From: Clark County Citizens United, Inc.
To: Michelle Belkot; Glen Yung; Wil Fuentes; Matt Little; Sue Marshall; Kathleen Otto; Oliver Orjiako; Jose Alvarez; CommDev OA Land Use; Cnty 2025 Comp Plan
Subject: Meet the Lincks—Idaho landowners going toe to toe with the Army Corps of Engineers
Date: Friday, July 18, 2025 6:46:01 PM

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- Clark County Council July 17, 2025
- P.O.Box 5000
- Vancouver, Washington 98666

FOR THE PUBLIC RECORD AND THE COMPREHENSIVE PLAN

Re : **Meet the Lincks—Idaho landowners going toe to toe with the Army Corps of Engineers**

Dear Councilors,

Clark County Citizens United, Inc. is forwarding you a recent Pacific Pegal Foundation notice to CCCU regarding wetlands and property rights. It would be wise if the councilors take notice of what is taking place in the courts today, over these topics. Clark County code language, regarding permanent land covenants to the county, using subjective, non-scientific determinations by staff, must be removed from the books..

CCCU is seeing county wetland and habitat determinations that are simply fabrications. But they hold the power of law, based on flawed, subjective examinations. Any reasonably minded person would reject these determinations and that is what landowners are doing. If you were told, to replace a dilapidated shed you would be required to deed all your land to the county, forever, CCCU doubts you would concede to that demand.

It's time county staff works with landowners to come up with reasonable solutions, based on actual applied science for each and every permit request. But permanent covenants to the county, is out of the question. More and more the courts are seeing the injustice that is being applied to unsuspecting landowners. It is just a matter of time before these decisions will also apply to Clark County, Washington. The Permanent Covenant language must be removed from Code.

Sincerely,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 87604

- *Charles T. Yates, Pacific Legal Foundation*
  From:plfalert@pacificlegal.org
  To:cccuinc@yahoo.com

  Thu, Jul 17 at 1:23 PM

> *Clark,*
>
> *Rebecca and Caleb Linck are the owners of a small 4.7-acre property in Bonner County, Idaho.*
>
> *The land has been in their family for more than 40 years. It sits about a mile from a nearby stream and roughly two miles from a lake.*
>
> *With plans for some modest agricultural activity in the future, Rebecca and Caleb hired a consultant to ensure their compliance with environmental laws and regulations—including the federal Clean Water Act.*

The Lincks were soon surprised to learn that the Army Corps of Engineers claimed authority over 1.13 acres of purported "wetlands" on their property—with the Corps' justification hinging on a convoluted "wetland complex" theory.

The trouble for the Corps, however, is that its theory flies in the face of well-established Supreme Court precedent set in ***Sackett v. EPA II*** *(2023)—and Rebecca and Caleb aren't the kind to back down from a fight.*

Worse still, the Lincks' property is in ***the same county*** *as the Sacketts' property and shares many of the same features—leaving little room for ambiguity.*

Sackett v. Environmental Protection Agency

One of the longest-running legal battles in the history of the Clean Water Act doesn't involve mega-polluters du...

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*In its 2023 Sackett decision, the Supreme Court affirmed that federal regulation under the Clean Water Act extends **only** to traditionally recognizable bodies of water—like rivers, lakes, and streams—that are relatively permanent and continuously flowing.*

*Critically, "wetlands" are not traditionally recognizable "waters." They're what they sound like: wet land. And they may be regulated only if they have a **continuous** surface water connection to—and are **indistinguishable** from—a recognizable body of water. In other words, wetlands must be a part of a recognizable body of water in order to be regulated by the federal government.*

In its "wetlands complex" theory, the Corps claims that parts of the Lincks' property are somehow connected to an alleged wetland across a country road—despite the fact that the road is elevated and contains no culverts through which water could even theoretically pass. The Corps' theory suggests this allegedly connected wetland then touches a small, unnamed stream, which connects to a named stream, and eventually to a traditional navigable water.

In short, the Corps is thumbing its nose at the rule of law by ignoring well-established Supreme Court precedent and asserting authority over land that obviously does not meet the clear requirements for federal wetlands regulation.

*You can read more about the Lincks' story on **our case page***

In re: Linck

The Lincks are fighting back to restore their right to make productive use of their own land, and to ensure fede...

*—and explore our broader efforts to ensure Americans are free to make productive use of their property through our new **Environment and Natural Resources** practice group.*

*If you've faced unconstitutional land use restrictions—like the Lincks or Sacketts—please consider **submitting your case** for review. As a reminder, all PLF clients are represented 100% free of charge.*

Stay tuned for more updates on the Lincks' fight and others like it.

Until then,

Environment and Natural Resources | Practice Group

At PLF, we believe human ingenuity is the ultimate resource. Our Environment and Natural Resources practice defe...

Charles T. Yates

Attorney