

108TH CONGRESS  
2D SESSION

# H. R. 5369

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2004

Mr. SHERWOOD introduced the following bill; which was referred to the Committee on Resources

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## 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,*

3       **SECTION 1. SHORT TITLE.**

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

7       **SEC. 2. DEFINITIONS.**

8       In this Act:

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

3           (2) PIPELINE.—The term “pipeline” means  
4 that portion of the pipeline of the Corporation num-  
5 bered 1278 that is—

6                   (A) located in the Recreation Area; and

7                   (B) situated on 2 tracts designated by the  
8 Corporation as ROW No. 16405 and No.  
9 16414.

10          (3) RECREATION AREA.—The term “Recreation  
11 Area” means the Delaware Water Gap National  
12 Recreation Area in the Commonwealth of Pennsyl-  
13 vania.

14          (4) SECRETARY.—The term “Secretary” means  
15 the Secretary of the Interior.

16          (5) SUPERINTENDENT.—The term “Super-  
17 intendent” means the Superintendent of the Recre-  
18 ation Area.

19 **SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPE-**  
20 **LINE.**

21          (a) IN GENERAL.—The Secretary may enter into an  
22 agreement with the Corporation to grant to the Corpora-  
23 tion, for no consideration, an easement to enlarge the di-  
24 ameter of the pipeline from 14 inches to not more than  
25 20 inches.

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

3 (1) be consistent with—

4 (A) the recreational values of the Recre-  
5 ation Area; and

6 (B) protection of the resources of the  
7 Recreation Area;

8 (2) include provisions for the protection of re-  
9 sources in the Recreation Area that ensure that only  
10 the minimum and necessary amount of disturbance,  
11 as determined by the Secretary, shall occur during  
12 the construction or maintenance of the expanded  
13 pipeline;

14 (3) be consistent with the laws (including regu-  
15 lations) and policies applicable to units of the Na-  
16 tional Park System; and

17 (4) be subject to any other terms and condi-  
18 tions that the Secretary determines to be necessary.

19 (c) PERMITS.—

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

1           (2) PRIOR TO ISSUANCE.—The easement au-  
2           thorized under subsection (a) and the permit author-  
3           ized under paragraph (1) shall require that before  
4           the Superintendent issues a permit for any clearing  
5           or construction, the Corporation shall—

6                     (A) consult with the Superintendent;

7                     (B) identify natural and cultural resources  
8                     of the Recreation Area that may be damaged or  
9                     lost because of the clearing or construction; and

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

12                             (i) describes how the land subject to  
13                             the easement will be maintained; and

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

21           (d) PIPELINE REPLACEMENT REQUIREMENTS.—The  
22           enlargement of the pipeline authorized under subsection  
23           (a) shall be considered to meet the pipeline replacement  
24           requirements required by the Research and Special Pro-

1 grams Administration of the Department of Transpor-  
2 tation (CPF No. 1–2002–1004–H).

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

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

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

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

19 (1) the Corporation—

20 (A) violates a provision of—

21 (i) an easement authorized under sub-  
22 section (a); or

23 (ii) a permit issued under subsection  
24 (c); or

1           (B) fails to submit or timely implement a  
2           restoration and mitigation plan approved under  
3           subsection (c)(3); and

4           (2) the violation or failure destroys, results in  
5           the loss of, or injures any park system resource (as  
6           defined in section 1 of Public Law 101–337 (16  
7           U.S.C. 19jj)).

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