

RESOLUTION NO. 2017-R- 9

BE IT RESOLVED BY THE QUORUM COURT OF POPE COUNTY, STATE OF ARKANSAS A RESOLUTION ENTITLED:

A Resolution of the Pope County Quorum Court, Pope County, Arkansas, USA
Entitled: Comments of 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 POPE 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 6th Day of the Month of July, in the Year of Our Lord, Two Thousand and Seventeen.

Signed, Sealed, and Filed by the Pope County Clerk and Electronically Forwarded by the County Clerk to the EPA address given above.

DATE: 7-6-2017

APPROVED:


JIM ED GIBSON, COUNTY JUDGE
DATE SIGNED: 7-2-17

ATTEST:


LAURA MCGUIRE, COUNTY CLERK

VOTES FOR: 11 VOTES AGAINST: 0
ABSTAIN: 0 PRESENT: 11 ABSENT: 2

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