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Page 1 of 2

Attorney General Steve Marshall Joins Multistate Lawsuit against EPA to Protect States' Sovereignty Over Waterways and Land

(MONTGOMERY) — Attorney General Steve Marshall joined a coalition of 24 states in a lawsuit against the U.S. Environmental Protection Agency, asking a federal court to vacate the newly published final rule redefining “Waters of the United States (WOTUS)” and declare it unlawful.

“This new final rule is another bureaucratic power grab by the Biden Administration that will have negative effects on Alabamians,” Attorney General Marshall stated. “In Alabama, we have one of the nation’s most diverse and robust aquatic ecosystems, and the responsibility of managing those waters rests first with the state of Alabama, not federal bureaucrats. This new EPA rule will make it more difficult for many farmers, property owners, homebuilders, and others to make simple improvements to their own property.”

The new rule follows decades of back-and-forth in the rulemaking process seeking to define the geographic reach of the EPA’s and Army Corps of Engineers’ authority in regulating streams, wetlands, and other bodies of water under the Clean Water Act (CWA). This new rule contrasts greatly with the Trump Administration’s 2020 Navigable Waters Protection Rule, which offered a more restrained vision of federal jurisdiction under the CWA.

Notably, the new rule redefines “navigable waters” to include ponds, certain streams, ditches, and other bodies of water under the CWA, as determined by the EPA and the Army Corps of Engineers.

According to the lawsuit, this rule will greatly affect farmers who may need to receive permission from the EPA and the Army Corps of Engineers to fill or dredge wetlands or waterways if those features fall under the federal government’s purview. Developers, miners, and other property owners who want to make use of their land will face restrictive regulations as well.



The coalition's lawsuit indicated that "if the final rule is left in place, then ranchers, farmers, miners, homebuilders, and other landowners across the country will struggle to undertake even the simplest of activities on their own property without fear of drawing the ire of the federal government."

According to the lawsuit, "Landowning Americans of all stripes will thus be left with a choice: (a) fight their way through an expensive and lengthy administrative process to obtain complex jurisdictional determinations and permits or (b) face substantial civil and criminal penalties."

Alabama was joined in the lawsuit by Alaska, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Virginia and West Virginia, Wyoming.

You can view the lawsuit [here](#).