

TO AUTHORIZE THE ISSUANCE OF RIGHT-OF-WAY PER-
MITS FOR NATURAL GAS PIPELINES IN GLACIER NA-
TIONAL PARK, AND FOR OTHER PURPOSES

—————
JULY 26, 2012.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 4606]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4606) to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PERMITS FOR EXISTING NATURAL GAS PIPELINES.

(a) **IN GENERAL.**—The Secretary of the Interior may issue right-of-way permits for each natural gas pipeline (including all appurtenances used in the operation of the natural gas pipeline) that, as of March 1, 2012, is located within the boundary of Glacier National Park.

(b) **TERMS AND CONDITIONS.**—A permit issued under subsection (a) shall be—

(1) issued as a right-of-way renewal, consistent with laws (including regulations) generally applicable to utility rights-of-way within units of the National Park System;

(2) for a width of not more than 25 feet on either side of the centerline of the natural gas pipeline; and

(3) subject to any terms and conditions that the Secretary of the Interior determines to be necessary.

PURPOSE OF THE BILL

The purpose of H.R. 4606, as ordered reported, is to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4606 authorizes the Secretary of the Interior to issue right-of-way permits for natural gas pipelines in Glacier National Park in the State of Montana. In 1962, the Montana Power Company (MPC) constructed the natural gas transmission line serving Kalispell and the Flathead Valley. Approximately 3.5 miles (of the 118-mile line) is located within the southwestern boundary of Glacier National Park along the right-of-way for U.S. Highway 2. The portion of the line located in the Park was constructed pursuant to a Special Use Permit issued by the National Park Service (NPS) to MPC on April 10, 1962. NPS renewed the permit three times, the last of which expired on April 14, 1990. At that time, NPS determined that it lacked the authority to issue or renew a permit for a natural gas line. The line serves as the sole source of natural gas for the nearly 25,000 Kalispell residents in the Flathead Valley. The line also serves the Park's facilities, including NPS headquarter buildings.

Relocation of the line outside the Park is not a viable option. Relocating the line would prove extremely difficult due to the terrain and the resulting disturbance of lands in the proximity of the Middle Fork of the Flathead River, which is designated as a Wild and Scenic River, and the Great Bear Wilderness Area. Moving the line outside the Park would require detailed planning, siting and construction permits, which likely would take months if not years to secure and complete. Moreover, relocation costs would be significant. In short, relocation of the 3.5 mile section would be an inefficient, expensive and lengthy process.

H.R. 4606 authorizes the NPS to grant a right-of-way permit so that the existing line and its appurtenances may continue to be operated and maintained.

COMMITTEE ACTION

H.R. 4606 was introduced on April 24, 2012, by Congressman Denny Rehberg (R-MT). The bill was referred to the House Committee on Natural Resources, and within the Committee to the Subcommittees on National Parks, Forests and Public Lands, and Energy and Mineral Resources. On June 8, 2012, the Subcommittee on National Parks, Forests, and Public Lands held a hearing on the bill. On July 11, 2012, the Full Resources Committee met to consider the bill. The Subcommittees on National Parks, Forests and Public Lands, and Energy and Mineral Resources were discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered amendment designated #1 to the bill; the amendment was adopted by unanimous consent. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 4606—A bill to authorize the issuance of right-of-way permits for natural gas pipelines in the Glacier National Park, and for other purposes

H.R. 4606 would authorize the National Park Service (NPS) to issue permits for certain natural gas pipelines located in Glacier National Park in Montana. CBO estimates that the legislation would have no significant impact on the federal budget. H.R. 4606 could increase offsetting receipts from permit fees and associated direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effect on direct spending would be insignificant in any given year and over the 2013–2022 period. Enacting the legislation would not affect revenues.

The legislation would apply only to pipelines that were built in the park prior to passage of the bill. Currently, there is only one such pipeline. Based on information provided by the NPS, CBO estimates that, under H.R. 4606, the owner of that pipeline would pay less than \$40,000 in fees over the 2013–2022 period to maintain permits and leases necessary to continue operating the pipeline. That amount includes an application fee that would be retained and spent by the NPS without further appropriation and lease fees that would be deposited in the Treasury.

H.R. 4606 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that the legislation would have no significant impact on the federal budget. H.R. 4606 could increase offsetting receipts from permit fees and associated direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effect on direct spending would be insignificant in any given year and over the 2013–2022 period.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective

of this bill, as ordered reported, is to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

