

108TH CONGRESS
2D SESSION

S. 2909

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 SENATE OF THE UNITED STATES

OCTOBER 6, 2004

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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 enlarged
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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