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SENATE

{ REPORT  
109-194

### DELAWARE WATER GAP NATIONAL RECREATION AREA NATURAL GAS PIPELINE ENLARGEMENT ACT

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Mr. DOMENICI, from the Committee on Energy and Natural  
Resources, submitted the following

### R E P O R T

[To accompany S. 1310]

The Committee on Energy and Natural Resources, to which was referred 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, having considered the same, reports favorably thereon with amendments and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, line 9, strike “16414” and insert “16413”.
2. On page 2, line 23, strike “, for no consideration,”.
3. On page 6, after line 7, add the following:

**“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.’”

4. Amend the title so as to read: “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.”.

#### PURPOSE OF THE MEASURE

The purpose of S. 1310 is 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.

#### BACKGROUND AND NEED

The Columbia Gas Transmission Corporation owns and operates the utility right of way to a major gas pipeline traversing Delaware Water Gap National Recreation Area in Pennsylvania. The pipeline is a critical link in the natural gas transmission network between production facilities in Appalachia and the South to consumers in the Northeast. The pipeline right-of-way crosses the park for 3.5 miles. When the park was created authority was granted to permit expansion of the pipeline to meet demands of consumers for all but two parcels of land (approximately 800 feet) which contained the pipeline right-of-way. S. 1310 will grant the National Park Service the authority to change the rights-of-way for the two land parcels to be consistent with the remainder of the right-of-way, thus allowing Columbia Gas to expand the size of the pipeline to meet current demands.

#### LEGISLATIVE HISTORY

S. 1310 was introduced by Senators Santorum and Specter on June 24, 2005. The Subcommittee on National Parks held a hearing on S. 1310 on September 22, 2005. Similar legislation, S. 2909, was introduced by Senators Santorum and Specter in the 108th Congress.

At its business meeting on September 28, 2005, the Committee on Energy and Natural Resources ordered S. 1310 favorably reported, as amended.

#### COMMITTEE AMENDMENT

During the consideration of S. 1310, three amendments were adopted and an amendment to the title. The committee adopted a technical amendment to correct a right-of-way number. In addition, the Committee adopted an amendment that would strike the requirement that the easement be expanded for no consideration. The third amendment would extend the authority for the National Park System Advisory Board (Board) through 2008. The Board was first authorized in 1935 under the Historic Sites, Buildings, and Antiquities Act. The Board advises the Director of the National Park Service (Director) and the Secretary of the Interior on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The National Park System Advisory Board is currently authorized until January 1, 2006. The amendment would extend the authorization through January 1, 2008.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on November 16, 2005, by a unanimous voice of a quorum present, recommends that the Senate pass S. 1310 if amended as described herein.

## SECTION-BY-SECTION ANALYSIS

*Section 1* entitles the bill the “Delaware Water Gap National Recreation Area Natural Gas Pipeline Enlargement Act.”

*Section 2* defines key terms.

*Section 3(a)* authorizes the Secretary to provide the Columbia Gas Transmission Corporation an easement to enlarge the diameter of the existing gas pipeline from 14 inches to not more than 20 inches.

Subsection (b) defines the terms and conditions of the easement, including a requirement that the easement be consistent with the recreational values and the protection of resources in the National Recreation Area.

Subsection (c) authorizes the Superintendent of the National Recreation Area to issue a permit to the corporation for the expansion of the pipeline and sets forth the conditions and requirements for the permit.

Subsection (d) defines pipeline replacement requirements.

Subsection (e) requires the Corporation to comply with all FERC requirements.

Subsection (f) prohibits the Secretary from granting additional increases in the pipeline diameter.

Subsection (g) establishes the right-of-way 50 feet.

Subsection (h) authorizes the Attorney General, at the request of the Secretary to bring civil actions for violations of the easement or permit or for damage to park resources.

*Section 4* extends the termination date of the National Park System Advisory Board from 2006 to 2008.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

*S. 1310—Delaware Water Gap National Recreation Area Natural Gas Pipeline Enlargement Act*

S. 1310 would authorize the National Park Service (NPS) to issue an easement and a construction permit to the Columbia Gas Transmission Corporation. These documents would enable the corporation to increase the diameter of a natural gas pipeline that crosses the Delaware Water Gap National Recreation Area in Pennsylvania. S. 1310 also would extend the life of the life of the National Park System advisory board for an additional two years (through January 1, 2008).

Based on information provided by the NPS, CBO estimates that implementing S. 1310 would have no significant effect on the federal budget. We expect that the cost of providing an easement and a construction permit to the Columbia Gas Transmission Corporation would be less than \$100,000 and would be offset by new administrative fees. Assuming the availability of appropriated funds, we estimate that supporting the National Park System advisory board would cost about \$200,000 a year for each of the next two years. Enacting S. 1310 would not affect revenues or direct spending.

On November 22, 2005, CBO transmitted a cost estimate for H.R. 3124, the Delaware Water Gap National Recreation Area Natural

Gas Pipeline Enlargement Act, as ordered reported by the House Committee on Resources on November 16, 2005. The two versions of the bill are very similar, as are their estimated costs.

This legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1310. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1310, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The views of the Administration on S. 1310 were included in testimony received by the Committee at a hearing on the bill on September 22, 2005 as follows:

##### STATEMENT OF JANET SNYDER MATTHEWS, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1310, 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. The Department supports enactment of this legislation with one technical amendment.

This bill provides for the Secretary of the Interior to enter into an agreement with the Columbia Gas Transmission Corporation, for no consideration, to grant an easement to permit the enlargement of an existing natural gas pipeline from a diameter of 14 inches to no more than 20 inches. It provides for the Corporation to submit resource information and appropriate restoration and mitigation plans under terms and conditions that assure the protection of the natural and cultural resources of the national recreation area. In addition, the Corporation will have to comply with other requirements for certification set forth by the Federal Energy and Regulatory Commission to permit an increase in the diameter of the pipeline. Finally, the bill states that the Secretary shall not grant any additional increases in the pipeline's diameter and

limits the pipeline's right-of-way to its existing 50-foot width.

Pipeline 1278 is a part of the Columbia Gas Transmission Corporation's interstate pipeline network that delivers natural gas to the Northeastern and Mid-Atlantic states from production areas in the southwest and Appalachia, 3.5 miles of which runs through sections of the Delaware Water Gap National Recreation Area. Pipeline 1278 was constructed in the mid-1940's on easements purchased from landowners. When land was acquired for the national recreation area, five parcels of land were acquired subject to easements for pipeline 1278.

Pipeline 1278 underwent periodic testing in 2002. The inspection showed that the pipeline was showing its age, and there were numerous instances that the wall of the pipeline was thinning. The Corporation was issued a Corrective Action Order by the Department of Transportation. The order required the Corporation to reduce the operating pressure in the pipeline until such time as all anomalies in the pipeline could be repaired. A determination was made by the Corporation that the best way to repair the current pipeline was to replace the existing pipeline with a new, state of the art, cathodically protected steel pipe. At the same time, the Corporation decided to upgrade the diameter of the pipeline from 14 inches to 20 inches.

The National Park Service does not have legal authority to issue rights-of-way for petroleum pipelines across parklands. The deeds for the five parcels of land, subject to easements for the Corporation pipeline, are very specific about the rights that the Corporation purchased back in the 1940's. Congressional action is needed to allow the increase in pipeline size on two of the parcels totaling 800 feet of parkland. Congressional action is not required for the remaining three parcels, since the deeds permit the increase in pipeline size.

This legislation simply permits the Columbia Gas Transmission Corporation to fully utilize an easement they purchased 50 years ago. By order of the Department of Transportation, the pipeline must be repaired or replaced, and the replacement of the current pipeline with one of a larger diameter does not increase the impact to parklands of the replacement project. The permit issued to the Corporation has sufficient safeguards in it to insure the rehabilitation and restoration of parklands disturbed by the replacement project.

The one technical amendment we suggest would be to correct the right-of-way number on p. 2, line 9 by striking "16414" and inserting "16413".

This concludes my prepared testimony, Mr. Chairman. I would be pleased to answer any questions you or the committee might have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law are made by the bill

S. 1310, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**ACT OF AUGUST 21, 1935 (16 U.S.C. 463(f)), AS  
AMENDED**

AN ACT To provide for the preservation of historic American sites, buildings,  
objects, and antiquities of national significance, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,* That it is hereby  
declared that it is a national policy to preserve for public use his-  
toric sites, buildings and objects of national significance for the in-  
spiration and benefit of the people of the United States.

\* \* \* \* \*

**SEC. 3. \* \* \***

(f) The National Park System Advisory Board shall continue to exist until January 1, **[2006]** 2008. The provisions of section 14(b) of the Federal Advisory Committee Act (the Act of October 6, 1972; 86 Stat. 776) are hereby waived with respect to the Board, but in all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

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