MILLER STARR REGALIA

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All Wet: Supreme Court Sends Migratory-Bird Rule South

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California Real Estate Journal - California property owners had been faced with the regulation of isolated wetlands and seasonal ponds located on their property under the federal Clean Water Act since the Army Corps of Engineers' promulgation of its regulations in 1977 defining waters of the United States to include isolated, intrastate waters. The U.S. Supreme Court decided on January 9, 2001 in *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers* that congress never intended the Clean Water Act to cover non-navigable, isolated, intrastate waters based upon the presence of migratory birds.

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