

Statement of Nick Lund
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Before the

Committee on Natural Resources
Subcommittee on Energy and Mineral Resources

June 20, 2014

Chairman Lamborn, Ranking Member Holt and members of the Subcommittee, I am Nick Lund, Manager of the Landscape Conservation Campaign at the National Parks Conservation Association, or NPCA. NPCA is a nonpartisan, nonprofit advocacy organization that has been the leading independent voice in support of protecting and enhancing the National Park System since it was founded in 1919. Thank you for the opportunity to appear before you today to express our views on H.R. 1587 on behalf of NPCA's 800,000 members and supporters nationwide.

National parks conserve and protect America's most treasured landscapes, our history, and our culture and are a vital resource to millions of Americans. The idea of parks owned by and maintained for all citizens was born in the United States, and the existence of these national parks – representing the crown jewels of the American landscape and the shared experiences of our past – embody our democratic ideals and has been called “the best idea we ever had.”

The success of our national park system is undeniable. Our national parks protect our most incredible landscapes and most sacred places, from Denali to the Liberty Bell. The huge domestic and international interest in our national park system has created robust and stable economies in communities near national parks. More than 279 million people made recreational visits to national parks in 2011, spending more than \$12.95 billion in local gateway regions.

However, the success of the national park idea depends upon careful stewardship of their resources. These lands are set aside with a mandate that they remain unimpaired for future generations, and impairment, however incremental, should be permitted only as a last resort. In certain situations, where potential impacts by commercial activities are minor, the National Park Service rightly has the authority to manage for and allow impacts that are acceptable. However, that discretionary authority does not apply, nor should it, in case where a use could cause impairment or an unacceptable impact.

Where impairment to a national park is attended by a continued threat of contamination or pollution, such as the establishment of new oil and gas pipelines across park lands, the decision to allow such a use should be made by the parks' owners, the public, through their

elected representatives in Congress. The authors of the Minerals Leasing Act's 1973 pipeline provision understood this when they specifically excluded lands in the National Park System from those through which the Secretary of the Interior can grant rights-of-way for oil and gas pipelines. In fact, the 1973 provision passed the Senate with national parks, national wildlife refuges, and wilderness areas all being excluded from the "Federal lands" definition. After conference with the House of Representatives, only national park lands remained excluded, highlighting the fact that Congress specifically recognized the uniqueness and importance of national parks.

Unlike other possible rights-of-way across national parks lands, such as water pipelines or transmission lines, oil and gas pipelines carry the risk of leakage or contamination. The Wall Street Journal recently counted more than 1,400 pipeline accidents reported in the U.S. since 2010. More than 80% of pipeline leaks and ruptures are discovered not by industrial leak-detection monitors but by human beings – either pipeline employees or local residents.¹ The risk of not detecting a leak is greater across national park lands that might be less frequently visited, and the impact of a large oil spill inside a park could be catastrophic. In these situations, the decision to permit such an incompatible use of national park lands should be left to the public, through their representatives, not the Administration in power.

However, there are situations where running a pipeline across park lands is preferable to some other option, and in those cases, dictated by specific facts, NPCA has supported such proposals. The Congressional Research Service has found at least nine recent examples of federal legislation authorizing oil and gas pipelines to be constructed across national park lands across the country.

I'd like to highlight some of those examples. In July of last year, NPCA supported provisions in the Denali National Park Improvement Act that would allow for a new oil and gas pipeline to be constructed on a highway corridor in Denali National Park. The routing of the pipeline through that area of the park is likely more environmentally-friendly than any other alternative. That bill is now law, and the pipeline will be constructed pending completion of the NEPA process.

In 2001, NPCA did not object to a pipeline proposal through Great Smoky Mountains National Park, at the Gatlinburg Spur. The area, while technically part of the park, is not an area where the park's central resources or visitor experience would be diminished by incursion. The bill became law, and the pipeline was built.

In 2012, NPCA supported the New York City Natural Gas Supply Enhancement Act, which included provisions allowing for the construction of a natural gas pipeline through

¹ Sider, A. (2014, January 20) High-Tech Monitors Often Miss Oil Pipeline Leaks. *The Wall Street Journal*. Online at: <http://online.wsj.com/news/articles/SB10001424052702303754404579310920956322040>.

Gateway National Recreation Area. Studies of the proposal have found that impacts on the recreation area would be minor and temporary, and the bill is now law.

The point of these examples is to highlight that the process works as currently established. The drafters of the Mineral Leasing Act understood that the federal government should only encourage private companies to seek easements across national park lands for oil and gas pipelines when all other options are exhausted. In the few cases where this “last resort” is reached, Congress has been willing and able to pass legislation allowing the exception. H.R. 1587 seeks to fix a system that isn’t broken. The bill would, in its current state, increase the likelihood of injury and impairment to our national parks.

Parks continue to occupy an important place in the nation’s hearts, with 95% percent of Americans viewing national parks as something that the federal government should be protecting and supporting. There are a number of reasons that the increase in domestic production of oil and natural gas can be viewed as beneficial to our nation, but the federal government should not encourage the use of sensitive national parks lands for oil and gas pipelines. The Mineral Leasing Act provides a logical and effective path for oil and gas pipeline easements as it is currently written.

I would be happy to answer any questions members of the Subcommittee might have.