

7852.0500 CONDITIONAL EXCLUSION PROCEDURES AND DETERMINATION.

Subpart 1. **Procedures.** A pipeline company having a reasonable basis to assert that a pipeline routing permit is not required to construct or operate a proposed pipeline under Minnesota Statutes, section 216G.02, shall so notify the commission and the county board of each county through which the pipeline will be constructed. The commission shall make a determination on whether to grant a conditional exclusion provided for in part 7852.0300, subpart 2, only when the pipeline company:

A. completes the environmental assessment worksheet (EAW) review procedures as provided in parts 4410.1000 to 4410.1700; and

B. provides information that will allow the commission to determine if there has been a significant change in land use or population density in or near the right-of-way since the first construction of pipeline in the right-of-way, or since the commission first approved the right-of-way. This information will be distributed with the EAW for comments.

Subp. 2. **Determination.** Based on the record of the EAW decision, including the information required by part 7852.0500, subpart 1, item B, the commission shall grant a conditional exclusion unless it finds that:

A. there is a significant chance of an adverse effect on the environment; or

B. there has been a significant change in land use or population density in or near the right-of-way since the first construction of the pipeline in the right-of-way, or since the commission first approved the right-of-way.

Subp. 3. **Granting of conditional exclusion.** When an exclusion is granted, the applicant must comply with the requirements provided by Minnesota Statutes, sections 117.49 and 216G.03. No further review under Minnesota Statutes, section 216G.02, and this chapter is required.

Subp. 4. **Denial of exclusion.** If the commission does not grant an exclusion, the pipeline company may submit an application for a pipeline routing permit under either the partial exemption procedures in parts 7852.0600 to 7852.0700 or the full pipeline route selection procedures in parts 7852.0800 to 7852.1900.

Statutory Authority: *MS s 116I.015; 216G.02*

History: *13 SR 2046; L 2005 c 97 art 3 s 19*

Published Electronically: *August 21, 2007*