

04-1384 CARABELL V. ARMY CORPS OF ENGINEERS

DECISION BELOW:391 F3d 704

LOWER COURT CASE NUMBER: 03-1700

QUESTIONS PRESENTED:

1. Does the Clean Water Act extend to wetlands that are hydrologically isolated from any of the "waters of the United States?"
2. Do the limits on Congress' authority to regulate interstate commerce preclude an interpretation of the Clean Water Act that would extend federal authority to wetlands that are hydrologically isolated from any of the "waters of the United States?"

CERT. GRANTED 10/11/2005

CONSOLIDATED WITH 04-1034 FOR ONE HOUR ORAL ARGUMENT.