

PUBLIC LAW 109-156—DEC. 30, 2005

DELAWARE WATER GAP NATIONAL
RECREATION AREA IMPROVEMENT ACT

Dec. 30, 2005
[S. 1310]

Delaware Water
Gap National
Recreation Area
Improvement
Act.
16 USC 461 note.

Public Law 109-156
109th Congress
An Act

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.

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 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.

Certification.

(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. 19jj 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. 19jj)).

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”.

16 USC 463 note. **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”.

Approved December 30, 2005.

LEGISLATIVE HISTORY—S. 1310 (H.R. 3124):

HOUSE REPORTS: No. 109-334 accompanying H.R. 3124 (Comm. on Resources).

SENATE REPORTS: No. 109-194 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 151 (2005):

Dec. 16, considered and passed Senate.

Dec. 18, considered and passed House.

