

07-990 ALASKA V. SOUTHEAST ALASKA CONSERVATION COUNCIL

DECISION BELOW:486 F3d 638

LOWER COURT CASE NUMBER: 06-35679

QUESTIONS PRESENTED:

1. Whether the Ninth Circuit erred in invalidating the longstanding regulatory interpretation of the U.S. Army Corps of Engineers (the "Corps") and the Environmental Protection Agency ("EPA") that discharges of dredged or fill material are subject to the exclusive permitting authority of the Corps under Section 404 of the Clean Water Act, rather than effluent limitations and standards of performance promulgated under Sections 301 and 306 and applied by EPA pursuant to its separate permitting authority under Section 402.

CERT. GRANTED 6/27/2008

CONSOLIDATED WITH 07-984 FOR ONE HOUR ORAL ARGUMENT