

112TH CONGRESS  
1ST SESSION

# S. 1369

To amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

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## IN THE SENATE OF THE UNITED STATES

JULY 14, 2011

Mr. CRAPO (for himself, Mr. WYDEN, Mr. RISCH, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Federal Water Pollution Control Act to exempt the conduct of silvicultural activities from national pollutant discharge elimination system permitting requirements.

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 “Silviculture Regulatory  
5 Consistency Act”.

1 **SEC. 2. SILVICULTURAL ACTIVITIES.**

2 Section 402(l) of the Federal Water Pollution Control  
3 Act (33 U.S.C. 1342(l)) is amended by adding at the end  
4 the following:

5 “(3) SILVICULTURAL ACTIVITIES.—

6 “(A) NPDES PERMIT REQUIREMENTS FOR  
7 SILVICULTURAL ACTIVITIES.—The Adminis-  
8 trator shall neither require a permit under this  
9 section, nor directly or indirectly require any  
10 State to require a permit under this section, for  
11 a discharge resulting from the conduct of any  
12 silvicultural activity, such as nursery oper-  
13 ations, site preparation, reforestation and sub-  
14 sequent cultural treatment, thinning, prescribed  
15 burning, pest and fire control, harvesting oper-  
16 ations, surface drainage, or road use, construc-  
17 tion, and maintenance, from which there is run-  
18 off.

19 “(B) PERMITS FOR DREDGED OR FILL MA-  
20 TERIAL.—Nothing in this paragraph exempts  
21 the conduct of a silvicultural activity resulting  
22 in the discharge of dredged or fill material from  
23 any permitting requirement under section  
24 404.”.

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