

110TH CONGRESS  
1ST SESSION

# H. R. 110

To amend the Federal Water Pollution Control Act to impose limitations on wetlands mitigation activities carried out through the condemnation of private property.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2007

Mrs. JO ANN DAVIS of Virginia introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Federal Water Pollution Control Act to impose limitations on wetlands mitigation activities carried out through the condemnation of private property.

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 “Rural America Protec-  
5 tion Act of 2007”.

1 **SEC. 2. LIMITATIONS ON WETLANDS MITIGATION**  
2 **THROUGH CONDEMNATION.**

3 Section 404 of the Federal Water Pollution Control  
4 Act (33 U.S.C. 1344) is amended by adding at the end  
5 the following:

6 “(u) **LIMITATIONS ON WETLANDS MITIGATION**  
7 **THROUGH CONDEMNATION.—**

8 “(1) **IN GENERAL.—**The Secretary or the State  
9 (in the case of a State administering a permit pro-  
10 gram approved under this section) may not issue a  
11 permit under this section to a Federal, State, or  
12 local entity where compliance with this section is  
13 based on a permit condition requiring mitigation of  
14 adverse impacts to wetlands through the acquisition  
15 of private property for the creation, restoration, or  
16 protection of wetlands if—

17 “(A) the property is being acquired by con-  
18 demnation; and

19 “(B) the property is located outside the  
20 United States Geological Survey 8-digit code  
21 cataloging unit (as defined by the Hydrologic  
22 Unit Map of the United States (U.S.G.S.  
23 1980)) in which the wetland to be impacted by  
24 the permitted activity is located.

25 “(2) **COMPENSATION OF PRIVATE PROPERTY**  
26 **OWNERS.—**Notwithstanding paragraph (1), the Sec-

1       retary or the State may issue a permit under this  
2       section in the circumstance described in paragraph  
3       (1) if the Federal, State, or local entity acquiring  
4       the property by condemnation provides to the owner  
5       of the property compensation in an amount that  
6       equals or exceeds the greater of—

7               “(A) the fair market value of the property;

8               or

9               “(B) the average fair market value of a  
10       parcel of property of the size of the property  
11       being acquired in the United States Geological  
12       Survey cataloging unit in which the wetland to  
13       be impacted by the permitted activity is lo-  
14       cated.”.

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