

“An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes” to authorize the Equus Beds Division of the Wichita Project, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wichita Project Equus Beds Division Authorization Act of 2005”.

SEC. 2. EQUUS BEDS DIVISION.

The Act entitled “An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes” (Public Law 86-787; 74 Stat. 1026) is amended by adding the following new section:

“SEC. 10. EQUUS BEDS DIVISION.

“(a) AUTHORIZATION.—The Secretary of the Interior may assist in the funding and implementation of the Equus Beds Aquifer Recharge and Recovery Component which is a part of the ‘Integrated Local Water Supply Plan, Wichita, Kansas’ (referred to in this section as the ‘Equus Beds Division’). Construction of the Equus Beds Division shall be in substantial accordance with the plans and designs.

“(b) OPERATION, MAINTENANCE, AND REPLACEMENT.—Operation, maintenance, and replacement of the Equus Beds Division, including funding for those purposes, shall be the sole responsibility of the City of Wichita, Kansas. The Equus Beds Division shall be operated in accordance with applicable laws and regulations.

“(c) AGREEMENTS.—The Secretary of the Interior may enter into, or agree to amendments of, cooperative agreements and other appropriate agreements to carry out this section.

“(d) ADMINISTRATIVE COSTS.—From funds made available for this section, the Secretary of the Interior may charge an appropriate share related to administrative costs incurred.

“(e) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this section, the Secretary of the Interior shall work cooperatively with the City of Wichita, Kansas, to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the City for the Equus Beds Division. The Secretary of the Interior shall assure that such information is used consistent with applicable Federal laws and regulations, [including principles and guidelines used in preparing feasibility level project studies].

“(f) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this section or assistance provided under this section shall be construed to transfer title, responsibility, or liability related to the Equus Beds Division (including portions or features thereof) to the United States.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated as the Federal share of the total cost of the Equus Beds Division, an amount not to not exceed 25 percent of the total cost or \$30,000,000 (January, 2003 prices), whichever is less, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engi-

neering cost indexes applicable to the type of construction involved herein, whichever is less. Such sums shall be nonreimbursable.

“(h) TERMINATION OF AUTHORITY.—The authority of the Secretary of the Interior to carry out any provision of this section shall terminate 10 years after the date of enactment of this section.”.

The committee amendment was agreed to.

The bill (S. 1025), as amended, was read the third time, and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

MUSCONETCONG WILD AND SCENIC RIVERS ACT

The Senate proceeded to consider the bill (S. 1096) to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes.

The amendment (No. 2682) was agreed to, as follows:

AMENDMENT NO. 2682

(Purpose: To make technical corrections)
On page 2, line 16, strike “2002” and insert “2003”.

On page 3, line 19, strike “2002” and insert “2003”.

The bill (S. 1096), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

DELAWARE WATER GAP NATIONAL RECREATION AREA NATURAL GAS PIPELINE ENLARGEMENT ACT

The Senate proceeded to consider the bill (S. 1310) 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 which had been reported from the Committee on Energy and Natural Resources, with amendments.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Delaware Water Gap National Recreation Area Natural Gas Pipeline Enlargement Act”.

SEC. 2. DEFINITIONS.

In this Act:

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

(2) PIPELINE.—The term “pipeline” means that portion of the pipeline of the Corporation numbered 1278 that is—

(A) located in the Recreation Area; and
(B) situated on 2 tracts designated by the Corporation as ROW No. 16405 and No. [16414] 16413.

(3) RECREATION AREA.—The term “Recreation Area” means the Delaware Water Gap National Recreation Area in the Commonwealth of Pennsylvania.

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

(5) SUPERINTENDENT.—The term “Superintendent” means the Superintendent of the Recreation Area.

SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPELINE.

(a) IN GENERAL.—The Secretary may enter into an agreement with the Corporation to grant to the Corporation [, for no consideration,] an easement to enlarge the diameter of the pipeline from 14 inches to not more than 20 inches.

(b) TERMS AND CONDITIONS.—The easement authorized under subsection (a) shall—

(1) be consistent with—
(A) the recreational values of the Recreation Area; and

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

(2) include provisions for the protection of resources in the Recreation Area that ensure that only the minimum and necessary amount of disturbance, as determined by the Secretary, shall occur during the construction or maintenance of the enlarged pipeline;

(3) be consistent with the laws (including regulations) and policies applicable to units of the National Park System; and

(4) be subject to any other terms and conditions that the Secretary determines to be necessary;

(c) PERMITS.—

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

(2) PRIOR TO ISSUANCE.—The easement authorized under subsection (a) and the permit authorized under paragraph (1) shall require that before the Superintendent issues a permit for any clearing or construction, the Corporation shall—

(A) consult with the Superintendent;

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

(C) submit to the Superintendent for approval a restoration and mitigation plan that—

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

(ii) includes a schedule for, and description of, the specific activities to be carried out by the Corporation to mitigate the damages or losses to, or restore, the natural and cultural resources of the Recreation Area identified under subparagraph (B).

(d) PIPELINE REPLACEMENT REQUIREMENTS.—The enlargement of the pipeline authorized under subsection (a) shall be considered to meet the pipeline replacement requirements required by the Research and Special Programs Administration of the Department of Transportation (CPF No. 1-2002-1004-H).

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

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

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

(h) PENALTIES.—On request of the Secretary, the Attorney General may bring a

civil action against the Corporation in United States district court to recover damages and response costs under Public Law 101-337 (16 U.S.C. 191j et seq.) or any other applicable law if—

- (1) the Corporation—
 - (A) violates a provision of—
 - (i) an easement authorized under subsection (a); or
 - (ii) a permit issued under subsection (c); or
 - (B) fails to submit or timely implement a restoration and mitigation plan approved under subsection (c)(3); and
- (2) the violation or failure destroys, results in the loss of, or injures any park system resource (as defined in section 1 of Public Law 101-337 (16 U.S.C. 191j)).

SEC. 4. TERMINATION OF NATIONAL PARK SYSTEM ADVISORY BOARD.

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

The amendments (Nos. 2683 and 2684) were agreed to, as follows:

AMENDMENT NO. 2683

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Delaware Water Gap National Recreation Area Improvement Act”.

SEC. 2. DEFINITIONS.

In this Act:

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

(2) PIPELINE.—The term “pipeline” means that portion of the pipeline of the Corporation numbered 1278 that is—

- (A) located in the Recreation Area; and
- (B) situated on 2 tracts designated by the Corporation as ROW No. 16405 and No. 16413.

(3) RECREATION AREA.—The term “Recreation Area” means the Delaware Water Gap National Recreation Area in the Commonwealth of Pennsylvania.

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

(5) SUPERINTENDENT.—The term “Superintendent” means the Superintendent of the Recreation Area.

SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPELINE.

(a) IN GENERAL.—The Secretary may enter into an agreement with the Corporation to grant to the Corporation an easement to enlarge the diameter of the pipeline from 14 inches to not more than 20 inches.

(b) TERMS AND CONDITIONS.—The easement authorized under subsection (a) shall—

- (1) be consistent with—
 - (A) the recreational values of the Recreation Area; and
 - (B) protection of the resources of the Recreation Area;
- (2) include provisions for the protection of resources in the Recreation Area that ensure that only the minimum and necessary amount of disturbance, as determined by the Secretary, shall occur during the construction or maintenance of the enlarged pipeline;
- (3) be consistent with the laws (including regulations) and policies applicable to units of the National Park System; and
- (4) be subject to any other terms and conditions that the Secretary determines to be necessary;

(c) PERMITS.—

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

(2) PRIOR TO ISSUANCE.—The easement authorized under subsection (a) and the permit authorized under paragraph (1) shall require that before the Superintendent issues a permit for any clearing or construction, the Corporation shall—

- (A) consult with the Superintendent;
- (B) identify natural and cultural resources of the Recreation Area that may be damaged or lost because of the clearing or construction; and
- (C) submit to the Superintendent for approval a restoration and mitigation plan that—

- (i) describes how the land subject to the easement will be maintained; and
- (ii) includes a schedule for, and description of, the specific activities to be carried out by the Corporation to mitigate the damages or losses to, or restore, the natural and cultural resources of the Recreation Area identified under subparagraph (B).

(d) PIPELINE REPLACEMENT REQUIREMENTS.—The enlargement of the pipeline authorized under subsection (a) shall be considered to meet the pipeline replacement requirements required by the Research and Special Programs Administration of the Department of Transportation (CPF No. 1-2002-1004-H).

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

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

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

(h) PENALTIES.—On request of the Secretary, the Attorney General may bring a civil action against the Corporation in United States district court to recover damages and response costs under Public Law 101-337 (16 U.S.C. 191j et seq.) or any other applicable law if—

- (1) the Corporation—
 - (A) violates a provision of—
 - (i) an easement authorized under subsection (a); or
 - (ii) a permit issued under subsection (c); or
 - (B) fails to submit or timely implement a restoration and mitigation plan approved under subsection (c)(2)(C); and
- (2) the violation or failure destroys, results in the loss of, or injures any park system resource (as defined in section 1 of Public Law 101-337 (16 U.S.C. 191j)).

SEC. 4. USE OF CERTAIN ROADS WITHIN DELAWARE WATER GAP.

Section 702 of Division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4185) is amended—

- (1) in subsection (a), by striking “at noon on September 30, 2005” and inserting “on the earlier of the date on which a feasible alternative is available or noon of September 30, 2015”; and
- (2) in subsection (c)—

- (A) in paragraph (1), by striking “September 30, 2005” and inserting “on the earlier of the date on which a feasible alternative is available or September 30, 2015”; and
- (B) in paragraph (2)—

- (i) by striking “noon on September 30, 2005” and inserting “the earlier of the date

on which a feasible alternative is available or noon of September 30, 2015”; and

- (ii) by striking “not exceed \$25 per trip” and inserting the following: “be established at a rate that would cover the cost of collection of the commercial use fee, but not to exceed \$40 per trip”.

SEC. 5. TERMINATION OF NATIONAL PARK SYSTEM ADVISORY BOARD.

Effective on January 1, 2006, section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)) is amended in the first sentence by striking “2006” and inserting “2007”.

AMENDMENT NO. 2684

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, to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area, and to extend the termination date of the National Park System Advisory Board to January 1, 2007.”

The bill (S. 1310), as amended, was read the third time and passed.

AMENDING PUBLIC LAW 97-435

The bill (S. 1552) to amend Public Law 97-435 to extend the authorization for the Secretary of the Interior to release certain conditions contained in a patent concerning certain land conveyed by the United States to Eastern Washington University until December 31, 2009, was read the third time, and passed, as follows:

S. 1552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EASTERN WASHINGTON UNIVERSITY LAND TRANSFER AUTHORIZATION EXTENSION.

Section 1(c) of Public Law 97-435 (96 Stat. 2281) is amended by striking “five years after the enactment of this Act” and inserting “on December 31, 2009”.

UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY PROGRAMS REAUTHORIZATION ACT OF 2005

The bill (S. 1578) to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs, was read the third time and passed, as follows:

S. 1578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Upper Colorado and San Juan River Basin Endangered Fish Recovery Programs Reauthorization Act of 2005”.

SEC. 2. UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS.

Section 3 of Public Law 106-392 (114 Stat. 1602; 116 Stat. 3113) is amended—

- (1) in subsection (a)—
 - (A) in paragraph (1), by striking “\$46,000,000” and inserting “\$61,000,000”;
 - (B) in paragraph (2), by striking “2008” and inserting “2010”; and
 - (C) in paragraph (3), by striking “2008” and inserting “2010”;