^{115TH CONGRESS} 1ST SESSION S. 1314

AUTHENTICATED U.S. GOVERNMENT INFORMATION

> To amend the Natural Gas Act to bolster fairness and transparency in consideration of interstate natural gas pipelines, to provide for greater public input opportunities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2017

Mr. KAINE (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

- To amend the Natural Gas Act to bolster fairness and transparency in consideration of interstate natural gas pipelines, to provide for greater public input opportunities, and for other purposes.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Pipeline Fairness and

5 Transparency Act".

6 SEC. 2. EMINENT DOMAIN.

7 (a) STATEMENT OF POLICY.—It is the policy of the8 United States to protect the rights of citizens of the

United States to their private property, including by lim iting the taking of private property by the Federal Govern ment to situations in which the taking is for public use,
 with just compensation, and to benefit the general public,
 and not merely to advance the economic interests of pri vate parties that would be given ownership or use of the
 property taken.

8 (b) JUST COMPENSATION.—Section 7(h) of the Nat9 ural Gas Act (15 U.S.C. 717f(h)) is amended—

10 (1) by striking the subsection designation and
11 all that follows through "When any holder" and in12 serting the following:

13 "(h) Eminent Domain.—

14 "(1) IN GENERAL.—When any holder";

15 (2) in the second sentence—

16 (A) by striking "The practice" and insert-17 ing the following:

18 "(2) PRACTICE AND PROCEDURE.—

19 "(A) IN GENERAL.—Subject to subpara20 graph (B), the practice";

21 (B) by striking "is situated:" and inserting
22 "is situated."; and

23 (C) by striking "*Provided*, That the" and24 inserting the following:

25 "(B) LIMITATION.—The"; and

1	(3) by adding at the end the following:
2	"(3) JUST COMPENSATION.—In determining the
3	just compensation for property acquired by the exer-
4	cise of the right of eminent domain under paragraph
5	(1), in the case of land subject to a conservation
6	easement, the court with jurisdiction over the pro-
7	ceeding shall consider the lost conservation value of
8	that land.".
9	SEC. 3. PROCESS COORDINATION FOR ENVIRONMENTAL
10	REVIEW.
11	Section 15 of the Natural Gas Act (15 U.S.C. 717n)
12	is amended by adding at the end the following:
13	"(g) Environmental Review for Interstate
14	NATURAL GAS PIPELINES.—
15	"(1) DEFINITIONS.—In this subsection:
16	"(A) FEDERAL AUTHORIZATION.—
17	"(i) IN GENERAL.—The term 'Federal
18	authorization' means any authorization re-
19	quired under Federal law with respect to
20	an application for a certificate of public
21	convenience and necessity under section 7.
22	"(ii) INCLUSIONS.—The term 'Federal
23	authorization' includes any permits, special
24	use authorizations, certifications, opinions,
25	or other approvals as may be required

- 1 under Federal law with respect to an appli-2 cation for a certificate of public convenience and necessity under section 7. 3 "(B) PROJECT.—The term 'project' means 4 a project for the construction or extension of fa-5 6 cilities for the transportation in interstate com-7 merce of natural gas that requires Federal au-8 thorization. 9 "(2) PROGRAMMATIC ENVIRONMENTAL IMPACT 10 STATEMENTS.—In considering an application for 11 Federal authorization for a project in a State, if, 12 during the 1-year period beginning on the date on 13 which the application is filed, an application for Fed-14 eral authorization for a separate project is filed, and 15 that project is located in the same State and within 16 100 miles of the first project, the Commission shall 17 consider both projects to be 1 project for purposes 18 of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). 19 20 "(3) SUPPLEMENTAL ENVIRONMENTAL IMPACT 21 STATEMENTS.— 22 "(A) IN GENERAL.—If the Commission de-23 termines that comments submitted in response
- to a draft environmental impact statement pre-pared with respect to an application for Federal

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authorization raise issues that exceed the initial 1 2 scope of the draft environmental impact state-3 ment, a supplemental environmental impact 4 statement shall be prepared for the project. "(B) MITIGATION PLANS.—If a draft envi-5 6 ronmental impact statement prepared with re-7 spect to an application for Federal authoriza-8 tion does not include information about mitiga-9 tion plans for adverse impacts that cannot rea-10 sonably be avoided, a supplemental environ-11 mental impact statement shall be prepared that 12 includes that information.

"(4) PUBLIC MEETING REQUIREMENTS.—In
complying with the National Environmental Policy
Act of 1969 (42 U.S.C. 4321 et seq.) with respect
to an application for Federal authorization, the
Commission shall ensure that any public meeting
shall be held—

19	"(A) in each county or equivalent subdivi-
20	sion in which the project will be located; and
21	"(B) during each period of public comment
22	preceding, if applicable, publication of—
23	"(i) a draft environmental impact
24	statement;

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1	"(ii) a final environmental impact
2	statement; and
3	"(iii) any supplemental environmental
4	impact statement.".
5	SEC. 4. IMPACTS ON CRITICAL NATURAL RESOURCES.
6	Subsection (g) of section 15 of the Natural Gas Act
7	(15 U.S.C. 717n) (as added by section 3) is amended by
8	adding at the end the following:
9	"(5) NATIONAL SCENIC TRAILS.—
10	"(A) IN GENERAL.—In preparing an envi-
11	ronmental impact statement with respect to an
12	application for Federal authorization for a
13	project, any evaluation of the visual impacts of
14	the project on a national scenic trail designated
15	by the National Trails System Act (16 U.S.C.
16	1241 et seq.) in the environmental impact
17	statement shall—
18	"(i) consider the cumulative visual im-
19	pacts of any similar proposed project—
20	"(I) for which an application for
21	Federal authorization is in the pre-fil-
22	ing or filing stage; and
23	"(II) that impacts the same na-
24	tional scenic trail within 100 miles of
25	the first project; and

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1	"(ii) include visual impact simulations
2	depicting leaf-on and leaf-off views at each
3	location where major visual impacts occur,
4	as identified, authenticated, and justified
5	during the period of public comment pre-
6	ceding the publication of a draft environ-
7	mental impact statement by the head of
8	the Federal agency or independent agency
9	administering the land at the applicable lo-
10	cation.
11	"(B) NATIONAL FOREST MANAGEMENT
12	PLANS.—No amendment to a National Forest
13	management plan under the Forest and Range-
14	land Renewable Resources Planning Act of
15	1974~(16 U.S.C. 1600 et seq.) shall be consid-
16	ered if the result of the amendment represents
17	net degradation to the resources of a national
18	scenic trail designated by the National Trails
19	System Act (16 U.S.C. 1241 et seq.).".

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