

MISSISSIPPI COUNTY, ARKANSAS QUORUM COURT

Resolution 2017- 14

A Resolution of the Quorum Court, Mississippi County, Arkansas, USA Entitled: Comments to the EPA regarding Presidential Executive Order #13778 pertaining to correcting the 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 RESOLVED BY THE MISSISSIPPI COUNTY QUORUM COURT THAT 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 portion of the 2015 Obama administration rule that is in conflict with the Justice Scalia opinion.

IT IS THEREFORE RESOLVED ON THIS 27th Day of the Month of June, in the Year of Our Lord, Two Thousand and Seventeen.

APPROVED: 
Randy L. Carney, County Judge

ATTEST: 
Janice Currie, County Clerk & Secretary

DATED: June 27, 2017