

4415.0100 CRITERIA FOR PIPELINE ROUTE SELECTION.

Subpart 1. **Scope and purpose of criteria.** The scope and purpose of this part is to specify the criteria used by the PUC in determining the route of a pipeline in Minn. Rule, parts 4415.0045 to 4415.0100. The PUC 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 obtained at the sole risk of the applicant. The fact that the agreements have been obtained shall not be considered by the PUC in selecting the route.

Subp. 2. **Standard.** In determining the route of a proposed pipeline, the PUC shall consider the characteristics, the potential impacts, and methods to minimize or mitigate the potential impacts of all proposed routes so that it may select a route that minimizes human and environmental impact.

Subp. 3. **Criteria.** In selecting a route for designation and issuance of a pipeline routing permit, the PUC shall consider the impact on the pipeline of 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 Minn. Rule, part 4415.0185 for pipeline right-of-way preparation, construction, cleanup, and restoration practices;

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

J. the relevant applicable policies, rules, and regulations of other 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.

STAT AUTH: MS § 216G.02