

7852.0700 CRITERIA FOR PARTIAL EXEMPTION FROM PIPELINE ROUTE SELECTION PROCEDURES.

Subpart 1. **Scope and purpose of criteria.** The scope and purpose of this part is to specify the criteria used by the commission in determining whether to grant a partial exemption from the pipeline route selection procedures. The commission shall make a specific written finding with respect to each of the criteria. Any new easements or right-of-way agreements obtained from potentially affected landowners before issuance of a pipeline routing permit are at the sole risk of the applicant. The fact that the agreements have been obtained shall not be considered by the commission in selecting the route.

Subp. 2. **Standard.** In granting a partial exemption from the pipeline route selection procedures, the commission must determine that the proposed pipeline and associated facilities will not have a significant impact on humans or the environment. The commission shall evaluate the impacts that may be reasonably expected to occur from the proposed pipeline and associated facilities.

Subp. 3. **Criteria.** In determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a pipeline routing permit, the commission shall consider the impact of the pipeline and associated facilities on the following:

A. human settlement, existence and density of populated areas, existing and planned future land use, and management plans;

B. the natural environment, public and designated lands, including but not limited to natural areas, wildlife habitat, water, and recreational lands;

C. lands of historical, archaeological, and cultural significance;

D. economies within the route, including agricultural, commercial or industrial, forestry, recreational, and mining operations;

E. pipeline cost and accessibility;

F. use of existing rights-of-way and right-of-way sharing or paralleling;

G. natural resources and features;

H. the extent to which human or environmental effects are subject to mitigation by regulatory control and by application of the permit conditions contained in part 7852.3400 for pipeline right-of-way preparation, construction, cleanup, and restoration practices;

I. cumulative potential effect of related or anticipated future pipeline construction; and

J. relevant policies, rules, and regulations of the state and federal agencies and local government land use laws including ordinances adopted under Minnesota Statutes, section 299J.05, relating to the location, design, construction, or operation of the proposed pipeline and associated facilities.

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

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

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