

May 20, 2015

Statement of Jim Moore before the House Natural Resources
Subcommittee on Energy and Mineral Resources

Good morning. Chairman Lamborn and Ranking Member Lowenthal, I am privileged to appear before the Subcommittee today to speak in favor of H.R. 2295, legislation to restore to the National Park Service the authority it was thought to have for decades – the power to grant natural gas pipelines rights-of-way to cross property owned or administered by the National Park Service.

I am Jim Moore, Vice President of Commercial Operations for eastern interstate pipelines at the Williams Companies, one of the larger natural gas infrastructure companies in the United States. By virtue of our long history of building and operating interstate natural gas pipelines, we have had many occasions to work with the Interior Department and specifically the National Park Service. Segments of our pipelines touch national park property in at least three locations today. In two cases those pipelines have coexisted with the parks for decades. In the case of the third, located in the New York City area, we have just recently completed the project. In addition other pipeline companies have similar crossings of national park property.

I certainly believe that the Interior Department is very capable of making decisions about pipelines crossing national park land. The National Park Service has a long history of carefully evaluating natural gas pipeline proposals before they are brought to Congress for approval. Clarifying that the Department of Interior has the authority to approve natural gas pipeline crossings of National Park Service property will not only lead to a continuation of a thorough evaluation of such requests, but will at the same time eliminate the delay projects encounter while waiting for Congressional action to approve that decision.

I believe it may help the Subcommittee if I put this issue in some historical context. When the original statutes creating the national park system were passed in the early part of the last century, the National Park Service was given the authority to grant rights-of-way across park land for most forms of utility-type infrastructure, including power plants, electric lines, telephone lines, and water pipelines, among others. Natural gas pipelines as we know them today were not common at the time, but they certainly seem to fit into the intent of the original legislation. As new parks were created over the years, many of them already included pipelines, most if not all of which continue to operate to this day. In addition, the Interior Department over the years approved a number of pipeline crossings of parks using the authority in the organic park statute and to our knowledge, there was no objection to these authorizations.

I make this point because last year the Committee held a hearing on this issue where the Administration testified that giving the Interior Department the authority to approve oil and gas pipelines was “inconsistent with the mandate set forth in the NPS Organic Act” and would “undermine the very purpose for which Nation Park System units were created.”

However, the Act itself accommodated the permitting of infrastructure, some of it much more intrusive than underground natural gas pipelines.

The Administration and the National Parks Conservation Association also noted that when the Mineral Leasing Act was amended in 1973 one of those amendments was to exclude national park land from the land that could be leased for pipelines rights-of-way. This provision is cited as evidence by opponents of this legislation that Congress did not want the Interior Department making these decisions. Yet at the time the prohibition was put into the Mineral Leasing Act, the Interior Department believed it already had such authority under the Organic Act. Indeed, the 1973 Senate Committee report accompanying its bill, where this provision originated, noted that Congressional action to approve pipelines would only be required to the extent such a project couldn't be permitted under the Organic park statute. If Congress truly disagreed with the Department making decisions about pipelines in parks, it seems that Congress would have prohibited the practice under both the Mineral Leasing Act and the Organic park statute. It wasn't until 1988, fifteen years later, that a solicitor at the Department

decided that the Organic Act did not grant this authority.

All of this is to say that the notion of the Department of Interior evaluating and approving or disapproving natural gas pipelines on National Park Service property is not a new concept to be feared; rather it is an old concept that the legislation before the Committee would reinstate.

Mr. Chairman, it is our experience that the National Park Service is a diligent defender of the land it administers. To my knowledge, no pipeline company has sought legislation to allow a park crossing without first conferring with the National Park Service, and Congress has not considered such legislation without asking the National Park Service for its input. After all, it would be pointless for Congress to consider such legislation if the Park Service had already decided to reject the requested crossing.

The added step of Congressional approval delays projects, in some cases for years, while the pipeline company, its customers and the National Park Service await Congressional action.

The case with which I am most familiar involved expanding natural gas service into New York City, specifically Brooklyn and Queens, and was largely needed to meet increased demand due to customers switching away from fuel oil to natural gas. My company, Williams, worked with our local distribution company customer to develop an infrastructure solution which would have minimal impact on residents of the City. The only practical route involved drilling under part of the Gateway National Recreation Area, which is managed as a national park, and locating a meter station in the Park. That solution was widely supported by local officials, the Governor of New York and even local park groups. Because the project posed several unique challenges, our discussions with the National Park Service were long and detailed but they ultimately resulted in an agreement that both sides found acceptable. We originally started discussions with Members of Congress about the need for legislation to approve the crossing in 2009. A bill addressing the issue was introduced in 2011 and ultimately enacted at the end of 2012. During that time agency work on our application for the project slowed considerably, we believe due to the uncertainty around the timing of the necessary Congressional action. It's difficult to say with certainty exactly how

much time the requirement for Congressional approval of the agreement added to the project, but the project ultimately took six years to complete, at least two years more than planned. This type of delay and uncertainty makes it difficult and costly to add the necessary pipeline infrastructure to meet customer needs for clean burning natural gas.

Mr. Chairman, it is long overdue that Congress remove itself from this process. If the National Park Service had a poor track record in evaluating and allowing pipeline utilization of national park property that would be one thing, but it actually has an excellent record in that regard, including during the decades when it believed it possessed the authority to site these facilities.

Williams works very hard in all of its projects to minimize any property and environmental impact while ensuring adequate natural gas pipeline infrastructure is in place to meet the needs of individuals, business and industry. We actively engage all interested parties to find the best way to do this and I believe other pipeline companies do the same. In my opinion the National Park Service has fully demonstrated the capability to engage with pipeline companies on this issue while protecting the property in their care and we look forward to working with them in the future.

So Mr. Chairman we commend the Committee for considering this important legislation to further improve the efficiency with which natural gas pipeline infrastructure is developed. Thank you again for allowing me the opportunity to discuss this issue with the Subcommittee today.