

Calendar No. 174

107TH CONGRESS }
1st Session }

SENATE

{ REPORT
107-72

NATURAL GAS PIPELINES IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK

OCTOBER 1, 2001.—Ordered to be printed

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

REPORT

[To accompany S. 1097]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1097) to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 1097 is to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines along various parkways and other roads within the boundary of Great Smoky Mountains National Park.

BACKGROUND AND NEED

Last year, the Sevier County Utility District (SCUD), a rural utility provider in East Tennessee, requested permission from the National Park Service to tie in to an existing underground natural gas pipeline that runs along U.S. Highway 441, the Gatlinburg-Pigeon Forge Spur. The existing pipeline was installed prior to the National Park Service's acquisition of the right-of-way along U.S. Highway 441. SCUD made the request to provide natural gas services to the Westgate subdivision, a ten phase development project in Gatlinburg, Tennessee. Currently, these homes are being forced to rely on alternate forms of energy, primarily electricity and propane.

After the Park Service had prepared to grant SCUD's request for an easement along U.S. Highway 441's right-of-way, the agency be-

came aware that it lacks the legal authority to grant a petroleum products easement, and that legislation is necessary to resolve this issue. While the Secretary of the Interior has general authority under 16 U.S.C. 79 to grant rights-of-way permits through units of the National Park System for various utility services, the authority does not include installation of natural gas or petroleum products pipelines.

Great Smoky Mountains National Park experiences chronic air quality problems, which is expected to worsen with the growth taking place in communities near the park. The National Park Service has indicated that it would be beneficial to have the ability to permit natural gas pipelines as a clean alternative for heating these new homes and businesses. The Park Service would not grant any permits until it has conducted the same safety, esthetic, environmental and historic preservation reviews as it is required to conduct on any request for special uses of the park. Two other linear parks, the Blue Ridge and Natchez Trace Parkways, already have broad authority (16 U.S.C. 460a-8) which allows them to grant rights-of-way over, across or upon parkway lands. S. 1097 would grant the National Park Service limited authority to issue similar rights-of-way permits within Great Smoky Mountains National Park.

LEGISLATIVE HISTORY

S. 1097 was introduced by Senator Thompson on June 25, 2001. The Subcommittee on National Parks held a hearing on S. 1097 on July 17, 2001. At its business meeting on August 2, 2001, the Committee on Energy and Natural Resources ordered S. 1097 favorably reported without amendment.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on August 2, 2001, by a voice vote of a quorum present, recommends that the Senate pass S. 1097 as described herein.

SUMMARY OF S. 1097

S. 1097 authorizes the Secretary of the Interior to issue rights-of-way permits for existing natural gas pipelines that are within the boundary of Great Smoky Mountains National Park, if the pipeline is not otherwise authorized by Federal law and is not subject to valid rights of property ownership. Any permit issued is subject to any terms and conditions deemed necessary by the Secretary.

S. 1097 also authorizes the Secretary to issue rights-of-way permits for three pipelines proposed for construction in the park along the Foothills Parkway, the Foothills Parkway Spur between Pigeon Forge and Gatlinburg, and the Gatlinburg Bypass. Any permits issued are subject any terms and conditions deemed necessary by the Secretary, including provisions for the protection of resources disturbed by pipeline construction and assurances that construction and operation of the pipeline will be compatible with the purposes of the park

COST AND BUDGETARY CONSIDERATIONS

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 16, 2001.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1097, a bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis and Julie Middleton.

Sincerely,

DAN L. CRIPPEN
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1097—A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park

S. 1097 would authorize the Secretary of the Interior to issue right-of-way permits for the installation of natural gas pipelines within the Great Smoky Mountains National Park. The bill would limit the permits to three specific sites within the park. Permits would be issued with certain conditions placed on the permit holder such as provisions for the protection and restoration of the land during pipeline construction.

CBO estimates that implementing S. 1097 would have no significant impact on the federal budget. Because the National Park Service would probably charge fees for the right-of-way permits, pay-as-you-go procedures would apply, but CBO estimates that any offsetting receipts earned from these fees would be less than \$500,000 a year.

S. 1097 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 contacts for this estimate are Deborah Reis and Julie Middleton. 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. 1097. The bill is not a regulatory measure in the sense of impos-

ing government-established standards or significant 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. 1097.

EXECUTIVE COMMUNICATIONS

On July 27, 2001, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1097. These reports had not been received at the time this report was filed. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JOHN G. PARSONS, ASSOCIATE REGIONAL DIRECTOR FOR LANDS, RESOURCES AND PLANNING, NATIONAL CAPITAL REGION, 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. 1097, which would provide legal authority to permit existing and future natural gas pipelines within a portion of Great Smoky Mountains National Park near Gatlinburg, Tennessee.

The department supports S. 1097. This legislation would help address the air pollution problem at Great Smokey Mountains National Park by facilitating the use of natural gas—a relatively clean source of energy—in an area where air quality is poor.

S. 1097 would provide authority for the continuing operation and maintenance of an existing gas main that runs through Great Smoky Mountains National Park that has been in place since the 1960's. And, it would allow the Secretary of the Interior to authorize construction of new gas lines, where otherwise appropriate, across several linear park lands managed by Great Smoky Mountains National Park. The areas where the new pipelines would be allowed are: the Foothills Parkway, which extends parallel to the north boundary of the park for 70 miles; the Foothills Parkway Spur, a four-mile-long park road (also U.S. 441) which connects the gateway communities of Pigeon Forge and Gatlinburg; and the Gatlinburg Bypass which links the Spur to the main body of the park. All three areas are linear lands that are managed as scenic transportation corridors. S. 1097 would not allow construction of natural gas lines across the main body of the park.

The need for this legislation came to the attention of the National Park Service last year, when Great Smoky Mountains National Park received a request from Sevier County Utility District in Tennessee for permission to install a new natural gas pipeline across the park-owned Gatlinburg-Pigeon Forge Spur right-of-way (U.S. 441) in order to provide gas service to a new development in the city of

Gatlinburg. Under 16 U.S.C. 79, the Secretary of the Interior may permit rights-of-way through units of the National Park System for electrical, phone, water, sewer and some other utility services, but that general authority explicitly does not authorize installation of natural gas or petroleum product-bearing lines.

Between the 1990 Census and the 2000 Census the population of Sevier County, Tennessee, which includes Gatlinburg and Pigeon Forge, grew by 39 percent, making it the state's third fastest-growing county. Within the county some of the most rapid growth is occurring between the Foothills Parkway and the main body of the park in the areas not currently served by natural gas, other than the single six-inch line along the Spur to Gatlinburg.

The single greatest natural resource problem in Great Smoky Mountains National Park is declining air quality. Its vistas are reduced by sulfate and particulate emissions. Ozone levels in the park's higher elevations reaches levels that pose a hazard to human health under Environmental Protection Agency standards. High elevation streams and soils are becoming increasingly acidified by airborne acid deposition which is threatening plants, wildlife and aquatic systems. A large proportion of this pollution is produced by coal-generated electrical power plants. Significant progress is being made to reduce emissions from power generation, and that progress could be aided if the thousands of new homes and businesses that are springing up in surrounding communities turn to the use of natural gas for their heating needs. The authority provided by S. 1097 would enable greater usage of natural gas.

The need for an authorization for existing natural gas pipelines stems from the developments that led to current National Park Service management of the Foothills Parkway Spur. The Foothills Parkway Spur was built by the Federal government in the 1950's on land acquired by the State of Tennessee and donated by the Federal government. In 1963, an agreement was signed between the National Park Service and the State of Tennessee that called for the Spur to be transferred back to the State after the Federal government built the Gatlinburg Bypass on other lands donated by the State. Subsequent to the 1963 agreement, the National Park Service allowed construction of a six-inch natural gas main down the Spur which still provides the only gas service to Gatlinburg.

At that time, the National Park Service's only concern was to ensure that the line's installation was acceptable to the State of Tennessee as the land's future owner. Although the Gatlinburg Bypass was completed in 1968, the State has declined, for a variety of reasons, to accept the Spur back into State ownership, leaving the National Park Service with a pipeline it has no current authority to permit. This legislation will allow for the continued operation and maintenance of this line.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1097 as ordered reported.

