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House Natural Resources Subcommittee on Energy and Mineral Resources

June 12, 2014

Witnesses

Mr. Jeffrey Soth

Legislative and Political Director, International Union of Operating Engineers

Mr. Donald F. Santa

President and CEO, Interstate Natural Gas Association of America

Ms. Amy Mall

Senior Policy Analyst, Natural Resources Defense Council

Mr. Nicholas Lund

Program Manager of Landscape Conservation, National Parks Conservation Association

Mr. Michael Nedd

Director, Minerals and Realty Management, Bureau of Land Management, U.S. Department of the Interior

Dr. Herbert C. Frost

Regional Director, Alaska Region, National Park Service, U.S. Department of the Interior

Committee Members Present

Doug Lamborn (R-CO), Chairman

Rush Holt (D-NJ), Ranking Member

Kevin Cramer (R-ND)

Cynthia Lummis (R-WY)

Markwayne Mullin (R-OK)

Alan Lowenthal (D-CA)

The House Natural Resources Subcommittee on Energy and Mineral Resources held a hearing on June 20 to discuss regulations related to natural gas pipelines. The Natural Gas Gathering Enhancement Act (H.R. 4293) and the Energy Infrastructure and Improvement Act (H.R. 1587) both seek to expedite the permitting processes for authorizing gas gathering lines from production facilities on federal and Indian lands, including national parks.

The Natural Gas Gathering Equipment Act, introduced by Congressman Kevin Cramer (R-ND), would allow the Secretary of the Interior to mark certain pipelines as Categorical Exclusions (CE), or projects that do not require significant environmental impact. Under the current permitting process for federal lands laid out in the National Environmental Policy Act (NEPA), a review of the environmental impacts of a new pipeline must be completed before the pipeline can be approved. This bill would allow for CEs to be designated, thereby allowing producers to bypass an environmental impact assessment.

Rep. Cramer noted the need for significant infrastructure to respond to the increase in oil and gas production and suggested CEs would save valuable time and resources. As an example, Rep. Cramer cited the fact that producers in the Bakken Shale of North Dakota often flare off over 40 percent of available natural gas due to an inability to quickly approve gas gathering pipeline infrastructure. A faster approval process would allow them collect and distribute that otherwise wasted resource.

Witness Amy Mall from the National Resources Defense Council asserted that the National Parks Service (NPS) already has the power to issue CEs under NEPA and that this legislation would fix a problem that does not exist. In addition, Witness Michael Nedd of the Bureau of Land Management (BLM) replied that flaring is more prevalent on private and state lands than on federal lands, so the legislation would have little impact.

The second piece of legislation considered, the Energy Infrastructure and Improvement Act, introduced by Congressman Tom Marino (R-PA), seeks to amend the Mineral Leasing Act (MLA) to allow the Secretaries of the Interior and Agriculture to issue permits granting right-of-way status to natural gas pipelines on federal lands, including those managed by the NPS. Under current

MLA regulations, Congress holds the exclusive right to grant right-of-way permits.

Congresswoman Cynthia Lummis (R-WY) asked witness Donald Santa what effect he believes H.R. 1587 would have on environmental analysis. Mr. Santa answered that the quality of analysis would remain the same and NPS would still reserve the right to refuse to issue a permit after analysis. Ranking Member Rush Holt (D-NJ) pointed out that the NPS has not requested the right to issue permits for pipelines in these situations and the NPS would like that right to remain exclusively with Congress. Mr. Nedd maintained that changing the current regulations would remove procedural safeguards put in place by Congress.

Both bills will remain in subcommittee for further consideration.

Sources: House Natural Resources Subcommittee on Energy and Mineral Resources
