

Calendar No. 312

109TH CONGRESS
1ST SESSION

S. 1310

[Report No. 109-194]

To authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2005

Mr. SANTORUM (for himself and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

DECEMBER 8, 2005

Reported under authority of the order of the Senate of November 18, 2005, by Mr. DOMENICI, with amendments and an amendment to the title

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Delaware Water Gap
3 National Recreation Area Natural Gas Pipeline Enlarge-
4 ment Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) CORPORATION.—The term “Corporation”
8 means the Columbia Gas Transmission Corporation.

9 (2) PIPELINE.—The term “pipeline” means
10 that portion of the pipeline of the Corporation num-
11 bered 1278 that is—

12 (A) located in the Recreation Area; and

13 (B) situated on 2 tracts designated by the
14 Corporation as ROW No. 16405 and No. ~~16414~~
15 *16413*.

16 (3) RECREATION AREA.—The term “Recreation
17 Area” means the Delaware Water Gap National
18 Recreation Area in the Commonwealth of Pennsyl-
19 vania.

20 (4) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (5) SUPERINTENDENT.—The term “Super-
23 intendent” means the Superintendent of the Recre-
24 ation Area.

1 **SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPE-**
2 **LINE.**

3 (a) IN GENERAL.—The Secretary may enter into an
4 agreement with the Corporation to grant to the Corpora-
5 tion, ~~for no consideration,~~ an easement to enlarge the di-
6 ameter of the pipeline from 14 inches to not more than
7 20 inches.

8 (b) TERMS AND CONDITIONS.—The easement au-
9 thorized under subsection (a) shall—

10 (1) be consistent with—

11 (A) the recreational values of the Recre-
12 ation Area; and

13 (B) protection of the resources of the
14 Recreation Area;

15 (2) include provisions for the protection of re-
16 sources in the Recreation Area that ensure that only
17 the minimum and necessary amount of disturbance,
18 as determined by the Secretary, shall occur during
19 the construction or maintenance of the enlarged
20 pipeline;

21 (3) be consistent with the laws (including regu-
22 lations) and policies applicable to units of the Na-
23 tional Park System; and

24 (4) be subject to any other terms and condi-
25 tions that the Secretary determines to be necessary;

26 (c) PERMITS.—

1 (1) IN GENERAL.—The Superintendent may
2 issue a permit to the Corporation for the use of the
3 Recreation Area in accordance with subsection (b)
4 for the temporary construction and staging areas re-
5 quired for the construction of the enlarged pipeline.

6 (2) PRIOR TO ISSUANCE.—The easement au-
7 thORIZED under subsection (a) and the permit author-
8 ized under paragraph (1) shall require that before
9 the Superintendent issues a permit for any clearing
10 or construction, the Corporation shall—

11 (A) consult with the Superintendent;

12 (B) identify natural and cultural resources
13 of the Recreation Area that may be damaged or
14 lost because of the clearing or construction; and

15 (C) submit to the Superintendent for ap-
16 proval a restoration and mitigation plan that—

17 (i) describes how the land subject to
18 the easement will be maintained; and

19 (ii) includes a schedule for, and de-
20 scription of, the specific activities to be
21 carried out by the Corporation to mitigate
22 the damages or losses to, or restore, the
23 natural and cultural resources of the
24 Recreation Area identified under subpara-
25 graph (B).

1 (d) PIPELINE REPLACEMENT REQUIREMENTS.—The
2 enlargement of the pipeline authorized under subsection
3 (a) shall be considered to meet the pipeline replacement
4 requirements required by the Research and Special Pro-
5 grams Administration of the Department of Transpor-
6 tation (CPF No. 1–2002–1004–H).

7 (e) FERC CONSULTATION.—The Corporation shall
8 comply with all other requirements for certification by the
9 Federal Energy Regulatory Commission that are nec-
10 essary to permit the increase in pipeline size.

11 (f) LIMITATION.—The Secretary shall not grant any
12 additional increases in the diameter of, or easements for,
13 the pipeline within the boundary of the Recreation Area
14 after the date of enactment of this Act.

15 (g) EFFECT ON RIGHT-OF-WAY EASEMENT.—Noth-
16 ing in this Act increases the 50-foot right-of-way easement
17 for the pipeline.

18 (h) PENALTIES.—On request of the Secretary, the
19 Attorney General may bring a civil action against the Cor-
20 poration in United States district court to recover dam-
21 ages and response costs under Public Law 101–337 (16
22 U.S.C. 19jj et seq.) or any other applicable law if—

23 (1) the Corporation—

24 (A) violates a provision of—

- 1 (i) an easement authorized under sub-
2 section (a); or
3 (ii) a permit issued under subsection
4 (c); or
5 (B) fails to submit or timely implement a
6 restoration and mitigation plan approved under
7 subsection (c)(3); and
8 (2) the violation or failure destroys, results in
9 the loss of, or injures any park system resource (as
10 defined in section 1 of Public Law 101–337 (16
11 U.S.C. 19jj)).

12 **SEC. 4. TERMINATION OF NATIONAL PARK SYSTEM ADVI-**
13 **SORY BOARD.**

14 *Section 3(f) of the Act of August 21, 1935 (16 U.S.C.*
15 *463(f)) is amended in the first sentence by striking “2006”*
16 *and inserting “2008”.*

Amend the title so as to read: “A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area and to extend the termination date of the National Park System Advisory Board to January 1, 2008.”.

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