

114TH CONGRESS
1ST SESSION

H. R. 3270

To amend the Federal Water Pollution Control Act to exempt Indian tribes from compensatory mitigation requirements in connection with certain discharges of dredged or fill material, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2015

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to exempt Indian tribes from compensatory mitigation requirements in connection with certain discharges of dredged or fill material, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXEMPTION FROM COMPENSATORY MITIGA-**
4 **TION REQUIREMENTS.**

5 (a) IN GENERAL.—Section 404 of the Federal Water
6 Pollution Control Act (33 U.S.C. 1344) is amended by
7 adding at the end the following:

8 “(u) INDIAN TRIBES.—

1 “(1) EXEMPTION FROM COMPENSATORY MITI-
2 GATION REQUIREMENTS.—Notwithstanding any
3 other provision of law, an Indian tribe that applies
4 for a permit for a permitted activity to be conducted
5 on Indian land shall not be required to provide any
6 form of compensatory mitigation as a condition of
7 the permit.

8 “(2) EVALUATION OF INDIAN TRIBE PERMIT
9 APPLICATION.—In evaluating a permit application
10 submitted by an Indian tribe to carry a permitted
11 activity to be conducted on Indian land, the Sec-
12 retary may not take into account the nonavailability
13 of compensatory mitigation pursuant to the exemp-
14 tion provided by paragraph (1).

15 “(3) SITUATIONS IN WHICH INDIAN TRIBE
16 CEASES TO MAINTAIN PERMITTED ACTIVITY.—If an
17 Indian tribe described in paragraph (1) ceases to
18 maintain the permitted activity on Indian land, or
19 seeks to abandon such an activity without a good
20 faith transfer, the Indian tribe shall obtain a permit
21 modification from the Secretary, which may require
22 restoration and rehabilitation of the area.

23 “(4) LIMITATION ON STATUTORY CONSTRUC-
24 TION.—The exemption from compensatory mitiga-
25 tion requirements provided by paragraph (1) may

1 not be construed to affect the applicability of any
2 other requirement under this Act to an Indian tribe
3 or Indian land, including requirements to avoid and
4 minimize adverse impacts to wetlands, streams, and
5 other aquatic resources.

6 “(5) DEFINITIONS.—In this subsection, the fol-
7 lowing definitions apply:

8 “(A) INDIAN LAND.—The term ‘Indian
9 land’ means land owned by, operated by, or oth-
10 erwise belonging to an Indian tribe.

11 “(B) INDIAN TRIBE.—The term ‘Indian
12 tribe’ means any Indian tribe, band, nation, or
13 other organized group or community, including
14 any Alaska Native village or regional or village
15 corporation as defined in or established pursu-
16 ant to the Alaska Native Claims Settlement Act
17 (43 U.S.C. 1601 et seq.), which is recognized as
18 eligible for the special programs and services
19 provided by the United States to Indians be-
20 cause of their status as Indians.

21 “(C) PERMITTED ACTIVITY.—The term
22 ‘permitted activity’ means a discharge of
23 dredged or fill material for which a permit is
24 issued under this section.”.

1 (b) APPLICABILITY.—The amendment made by sub-
2 section (a) shall apply to permits issued under section 404
3 of the Federal Water Pollution Control Act (33 U.S.C.
4 1344) after the date of enactment of this Act.

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