

04-1034 RAPANOS V. UNITED STATES

DECISION BELOW: 376 F3d 629

LOWER COURT CASE NUMBER: 03-1489

QUESTION PRESENTED:

1. Does the Clean Water Act prohibition on unpermitted discharges to "navigable waters" extend to nonnavigable wetlands that do not even abut a navigable water?
2. Does extension of Clean Water Act jurisdiction to every intrastate wetland with any sort of hydrological connection to navigable waters, no matter how tenuous or remote the connection, exceed Congress' constitutional power to regulate commerce among the states?

CONSOLIDATED WITH 04-1384 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 10/11/2005