

109TH CONGRESS
1ST SESSION

S. 1310

AN ACT

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.

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 Improvement Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

5 (2) PIPELINE.—The term “pipeline” means
6 that portion of the pipeline of the Corporation num-
7 bered 1278 that is—

8 (A) located in the Recreation Area; and

9 (B) situated on 2 tracts designated by the
10 Corporation as ROW No. 16405 and No.
11 16413.

12 (3) RECREATION AREA.—The term “Recreation
13 Area” means the Delaware Water Gap National
14 Recreation Area in the Commonwealth of Pennsyl-
15 vania.

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

18 (5) SUPERINTENDENT.—The term “Super-
19 intendent” means the Superintendent of the Recre-
20 ation Area.

21 **SEC. 3. EASEMENT FOR EXPANDED NATURAL GAS PIPE-**
22 **LINE.**

23 (a) IN GENERAL.—The Secretary may enter into an
24 agreement with the Corporation to grant to the Corpora-
25 tion an easement to enlarge the diameter of the pipeline
26 from 14 inches to not more than 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)(2)(C); 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)).

8 **SEC. 4. USE OF CERTAIN ROADS WITHIN DELAWARE WATER**
 9 **GAP.**

10 Section 702 of Division I of the Omnibus Parks and
 11 Public Lands Management Act of 1996 (Public Law 104–
 12 333; 110 Stat. 4185) is amended—

13 (1) in subsection (a), by striking “at noon on
 14 September 30, 2005” and inserting “on the earlier
 15 of the date on which a feasible alternative is avail-
 16 able or noon of September 30, 2015”; and

17 (2) in subsection (c)—

18 (A) in paragraph (1), by striking “Sep-
 19 tember 30, 2005” and inserting “on the earlier
 20 of the date on which a feasible alternative is
 21 available or September 30, 2015”; and

22 (B) in paragraph (2)—

23 (i) by striking “noon on September
 24 30, 2005” and inserting “the earlier of the
 25 date on which a feasible alternative is

1 available or noon of September 30, 2015”;

2 and

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

8 **SEC. 5. TERMINATION OF NATIONAL PARK SYSTEM ADVI-**
9 **SORY BOARD.**

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

Passed the Senate December 16, 2005.

Attest:

Secretary.

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