHALLENGE TO 2015 REGULATION IN DISTRICT OF NORTH DAKOTA
 - ENJOINED REGULATION IN 13 STATES IN 2015
 - FULLY BRIEFED MOTION FOR SUMMARY JUDGMENT NOW PENDING
- INCLUDED NEW MEXICO AND COLORADO
- EARLY 2019, NEW MEXICO AND COLORADO MOVED TO DISMISS THEIR CLAIMS
- AZ/NM COALITION OF COUNTIES (REPRESENTED BY PLF) MOVED TO INTERVENE TO TAKE THE PLACE OF NEW MEXICO
 - COALITION AGREED TO JOIN IN PENDING SUMMARY JUDGMENT MOTION
 - COALITION GRANTED INTERVENTION WITHOUT OPPOSITION
- INJUNCTION LEFT IN PLACE AS TO THEM
 - MOTION PENDING TO CLARIFY SCOPE IN NEW MEXICO

COLORADO

- COURT GRANTED COLORADO'S MOTION TO DISMISS
- VACATED INJUNCTION AS TO COLORADO
- TO RESTORE INJUNCTION IN COLORADO:
 - SOMEONE MUST INTERVENE
 - DECLARATIONS NECESSARY TO ESTABLISH INTEREST OF INTERVENOR IN THE CASE
 - THEN, MOVE TO RESTORE THE INJUNCTION
 - DECLARATIONS NECESSARY TO ESTABLISH HOW 2015 REGULATION HARMS INTERVENORS
 - POTENTIALLY SEVERAL WEEK PROCESS