



U.S. Supreme Court declines to hear case from Miner Co. couple

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A Miner County couple missed their shot to have a case heard by the U.S. Supreme Court.

The Supreme Court denied a petition to head a case brought by Arlen and Cindy Foster on Monday, a case questioning a wetland designation of a 0.8 acre plot of land on their property.

The Fosters contended the U.S. Natural Resource Conservation Service's (NRCS) wetland designation — which was made using a proxy site 33 miles away — that forced the couple to choose between farming the land or acquiring access to U.S. Department of Agriculture programs.

Under the "Swampbuster" provisions of the Food Security Act of 1985, eligibility for federal agriculture programs can be limited if wetlands are converted to cropland. Because the Fosters' land was deemed able to support wetland plants by the NRCS, the Fosters took their case through years of litigation.

An attempt to contact Arlen Foster was not immediately returned on Monday, but attorneys for Foster have called the wetlands designation "bogus" and part of a "rigged" process.

Several lower courts, however, have argued the Fosters' wetland determination was not made arbitrarily or in a manner contrary to law. But the Fosters had support from the American Farm Bureau Federation, Cato Institute and the Center for Constitutional Jurisprudence, who all issued statements in support of the Fosters' case being heard.