

**This is a vernal pool and considered part of the Waters of the United States**



Did you know a dip in your field that stays wet for a couple of weeks after it rains is considered “wetlands” and Waters of the United States?

Did you know if you question the Army Corps of Engineers they can use tax payer money to file a lawsuit and levy tens of millions of dollars in fines against you?

Did you know that the Army Corps of Engineers doesn't care that farmers are exempt from WOTUS regulations?

Did you know that even though WOTUS was rolled back, the Army Corps of Engineers is still pursuing a lawsuit against California farmer John Duarte?

Did you know the Army Corps of engineers considers plowed furrows micro mountain ranges?



**The government is calling this wetlands**



**Please Support Duarte Nursery**



**If Duarte loses  
this legal fight the  
implications for  
landowners,  
farmers and  
agriculture are  
significant**

**Duarte has spent  
over \$2 million  
fighting this case  
and needs  
financial support  
to continue**



Please take the time to learn about what is happening to California farmer, John Duarte and his family business, Duarte Nursery. Duarte is fighting a legal battle with the Army Corps of Engineers and the Department of Justice. It is a representation of government overreach and the vindictive behavior of those who are supposed to be serving Americans instead of attacking them. Here are some basic facts of the case:

- Duarte purchased 450 acres of land in 2012. This land had been previously planted in wheat and when wheat prices were low, was used to graze cattle.
- Duarte plowed the land to prepare it for a wheat crop. The land was plowed to a depth between 4 and 7 inches. This caught the attention of the Army Corps of Engineers.
- The Army Corps of Engineers sent Duarte a Cease and Desist Order accusing Duarte of unauthorized (no permit) work in the “Waters of the United States”
- The permit the Army Corps of Engineers claims Duarte should have obtained has never been issued to a farmer because a permit is not required to plow.
- Due to lack of response regarding the Cease and Desist Order, Duarte filed a due process lawsuit in October of 2013.
- Looking to retaliate, the Army Corps of Engineers approached the EPA who declined to enter into a suit against Duarte. The Department of Justice pursued it and charged Duarte with a violation of the Clean Water Act and destruction of “wetlands”.
- Initially the Army Corps of Engineers claimed the land was ripped to a depth of 3 feet. Despite expert findings during legal discovery proving that the land had been plowed only to a depth of 4 to 7 inches, the Army Corps of Engineers and the Department of Justice continued prosecution.
- Duarte has been fined \$2.8 million for plowing without a permit and the government is demanding he pay tens of millions to the “Wetland Mitigation Bank”.

**Please Support Duarte Nursery**

Learn more about the Duarte case at <https://www.facebook.com/DuarteStandsUp/>

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