

Nos. 15-3751 /3799/ 3817/3820/ 3822/ 3823/ 3831/3837/ 3839/ 3850/ 3853/  
3858/3885/3887/3948/4159/4162/4188/4211/4234/4305/4404

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Apr 21, 2016  
DEBORAH S. HUNT, Clerk

In re: UNITED STATES DEPARTMENT OF DEFENSE AND  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
FINAL RULE: CLEAN WATER RULE: DEFINITION OF  
"WATERS OF THE UNITED STATES," 80 FED. REG. 37,054  
(JUNE 29, 2015).

MURRAY ENERGY CORPORATION (15-3751); STATE OF  
OHIO, et al. (15-3799); NATIONAL WILDLIFE  
FEDERATION (15-3817); NATURAL RESOURCES DEFENSE  
COUNCIL, INC. (15-3820); STATE OF OKLAHOMA (15-  
3822); CHAMBER OF COMMERCE OF THE UNITED STATES  
OF AMERICA, et al. (15-3823); STATE OF NORTH  
DAKOTA, et al. (15-3831); WATERKEEPER ALLIANCE  
INC., et al. (15-3837); PUGET SOUNDKEEPER ALLIANCE,  
et al. (15-3839); AMERICAN FARM BUREAU FEDERATION,  
et al. (15-3850); STATE OF TEXAS, et al. (15-3853); UTILITY WATER ACT GROUP  
(15-3858); SOUTHEASTERN LEGAL FOUNDATION, INC., et al. (15-3885); STATE  
OF GEORGIA, et al. (15-3887); ONE HUNDRED MILES, et al. (15-3948);  
SOUTHEAST STORMWATER ASSOCIATION, INC., et al. (15-4159); MICHIGAN  
FARM BUREAU (15-4162); WASHINGTON CATTLEMEN'S ASSOCIATION (15-  
4188); ASSOCIATION OF AMERICAN RAILROADS, et al. (15-4211); TEXAS  
ALLIANCE FOR RESPONSIBLE GROWTH, ENVIRONMENT, AND  
TRANSPORTATION (15-4234); AMERICAN EXPLORATION & MINING  
ASSOCIATION (15-4305); ARIZONA MINING ASSOCIATION, et al. (15-4404),

*Petitioners,*

v.

UNITED STATES DEPARTMENT OF DEFENSE, DEPARTMENT  
OF THE ARMY CORPS OF ENGINEERS and UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY, et al.,

*Respondents.*

**BEFORE:** KEITH, McKEAGUE, and GRIFFIN, Circuit Judges.

The court received six petitions for rehearing en banc. The original panel has reviewed the petitions for rehearing and concludes that the issues raised in the petitions were fully considered upon the original submission and decision of the cases. The petitions then were circulated to the full court. No judge has requested a vote on the suggestion for rehearing en banc.

Therefore, the petitions are denied. Judge Keith would grant rehearing for the reasons stated in his dissent.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk