

Union Calendar No. 184

109TH CONGRESS
1ST SESSION

H. R. 3124

[Report No. 109-334]

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 HOUSE OF REPRESENTATIVES

JUNE 29, 2005

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

DECEMBER 12, 2005

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 29, 2005]

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 that*
 10 *portion of the pipeline of the Corporation numbered*
 11 *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. 16413.*

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

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

21 (5) *SUPERINTENDENT.*—*The term “Super-*
 22 *intendent” means the Superintendent of the Recre-*
 23 *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, an easement to enlarge the diameter of the pipeline*
6 *from 14 inches to not more than 20 inches.*

7 (b) *TERMS AND CONDITIONS.*—*The easement author-*
8 *ized under subsection (a) shall—*

9 (1) *be consistent with—*

10 (A) *the recreational values of the Recreation*
11 *Area; and*

12 (B) *protection of the resources of the Recre-*
13 *ation Area;*

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

19 (3) *be consistent with the laws (including regula-*
20 *tions) and policies applicable to units of the National*
21 *Park System; and*

22 (4) *be subject to any other terms and conditions*
23 *that the Secretary determines to be necessary.*

24 (c) *PERMITS.*—

25 (1) *IN GENERAL.*—*The Superintendent may*
26 *issue a permit to the Corporation for the use of the*

1 *Recreation Area in accordance with subsection (b) for*
 2 *the temporary construction and staging areas re-*
 3 *quired for the construction of the enlarged pipeline.*

4 (2) *PRIOR TO ISSUANCE.—The easement author-*
 5 *ized under subsection (a) and the permit authorized*
 6 *under paragraph (1) shall require that before the Su-*
 7 *perintendent issues a permit for any clearing or con-*
 8 *struction, the Corporation shall—*

9 (A) *consult with the Superintendent;*

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

13 (C) *submit to the Superintendent for ap-*
 14 *proval a restoration and mitigation plan that—*

15 (i) *describes how the land subject to the*
 16 *easement will be maintained; and*

17 (ii) *includes a schedule for, and de-*
 18 *scription of, the specific activities to be car-*
 19 *ried out by the Corporation to mitigate the*
 20 *damages or losses to, or restore, the natural*
 21 *and cultural resources of the Recreation*
 22 *Area identified under subparagraph (B).*

23 (d) *PIPELINE REPLACEMENT REQUIREMENTS.—The*
 24 *enlargement of the pipeline authorized under subsection (a)*
 25 *shall be considered to meet the pipeline replacement require-*

1 *ments required by the Research and Special Programs Ad-*
 2 *ministration of the Department of Transportation (CPF*
 3 *No. 1–2002–1004–H).*

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

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

12 (g) *EFFECT ON RIGHT-OF-WAY EASEMENT.*—*Nothing*
 13 *in this Act increases the 50-foot right-of-way easement for*
 14 *the pipeline.*

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

20 (1) *the Corporation—*

21 (A) *violates a provision of—*

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

24 (ii) *a permit issued under subsection*
 25 *(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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