

IN THE  
**Supreme Court of the United States**

—————  
DENIS P. KELLEHER, et ux.,  
*Petitioners,*

v.

NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION,  
*Respondent.*

—————  
**ON PETITION FOR A WRIT OF CERTIORARI  
TO THE SUPREME COURT OF NEW YORK,  
APPELLATE DIVISION, SECOND DEPARTMENT**

—————  
**BRIEF FOR RESPONDENT**

—————  
**CERTIFICATE OF COMPLIANCE**

As required by Supreme Court Rule 33.1(h), I certify that the document contains 5,728 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

—————  
Executed on December 13, 2018.

  
—————  
Christopher R. Dorsey  
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