

113TH CONGRESS
2D SESSION

H. R. 5071

To preserve existing rights and responsibilities with respect to non-prohibited discharges of dredged or fill material under the Clean Water Act.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2014

Mr. RIBBLE (for himself, Mr. SCHRADER, Mr. COLLINS of New York, Mr. THOMPSON of Pennsylvania, Mr. GIBBS, Mr. LUCAS, and Mr. PETERSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To preserve existing rights and responsibilities with respect to non-prohibited discharges of dredged or fill material under the Clean Water Act.

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. SHORT TITLE.**

4 This Act may be cited as the “Agricultural Conserva-
5 tion Flexibility Act of 2014”.

1 **SEC. 2. RULES PERTAINING TO NON-PROHIBITED DIS-**
2 **CHARGES OF DREDGED OR FILL MATERIAL**
3 **UNDER THE CLEAN WATER ACT.**

4 (a) IN GENERAL.—Section 404(f)(1)(A) of the Fed-
5 eral Water Pollution Control Act (33 U.S.C.
6 1344(f)(1)(A)) shall be applied without regard to the in-
7 terpretive rule issued on March 25, 2014, entitled “U.S.
8 Environmental Protection Agency and U.S. Department
9 of the Army Interpretive Rule Regarding the Applicability
10 of the Clean Water Act Section 404(f)(1)(A)”.

11 (b) RULES OF CONSTRUCTION FOR CERTAIN AGRI-
12 CULTURAL ACTIVITIES.—

13 (1) SOIL AND WATER CONSERVATION PRAC-
14 TICES.—

15 (A) All soil and water conservation prac-
16 tices shall be treated as normal farming,
17 silviculture, and ranching activities under sec-
18 tion 404(f)(1)(A) of the Federal Water Pollu-
19 tion Control Act (33 U.S.C. 1344(f)(1)(A)).

20 (B) No soil and water conservation prac-
21 tice shall be treated as a new use of an area of
22 navigable waters, an impairment of the flow
23 and circulation of navigable waters, or a reduc-
24 tion in the reach of such waters under section
25 404(f)(2) of the Federal Water Pollution Con-
26 trol Act (33 U.S.C. 1344(f)(2)).

1 (2) NORMAL FARMING, SILVICULTURE, AND
2 RANCHING ACTIVITIES.—Normal farming,
3 silviculture, and ranching activities shall be treated
4 as such without regard to the date of commencement
5 of such activities.

6 **SEC. 3. WITHDRAWAL OF INTERPRETIVE RULE AND PROHI-**
7 **BITION OF FURTHER AGENCY ACTION.**

8 (a) WITHDRAWAL OF INTERPRETIVE RULE.—The
9 Secretary of the Army and the Administrator of the Envi-
10 ronmental Protection Agency shall withdraw the interpre-
11 tive rule described in section 2(a).

12 (b) PROHIBITION OF FURTHER AGENCY ACTION.—

13 (1) Neither the Secretary of the Army nor the
14 Administrator of the Environmental Protection
15 Agency shall use the interpretive rule described in
16 section 2(a), or any substantially similar rule or
17 guidance, as the basis for any rulemaking, decision,
18 or action regarding the scope or enforcement of the
19 Federal Water Pollution Control Act (33 U.S.C.
20 1251 et seq.).

21 (2) Any violation of paragraph (1) shall be
22 grounds for vacating the rule, decision, or action
23 constituting such violation.

1 **SEC. 4. APPLICABILITY.**

2 This Act shall apply with respect to activities occur-
3 ring on or after March 25, 2014.

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