



**Understanding  
Legal Challenges and Next  
Steps for the  
Clean Water Rule**

# Welcome!

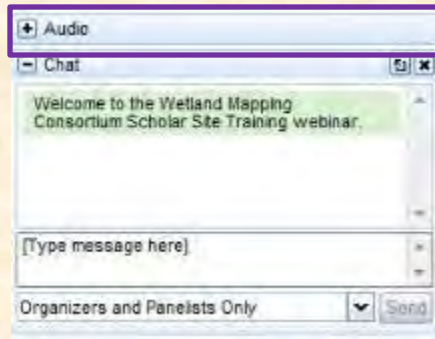


If you have any technical difficulties during the webinar you can send us a question in the webinar question box or call Marla at **(207) 892-3399**.



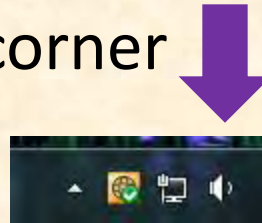
## Before we get started... let's practice using the audio & web interface

- You must select the correct audio in the audio box.

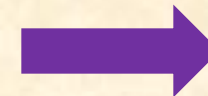


- If you choose telephone, please mute the speakers on your computer.

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of monitor

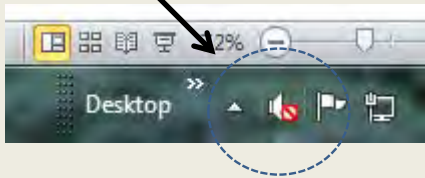


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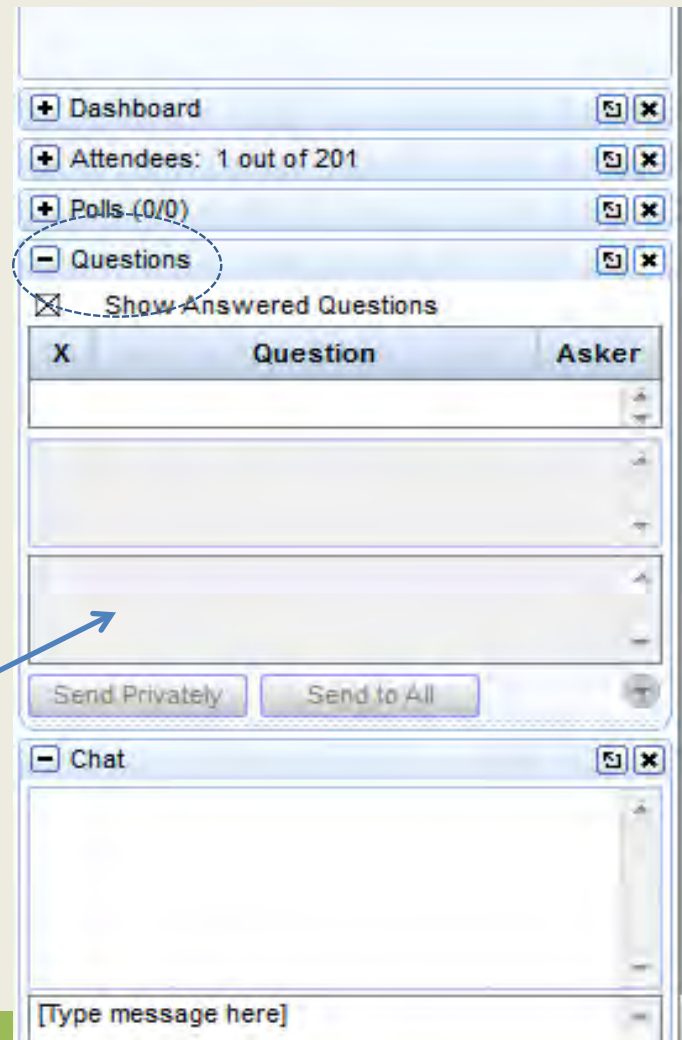


# Webinar Tech Check-in

If you are using the telephone to listen to the webinar, please mute both your computer's microphone and speakers



Please submit your questions for the presenters via the question box.





# Before we get started... let's practice using the audio & web interface

- Red arrow button – maximize / minimize the web interface



# Presenters



- **Roy Gardner, Professor of Law and Director, Institute for Biodiversity Law and Policy, Stetson University College of Law**
- **Kim Diana Connolly, Professor, Director of Clinical Legal Education, Vice Dean for Legal Skills, SUNY Buffalo Law School**

# Moderator



- **Jeanne Christie, Executive Director, Association of State Wetland Managers**

# Today's Agenda



- **Introductions, Jeanne Christie (10 Minutes)**
- **Federal Agency Actions to Prepare for Implementation of the Clean Water Rule, Kim Diana Connolly (15 Minutes)**
- **Overview and Next Steps for Legal Challenges to the Clean Water Rule, Roy Gardner (25 Minutes)**
- **Riders to Appropriations Bills to Stop the Clean Water Rule, Kim Diana Connolly (10 Minutes)**
- **Discussion, All (20 Minutes)**



# The New Rule



U.S. Army Corps of Engineers and  
U.S. Environmental Protection Agency  
May 2015

**Clean Water Rule: Definition of “Waters of the  
United States”**

# All 75 pages!



## FEDERAL REGISTER

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No. 124                     June 29, 2015

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### Part II

#### Department of Defense

Department of the Army, Corps of Engineers  
33 CFR Part 328

#### Environmental Protection Agency

40 CFR Parts 110, 112, 118, *et al.*  
Clean Water Rule: Definition of "Waters of the United States"; Final Rule

# EPA's website



Learn the Issues Science & Technology Laws & Regulations About EPA Search EPA.gov

## Clean Water Rule

Contact Us Share



### Clear Protection for Clean Water

The Clean Water Rule protects streams and wetlands that we depend on for our health, communities, and economy.

- Read the press release
- Read the rule
- Access all documents
- Watch a video
- View an infographic

### Streams and Wetlands Matter



Streams and wetlands form the foundation of our nation's water resources. Clean water upstream means cleaner water flowing into rivers, lakes, bays, and coastal waters. [Learn more about why streams and wetlands matter.](#)

### What the Rule Does



The rule ensures that waters protected under the Clean Water Act are more precisely defined, more predictably determined, and easier for businesses and industry to understand. [Learn more about what the rule does.](#)

### What the Rule Does Not Do



The rule does not protect any new types of waters, regulate most ditches, apply to groundwater, create any new permitting requirements for agriculture, or address land use or private property rights. [Learn more about what the rule does not do.](#)

Videos Click to View an Infographic Fact Sheets

# Corps' website



The screenshot shows the US Army Corps of Engineers website. At the top left is a banner image of a building with the Corps logo (a red shield with a white castle) overlaid. To the right of the banner is the word "HEADQUARTERS". Below the banner is a navigation bar with a home icon and links for "ABOUT", "BUSINESS WITH US", "MISSIONS", "LOCATIONS", "CAREERS", "MEDIA", "LIBRARY", and "CONTACT". A search bar labeled "Search HQ USACE" is also present. Below the navigation bar is a breadcrumb trail: "HOME > MISSIONS > CIVIL WORKS > REGULATORY PROGRAMS AND PERMITS > NATIONAL NOTICES AND PROGRAM INITIATIVES".

## National Notices and Program Initiatives

- Amendments to the Nationwide Permit Program Regulations at 33 CFR part 330 - 28 January 2013
- Class I Civil Penalty Adjustment - Direct Final Rule - 28 January 2013
- Class I Civil Penalty Adjustment - Proposed Rule - 28 January 2013
- U.S. Army Corps of Engineers' Plan for Retrospective Review Under E.O. 13563 Federal Register Notice Comment Period Extended to March 2, 2012
- Federal Register: U.S. Army Corps of Engineers' Plan for Retrospective Review Under E.O. 13563, November 2011

## Announcements

- **17 August 2015** - EPA and the U.S. Army Corps of Engineers released the second set of "Questions and Answers" regarding implementation of the Clean Water Rule, which is effective on 28 August 2015. The agencies will periodically update these "Questions and Answers" as experience with the rule grows. For the second set of "Questions and Answers" [click here](#).
- **31 July 2015** - EPA and the U.S. Army Corps of Engineers released the first set of "Questions and Answers" regarding implementation of the Clean Water Rule, which is effective on 28 August 2015. The agencies will periodically update these "Questions and Answers" as experience with the rule grows. For the first set of "Questions and Answers" [click here](#).
- **29 Jun 2015** - Federal Register Notice Announcing the Clean Water Rule: Definition of Waters of the United States. The effective date for the Clean Water Rule will be 28 Aug 2015.
- **27 May 2015** - The Office of the Assistant Secretary of the Army for Civil Works and the U.S. Environmental Protection Agency have announced the release of the Clean Water Act Rule.
  - Prepublication Version of the Final Rule
  - EPA-Army Technical Support Document for the Clean Water Rule: Definition of Waters of the United States
  - EPA-Army Final Clean Water Rule Economic AnalysisAdditional information can be found by [clicking here](#).
- **29 January 2015** - Memorandum withdrawing the 25 Mar 2014 Interpretative Rule Regarding the Applicability of Clean Water Act Section 404(f)(1) (A). For additional information [click here](#).
- **6 November 2014** - The U.S. Army Corps of Engineers has established a streamlined process to request an evaluation of the wetland rating for plants on the National Wetland Plant List (NWPL). A request can be completed by submitting an online questionnaire on the NWPL website between 10 November 2014 and 31 January 2015. For additional information [click here](#).

# Resources



The screenshot shows the EPA website's 'Clean Water Rule' page. The header includes navigation tabs for 'Learn the Issues', 'Science & Technology', 'Laws & Regulations', and 'About EPA', along with a search bar for 'EPA.gov'. The main content area is titled 'Documents Related to the Clean Water Rule' and includes a breadcrumb trail: 'You are here: EPA Home » Clean Water Rule » Documents Related to the Clean Water Rule'. A list of links is provided under the heading 'On this page:', including 'The final Clean Water Rule', 'Media', 'Webinars', 'Fact sheets', 'Streams and wetlands', 'Additional information', 'Public comments', and 'Background information'. A separate section titled 'The final Clean Water Rule:' lists links for 'The final rule', 'New definition of "Waters of the United States" at 40 CFR 230', 'Technical Support Document for the Clean Water Rule: Definition of Waters of the United States', 'Economic Analysis of the EPA-Army Clean Water Rule', 'Environmental Assessment', and 'Response to Comments'. A sidebar on the left contains links for 'Clean Water Rule Home', 'Streams and Wetlands Matter', 'What the Clean Water Rule Does', and 'What the Clean Water Rule Does Not Do'. A note on the right states, 'You will need Adobe Reader to view some of the files on this page. See EPA's About PDF page to learn more.' The page footer includes a 'Top of Page' link.

United States Environmental Protection Agency

Learn the Issues Science & Technology Laws & Regulations About EPA Search EPA.gov

## Clean Water Rule

Contact Us Share

You are here: EPA Home » Clean Water Rule » Documents Related to the Clean Water Rule

### Documents Related to the Clean Water Rule

On this page:

- [The final Clean Water Rule](#)
- [Media](#)
- [Webinars](#)
- [Fact sheets](#)
- [Streams and wetlands](#)
- [Additional information](#)
- [Public comments](#)
- [Background information](#)

You will need Adobe Reader to view some of the files on this page. See [EPA's About PDF page](#) to learn more.

### The final Clean Water Rule:

- [The final rule](#)
- [New definition of "Waters of the United States" at 40 CFR 230](#)
- [Technical Support Document for the Clean Water Rule: Definition of Waters of the United States](#)
- [Economic Analysis of the EPA-Army Clean Water Rule](#)
- [Environmental Assessment](#)
- [Response to Comments](#)

Top of Page



# A place to check often (at least for now)



The screenshot displays the EPA website's 'Clean Water Rule' page. At the top, the EPA logo and navigation menu are visible. The main content area features a breadcrumb trail: 'You are here: EPA Home » Clean Water Rule » Technical Questions and Answers For Implementation of the Clean Water Rule'. The page title is 'Technical Questions and Answers For Implementation of the Clean Water Rule'. The introductory text states: 'The U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency have jointly prepared the following Questions and Answers regarding implementation of the Clean Water Rule, which is effective on August 28, 2015. The agencies will periodically update these Questions and Answers as experience with the rule grows. If there are slight differences, the language in the [final preamble and rule](#) controls and should be used for purposes of understanding the scope and requirements of the final rule.' A section titled 'Implementation - Grandfathering' follows, with a question: 'Q: Are preliminary jurisdictional determinations affected by the new rule?'. The answer explains that preliminary jurisdictional determinations (PJDs) from the Corps for Clean Water Act Section 404 purposes are not affected by the new rule. A PJD is a non-binding written indication that there may be waters of the United States, including wetlands, on a parcel and may be used to voluntarily waive or set aside questions regarding jurisdiction over a particular site, usually in the interest of allowing the landowner or other "affected party" to move ahead expeditiously to obtain a Corps permit. Landowners may rely on existing PJDs regarding a specific authorization/verification even after the new rule is in effect. Landowners may continue to request a PJD in lieu of an approved jurisdictional determination under the new rule. In addition, landowners with an existing PJD may request an approved jurisdictional determination under the new rule if they choose, which would be finalized after the effective date of the new rule. Another question is partially visible: 'Q: What is the status of an approved jurisdictional determination associated with a pending'.

# Big Picture (covered in last webinar)



- **Some things unchanged (TNR, interstate, territorial seas, impoundments, some exclusions, use of 1987 manual and regional supplements)**
- **Modifications and clarifications**
  - Clarified exclusions (many ditches, artificially irrigated areas, certain artificial lakes, certain artificial pools and ornamental waters, certain incidental depressions, certain erosional features, puddles)
  - Clarified non-waters (groundwater, certain stormwater control features, certain wastewater recycling, basins, ponds, and distribution structures)
- **Clarified Significant Nexus (defining tributaries, ditches, adjacent waters, neighboring, similarly situated, etc.)**

# Additional implications



- NWP's
- Some existing JDs (if life of permit extended, etc.)
- 402 (unlikely but possible)
- 303/305 (ensuring consistency a work in progress)





# Emerging Q&A (from Corps' Fact Sheets)



## Grandfathering

Q: Are preliminary jurisdictional determinations affected by the new rule?

Q: What is the status of an approved jurisdictional determination associated with a pending complete nationwide permit pre-construction notification (PCN)?

## Characteristics of Tributaries and Erosional Features

Q: What is the difference between tributaries under the Clean Water Rule and erosional features which are not considered “waters of the U.S.” under the Rule?

Q: What is a “bed and banks”?

Q: What is an “ordinary high water mark” (OHWM) and what are its indicators?

Q: Where do erosional features occur?

Q: How can I determine the difference between a tributary and an erosional feature in the field?

## Adjacent and Case-Specific Waters

Q: What waters may be covered under the adjacent category of waters

Q: What waters may be covered under the site-specific significant nexus categories of waters under paragraph (a)(8)?

Q: What are considered wetland waters under the Rule?

Q: What types of non-wetland waters are included as adjacent waters or as site-specific significant nexus waters?

# Agencies' Commitments



- Frequent postings to answer questions
- Webinars (promised bi-weekly)
- Recognizing role of local coordination and work through local POCs
- Working on “tools”
- Conducting joint assessments in the spring
- Open to new ideas



# August 27<sup>th</sup> EPA-Corps Webinar



## The Final Clean Water Rule



Thursday, August 27, 2015

1 - hour Webinar

Eastern: 1:00 p.m.–2:00 p.m.

Central: 12:00p.m.–1:00 p.m.

Mountain: 11:00 a.m.–12:00 p.m.

Pacific: 10:00 a.m.–11:00 a.m.

Join us to learn more details about the U.S. Environmental Protection Agency's (EPA) and U.S. Department of the Army's final Clean Water Rule. This webinar will provide a review of the final rule, survey some commonly asked questions, and discuss what to expect as the rule is implemented.



In a historic step for the protection of clean water, EPA and the Army signed the Clean Water Rule on May 27, 2015, to protect the streams and wetlands that form the foundation of the nation's water resources from pollution and degradation. The final rule is effective August 28, 2015.

**Registration:** You must register in advance to attend this webinar. Please register at: <http://mp118885.cdn.mediaplatform.com/118885/ml/mp/4000/5345/5417/51065/Lobby/default.htm>

### Registration Questions?

Please contact Stefanie Gera at [Stefanie.Gera@tetrattech.com](mailto:Stefanie.Gera@tetrattech.com)

**More Information:** [www.epa.gov/cleanwaterrule](http://www.epa.gov/cleanwaterrule) and <http://www.army.mil/asacw>

# Upshot...



## Stay tuned....



# WOTUS Lawsuits: Overview

- How many lawsuits?
- Who are the plaintiffs/petitioners?
- What courts are they in and why?
- What are their claims?
  - Procedural
  - Clean Water Act (statutory)
  - Constitutional
  - Other
- What are the possible remedies?

# Number of Lawsuits

- United States District Courts
  - At least 11 cases filed (1 of which has been voluntarily dismissed)
- United States Circuit Courts of Appeals
  - At least 14 petitions for review

# Who are the plaintiffs/petitioners?

## States/Industry/Associations

- American Farm Bureau Federation
  - American Forest & Paper Association
  - American Petroleum Institute
  - American Road and Transportation Builders Association
  - Greater Houston Builders Association
  - Leading Builders of America
  - Matagorda County Farm Bureau
  - National Alliance of Forest Owners
  - National Association of Home Builders
  - National Association of Manufacturers
  - National Association of Realtors
  - National Cattlemen's Beef Association
  - National Corn Growers Association
  - National Mining Association
  - National Pork Producers Council
  - National Stone, Sand, and Gravel Association
  - Public Lands Council
  - Texas Farm Bureau
  - U.S. Poultry & Egg Association
- Ohio
  - Attorney General Bill Schuette on Behalf of the People of Michigan
  - Tennessee
- Georgia
  - West Virginia
  - Alabama
  - Florida
  - Indiana
  - Kansas
  - Kentucky
  - North Carolina Department of Environment and Natural Resources
  - South Carolina
  - Utah
  - Wisconsin
- Murray Energy Corporation
- Chamber of Commerce of the United States of America
  - National Federation of Independent Business
  - State Chamber of Oklahoma
  - Tulsa Regional Chamber
  - Portland Cement Association



# Plaintiffs/Petitioners (continued)

## States/Industry/Associations

- North Dakota
  - Alaska
  - Arizona
  - Arkansas
  - Colorado
  - Idaho
  - Missouri
  - Montana
  - Nebraska
  - Nevada
  - South Dakota
  - Wyoming
  - New Mexico Environment Department
  - New Mexico State Engineer
- Oklahoma
  - Georgia Agribusiness Council, Inc.
  - Greater Atlanta Homebuilders Association, Inc.
- Texas
  - Louisiana
  - Mississippi
- Utility Water Act Group
- Washington Cattlemen's Association
  - California Cattlemen's Association
  - Oregon Cattlemen's Association
  - New Mexico Cattle Growers Association
  - New Mexico Wool Growers, Inc.
  - New Mexico Federal Lands Council
  - Coalition of Arizona/New Mexico Counties for Stable Economic Growth
  - Duarte Nursery, Inc.
  - Pierce Investment Company
  - LPF Properties, LLC.
  - Hawkes Company, Inc.



# Plaintiffs/Petitioners (continued)

## Environmental Organizations

- National Wildlife Federation
- Natural Resources Defense Council, Inc.
- Puget Soundkeeper Alliance
  - Sierra Club
- Waterkeeper Alliance, Inc.
  - Center for Biological Diversity
  - Center for Food Safety
  - Humboldt Baykeeper
  - Russian Riverkeeper
  - Monterey Coastkeeper
  - Snake River Waterkeeper, Inc.
  - Upper Missouri Waterkeeper, Inc.
  - Turtle Island Restoration Network, Inc.

# Courts

## ➤ District Courts

- Northern District of Georgia
- Southern District of Georgia
- District of Minnesota
- District of North Dakota
- Southern District of Ohio
- Northern District of Oklahoma
- Southern District of Texas
- Northern District of West Virginia

➤ A motion is pending before the U.S. Judicial Panel on Multidistrict Litigation to transfer the district court cases for consolidated pretrial proceedings

➤ Hearing set for October 1, 2015

## ➤ Circuit Courts of Appeals

- Second Circuit
- Fifth Circuit
- Sixth Circuit
- Eighth Circuit
- Ninth Circuit
- Tenth Circuit
- Eleventh Circuit
- District of Columbia Circuit

➤ All circuit cases were consolidated in the Sixth Circuit

# Question about Jurisdiction

- Do the District Courts or the Circuit Courts have jurisdiction?
- Why the uncertainty?

## *M. Judicial Review*

Section 509(b)(1) of the CWA provides for judicial review in the courts of appeals of specifically enumerated actions of the Administrator. The Supreme Court and lower courts have reached different conclusions on the types of actions that fall within section 509. *Compare, E.I. du Pont de Nemours and Co. v. Train*, 430 U.S. 112 (1977); *NRDC v. EPA*, 673 F.2d 400 (D.C. Cir. 1982); *National Cotton Council of Amer. v. EPA*, 553 F.3d 927(6th Cir. 2009) *cert denied* 559 U.S. 936 (2010) *with, Northwest Environmental Advocates v. EPA*, 537 F.3d 1006 (9th Cir. 2008); *Friends of the Everglades v. EPA*, 699 F.3d 1280 (11th Cir. 2012) *cert denied* 559 U.S. 936 (2010).

80 Fed. Reg. 37104

# Legal Claims

- Procedural violations associated with the rulemaking process
  - Substantial changes to proposed rule without additional public comment
  - Final rule is not a “logical outgrowth” of the proposed rule
  - Failed to make all information relied upon available to the public
  - Failed to respond appropriately to comments
- Clean Water Act (statutory) violations
  - Exceeds the agencies’ CWA authority
  - Inconsistent with CWA’s plain language
- Constitutional violations
  - Commerce Clause
  - Tenth Amendment
  - Due Process Clause
- Other violations
  - Regulatory Flexibility Act
  - Unfunded Mandates Reform Act
  - National Environmental Policy Act
  - Anti-Lobbying Act
  - Executive Orders

# Remedies

- Examples of relief requested in the lawsuits
  - Declaratory relief
    - Declare the final rule unlawful
  - Preliminary and permanent injunctive relief
  - Stay, remand, and/or set aside/vacate the final rule
  - Defer enforcement
  - Stay the effective date
  - Enjoin the agencies from implementing/enforcing/applying the final rule

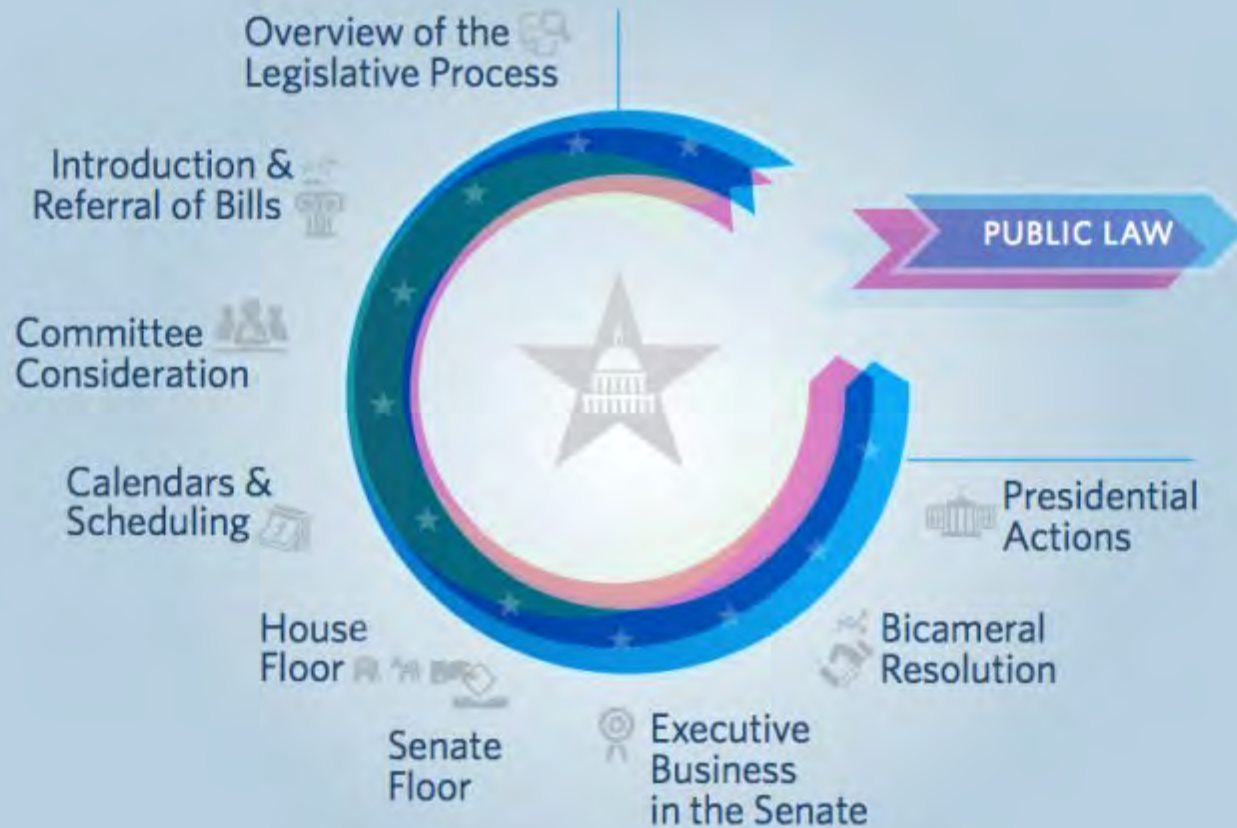
# The Potential Role of Congress



- **Brief Review of Congressional Process**
- **Introduced Stand-alone Bills in Opposition**
- **Riders to Appropriations Bills to Stop the Clean Water Rule**
- **What to Watch**



# Legislative Process (from Congress.gov)



# Stats



## Final Résumé of Congressional Activity

### SECOND SESSION OF THE ONE HUNDRED THIRTEENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House.  
The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

#### DATA ON LEGISLATIVE ACTIVITY

January 3, 2014 through January 2, 2015

	Senate	House	Total
Days in session .....	136	135	...
Time in session .....	368 hrs., 15'	704 hrs., 51'	...
<b>Congressional Record:</b>			
Pages of proceedings .....	56,931	H10,356	...
Estimates of Remarks .....	...	E1,857	...
Public bills enacted into law .....	61	163	224
Private bills enacted into law .....	...	...	...
Bills in conference .....	1	1	...
Measures passed, total .....	501	505	1,066
Senate bills .....	95	87	...
House bills .....	153	375	...
Senate joint resolutions .....	6	4	...
House state resolutions .....	8	7	...
Senate concurrent resolutions .....	5	4	...
House concurrent resolutions .....	23	25	...
Simple resolutions .....	210	93	...
Measures reported, total .....	275	377	652
Senate bills .....	190	7	...
House bills .....	51	308	...
Senate joint resolutions .....	4	...	...
House joint resolutions .....	...	2	...
Senate concurrent resolutions .....	1	...	...
House concurrent resolutions .....	1	4	...
Simple resolutions .....	29	58	...
Special reports .....	12	34	...
Conference reports .....	1	3	...
Measures pending on calendar .....	414	127	...
Measures introduced, total .....	1,452	2,505	3,957
Bills .....	1,126	2,282	...
Joint resolutions .....	18	27	...
Concurrent resolutions .....	14	55	...
Simple resolutions .....	274	156	...
Quorum calls .....	1	1	...
Yea-and-nay votes .....	565	**248	...
Recorded votes .....	...	515	...
Bills vetoed .....	...	...	...
Votes overridden .....	...	...	...

#### DISPOSITION OF EXECUTIVE NOMINATIONS

January 3, 2014 through January 2, 2015

Civilian nominations, totaling 834 (including 2 nominations carried over from the First Session), disposed of as follows:	
Confirmed .....	474
Withdrawn .....	14
Returned to White House .....	166
Other Civilian nominations, totaling 3,585, disposed of as follows:	
Confirmed .....	2,662
Returned to White House .....	983
Air Force nominations, totaling 4,424, disposed of as follows:	
Confirmed .....	4,200
Withdrawn .....	1
Returned to White House .....	223
Army nominations, totaling 6,375, disposed of as follows:	
Confirmed .....	6,325
Withdrawn .....	1
Returned to White House .....	53
Navy nominations, totaling 3,877, disposed of as follows:	
Confirmed .....	3,877
Returned to White House .....	2
Marine Corps nominations, totaling 879, disposed of as follows:	
Confirmed .....	878
Returned to White House .....	1
<b>Summary</b>	
Total nominations carried over from the First Session .....	2
Total nominations received this Session .....	19,796
Total confirmed .....	18,354
Total unconfirmed .....	0
Total withdrawn .....	16
Total returned to the White House .....	1,428



# Substantive Bills



- **H.R. 594, Waters of the United States Regulatory Overreach Protection Act of 2015, Rep Gosar (AZ) (introduced 1/28/2015); 185 cosponsors, referred to committee**
- **S.1140 Federal Water Quality Protection Act, Sen Barrasso, (WY) (introduced 4/30/2015), 43 cosponsors, 43 osponsors, reported out of committee July 2015**
- **Others...**

# What's a Rider?

“Riders” are controversial but frequently used devices of appropriations-based policy-making. Riders are amendments added to an appropriation bill. To be “germane” they must involve funds and spending. They amend appropriations bills to specifically prohibit or otherwise limit the use of federal funds for designated activities.



# Former Versions of the Riders



## House Interior & Env't bill:

- **WATERS OF THE UNITED STATES 12 SEC. 422.** None of the funds made available in this Act or any other Act for any fiscal year may be used to develop, adopt, implement, administer, or enforce any change to the regulations and guidance in effect on October 1, 2012, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.), including the provisions of the rules dated November 13, 1986, and August 25, 1993, relating to said jurisdiction, and the guidance documents dated January 15, 2003, and December 2, 2008, relating to said jurisdiction. See page 122 of draft: <http://appropriations.house.gov/uploadedfiles/bills-114hr-fc-ap-fy2016-ap00-interior.pdf>

## Senate bill:

- **SEC. 421.** None of the funds made available in this Act or any other Act for any fiscal year may be used to develop, adopt, implement, administer, or enforce any change to the regulations and guidance in effect on October 1, 2012, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251, et seq.), including the provisions of the rules dated November 13, 1986 and August 15, 1993, relating to said jurisdiction, and the guidance documents dated January 15, 2003 and December 2, 2008, relating to said jurisdiction. See page 135 of the draft: <https://www.congress.gov/114/bills/s1645/BILLS-114s1645pcs.pdf>

# So....what happens next?



- New rule becomes active
- Litigation continues and ensues
- Attempts at Congressional action persist
- Permit applications continue...
- Law professors write many footnotes!



# Discussion



# Thank you !

