



Sackett II: Where are we now?

ISB Environment & Natural Resources Law Section and Water Law Section
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CLE Reading Materials

Scholarly articles

Jonathan H. Adler, *Reckoning with Rapanos: Revisiting “Waters of the United States” and the Limits of Federal Wetland Regulation*, 14 MO. ENVTL. L. & POL’Y REV. 1 (2006),
<https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=1281&context=jesl>.

Jonathan H. Adler, *Wetlands, Waterfowl, and the Menace of Mr. Wilson: Commerce Clause Jurisprudence and the Limits of Federal Wetlands Regulation*, 29 ENVTL. L. 1 (1999),
https://scholarlycommons.law.case.edu/faculty_publications/650/.

Stephen M. Johnson, *Killing WOTUS 2015: Why Three Rulemakings May Not Be Enough*, 64 ST. LOUIS U. L.J. (2020), <https://scholarship.law.slu.edu/lj/vol64/iss3/5>.

James R. May, *Environmental Law Jurisprudence and Associate Justice Antonin Scalia's Legacy*, TRENDS: ABA SEC. OF ENV’T, ENERGY, AND RESOURCES NEWSL. (May/June 2016),
https://works.bepress.com/james_may/93/.

James R. May, *Healthcare, Environmental Law, and the Supreme Court: An Analysis Under the Commerce, Necessary and Proper, and Tax and Spending Clauses* 43 ENVTL. L. 233 (2013), https://works.bepress.com/james_may/79/.

Cases

Sackett v. U.S. Envtl. Prot. Agency, 566 U.S. 120 (2012).

Rapanos v. United States, 547 U.S. 715 (2006).

Solid Waste Agency of N. Cook Cnty. v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001).

United States v. Riverside Bayview Homes, Inc., 474 U.S. 121 (1985).



Briefing Materials

Brief of Fourteen National Agricultural Organizations as *Amici Curiae* in Support of Petitioners, *Sackett v. U.S. Env'tl. Prot. Agency*, No. 21-454 (U.S. April 15, 2022), https://www.supremecourt.gov/DocketPDF/21/21-454/221151/20220415135223396_21-454%20Sackett%20v%20EPA%20Amicus%2014%20Ag%20Orgs%20PDFA.pdf.

Petition for Writ of Certiorari, *Sackett v. U.S. Env'tl. Prot. Agency*, No. 21-454 (U.S. Sept. 22, 2021), https://www.supremecourt.gov/DocketPDF/21/21-454/193450/20210922172208802_2021.09.22%20-%20Sackett%20Cert%20Petition.pdf.

Petitioners' Brief on the Merits, *Sackett v. U.S. Env'tl. Prot. Agency*, No. 21-454 (U.S. Apr. 11, 2022), https://www.supremecourt.gov/DocketPDF/21/21-454/220716/20220411143433423_FINAL%20Sackett%20Opening%20Brief.pdf.

Brief for the Respondents, *Sackett v. U.S. Env'tl. Prot. Agency*, No. 21-454 (U.S. June 10, 2022), https://www.supremecourt.gov/DocketPDF/21/21-454/227721/20220610173641467_21-454bsUnitedStates.pdf.

Reply Brief, *Sackett v. U.S. Env'tl. Prot. Agency*, No. 21-454 (U.S. July 8, 2022), https://www.supremecourt.gov/DocketPDF/21/21-454/229685/20220708135220072_Sackett%20Reply%20Brief%20Merits%20-%20Final.pdf.