

November 30, 2015

Mr. Daniel P. Wolf, Executive Secretary  
Minnesota Public Utilities Commission  
127 Seventh Place East, Suite 350  
Saint Paul, MN 55101-2147

RE: EERA Comments and Recommendations on Application Completeness  
Rochester Natural Gas Pipeline Project  
eDocket No. G-011/GP-15-858

Dear Mr. Wolf:

Attached are comments and recommendations of Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the following matter:

In the Matter of the Application of Minnesota Energy Resources Corporation for a Route Permit for the Rochester Natural Gas Pipeline Project in Olmsted County

The route permit application was filed on November 3, 2015, by:

David Kult  
General Manager, Operations and Engineering  
Minnesota Energy Resources Corporation  
1995 Rahncliff Ct., Suite 200  
Eagan, MN 55122-3401

EERA recommends the Minnesota Public Utilities Commission (Commission) accept the application for the Rochester Natural Gas Pipeline Project as complete, and that the Commission take no action on a citizen advisory committee at this time.

Staff is available to answer any questions the Commission might have.

Sincerely,



Environmental Review Specialist  
Energy Environmental Review and Analysis

Enclosure

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

**COMMENTS AND RECOMMENDATIONS OF  
MINNESOTA DEPARTMENT OF COMMERCE  
ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS**

*eDocket No. G-011/GP-15-858*

**Date:** November 30, 2015

**Staff:** Larry Hartman ..... 651-539-1839  
 Andrew Levi ..... 651-539-1840

**In the Matter of the Application of Minnesota Energy Resources Corporation for a Route Permit for the Rochester Natural Gas Pipeline Project in Olmsted County**

**Issues addressed:** These comments and recommendations address the completeness of the route permit application submitted for the project, the presence of disputed issues, and the need for a citizen advisory committee.

- Figures and Tables:**
- Figure 1 Project Overview Map
  - Figure 2 Full Process Pipeline Routing Flowchart
  - Table 1 Application Completeness Checklist
  - Table 2 Hypothetical Process Timing

Additional documents and information can be found on eDockets by searching “15” for year and “858” for number at: <https://www.edockets.state.mn.us/EFiling/search.jsp>, and on the EERA webpage at: <http://mn.gov/commerce/energyfacilities/Docket.html?ld=34318>.

This document can be made available in alternative formats (that is, large print or audio) by calling (651) 539-1530 (voice).

## Introduction and Background

On November 3, 2015, Minnesota Energy Resources Corporation (applicant) filed a Route Permit Application (application) to construct and operate approximately 13.1 miles of new natural gas pipeline west and south of the city of Rochester in Olmsted County, Minnesota.<sup>1</sup>

<sup>1</sup> Minnesota Energy Resources Corporation, *Application to the Minnesota Public Utilities Commission for a Route Permit for the Rochester Natural Gas Pipeline Project*, November 3, 2015, eDockets Nos. [201511-115408-01](#), [201511-115408-02](#), [201511-115408-03](#), [201511-115408-04](#), [201511-115408-05](#), [201511-115408-06](#), [201511-115408-07](#), [201511-115408-08](#). (Hereinafter “Application”)

The applicant provided supplemental information to this application on November 9, 2015.<sup>2</sup> The Minnesota Public Utilities Commission (Commission) issued a notice soliciting comments on the completeness of the application, the presence of contested issues, and other concerns on November 13, 2015.<sup>3</sup>

## Project Purpose

The applicant states the proposed project will improve its ability to manage and balance the supply of natural gas on its distribution network in and around the city of Rochester. The project will expand the capacity of the applicant's natural gas distribution system allowing the applicant to accept increased supplies of natural gas from an interstate natural gas supplier. On whole, the proposed project is intended to provide firm and reliable natural gas service to an expanding Rochester customer base.

## Project Description

The applicant proposes to construct approximately 13.1 miles of new natural gas pipeline west and south of the city of Rochester in Olmsted County, Minnesota (**Figure 1**). The proposed pipeline will include installation of approximately 5.1 miles of 16-inch outside diameter and 8.0 miles of 12-inch outside diameter steel pipeline.<sup>4</sup> The 16-inch outside diameter pipe is anticipated to operate at 400 to 475 pounds per square inch gauge (psig) and the 12-inch outside diameter pipe is anticipated to operate at 250 to 275 psig; however, the maximum allowable operating pressure will be 500 psig for both pipelines.<sup>5</sup>

The proposed project will also include construction of two town border stations and one district regulator station.<sup>6</sup> Town border stations receive high pressure natural gas from the natural gas transmission system (900 to 1,000 psig) and regulate it down for use on the local high pressure distribution system (400 to 500 psig). District regulator stations take high pressure distribution natural gas (400 to 500 psig) and regulate it down further (60 to 100 psig) for delivery to the low pressure distribution system.

The applicant is requesting a route permit for a 500-foot-wide route. The applicant also requests a 1.25 mile buffer area along the proposed route in select locations to site the pipeline, town border stations, and district regulator station.<sup>7</sup> The proposed project will require a 50-foot-wide permanent right-of-way, encompassing approximately 80 acres, and an additional 50-foot-wide temporary construction right-of-way. The temporary construction right-of-way may need to be wider at road or water crossings to accommodate boring or horizontal directional drilling equipment.

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<sup>2</sup> Minnesota Energy Resources Corporation, *Supplemental Tables Regarding Existing Environmental Conditions for Route Alternatives*, November 9, 2015, eDockets No. [201511-115590-01](#).

<sup>3</sup> Minnesota Public Utilities Commission, *Notice of Comment Period on Completeness of the Rochester Natural Gas Pipeline Route Permit Application*, November 13, 2015, eDockets No. [201511-115679-01](#).

<sup>4</sup> Application, page 11.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Application, page 16.

The proposed project will be phased. Construction is anticipated to begin in 2017 and be completed in 2022. It is expected to cost \$44 million.

## Regulatory Process and Procedures

In Minnesota, no person may construct a pipeline designed to transport natural gas at a pressure of more than 275 pounds per square inch (psi) without first obtaining a route permit from the Commission,<sup>8</sup> unless the pipeline is excluded or exempted from the Commission's routing authority.<sup>9</sup> The proposed project is designed to operate at different pressures based on pipe size. The 16-inch outside diameter pipe is anticipated to operate at 400 to 475 psig and the 12-inch outside diameter pipe is anticipated to operate at 250 to 275 psig.<sup>10</sup> However, both pipelines will be designed with a maximum allowable operating pressure of 500 psig.<sup>11</sup> As a result, the proposed project requires a route permit from the Commission.

In addition, an applicant cannot construct a large energy facility in Minnesota without first receiving a Certificate of Need (CN) issued by the Commission.<sup>12</sup> Pipelines designed to transport natural gas at a pressure greater than 200 psi for a length of 50 miles or more in Minnesota are defined as a large energy facility.<sup>13</sup> While capable of transporting natural gas at pressures greater than 200 psi, the proposed project is designed to be approximately 13.1 miles in length; therefore, it does not meet the definition of large energy facility, and, as a result, a CN is not required.

## Route Permit Application and Acceptance

The applicant is seeking review under the full pipeline route selection procedures. These procedures are outlined in Minnesota Rules 7852.0800 to 7852.1900.

Applicants must submit a route permit application consistent with the filing requirements of Minnesota Rule 7852.2000. The application must contain the information required in Minnesota Rules 7852.2100 to 7852.3100. This includes, but is not limited to, applicant information, route description, proposed pipeline and associated facilities description, and potential environmental impacts and mitigation measures. The applicant must identify a preferred route<sup>14</sup> and all alternative routes considered.<sup>15</sup>

Upon receiving a route permit application for a pipeline, the Commission may accept it as complete, accept it as complete upon filing of supplemental information, or reject it and require that additional information be submitted.<sup>16</sup> After acceptance of the application, the

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<sup>8</sup> Minnesota Statute [216G.02](#), subdivision 1.

<sup>9</sup> Minn. Stat. [216G.02](#), subd. 3(b)(7), Minnesota Rule [7852.0300](#).

<sup>10</sup> Application, page 11.

<sup>11</sup> *Id.*

<sup>12</sup> Minn. Stat. [216B.243](#), subd. 2.

<sup>13</sup> Minn. Stat. [216B.2421](#), subd. 2(5).

<sup>14</sup> Minn. Stat. [216G.02](#), subd. 3(b)(1), Minn. R. [7852.2200](#).

<sup>15</sup> Minn. Stat. [216G.02](#), subd. 3(b)(1), Minn. R. [7852.3100](#).

<sup>16</sup> Minn. R. [7852.2000](#), subp. 4.

applicant must provide any additional relevant information the Commission considers necessary to process the application.<sup>17</sup> If the Commission determines that a route permit application is complete, the review process begins (**Figure 2**).

The Commission is required to make a permit decision within nine months from the date an application is accepted.<sup>18</sup> The Commission may extend this time limit for cause.<sup>19</sup>

## Citizen Advisory Committee

The Commission may appoint a citizen advisory committee to aid in the review process.<sup>20</sup> An advisory committee would assist the Commission by evaluating pipeline routes. If appointed, an advisory committee must include certain local government representatives.<sup>21</sup>

The decision on whether to appoint an advisory committee does not need to be made at this time; however, a decision should be made as soon as practicable to ensure an advisory committee could complete its charge prior to the deadline for submitting route and route segment proposals.

## Environmental Review

Applications for pipeline route permits are subject to environmental review under Minnesota Rules Chapter 7852. The Minnesota Environmental Quality Board approved these rules pursuant to Minnesota Rule 4410.3600 as an alternative form of environmental review because they “*address substantially the same issues as the [environmental assessment worksheet] EAW and [environmental impact statement] EIS process and use procedures similar in effect to those of the EAW and EIS process.*”<sup>22</sup>

Consequently, the proposed project will not be reviewed through either an EAW or EIS. It will, however, receive equivalent environmental review under the full pipeline route selection procedures established by Chapter 7852. This includes a scoping process, public information meetings, and environmental analysis – called a comparative environmental analysis or CEA – to fulfill the intent and requirements of the Minnesota Environmental Policy Act.

### *First Public Information Meeting*

After acceptance of a pipeline route permit application, at least one public information meeting (scoping meeting) must be held in each county crossed by the applicant’s preferred pipeline route.<sup>23</sup> The purpose of these meetings is to explain the route designation process,

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<sup>17</sup> Minn. R. [7852.2000](#), subp. 4.

<sup>18</sup> Minn. Stat. [216G.02](#), subd. 3(b)(5), Minn. R. [7852.0800](#).

<sup>19</sup> Minn. R. [7852.0800](#).

<sup>20</sup> Minn. R. [7852.1000](#).

<sup>21</sup> Minn. R. [7852.1100](#).

<sup>22</sup> Minn. R. [4410.3600](#), subp. 1.

<sup>23</sup> Minn. R. [7852.1300](#), subp. 1(A).

respond to questions raised by the public, and solicit comments on route and route segment proposals and other issues that should be examined in greater detail in the CEA.

### *Route Proposal Acceptance*

The full pipeline permitting procedures allows for other routes and route segments to be proposed. Only those route proposals approved by the Commission can be considered at the contested case hearing.<sup>24</sup> The route proposal and acceptance process is outlined in Minnesota Rule 7852.1400.

Route or route segments may be proposed by interested persons, state agencies, the Commission, EERA staff and, if appointed, a citizen advisory committee. Proposals must be made on an appropriate map or aerial photo, contain the data and analysis required in Minnesota Rules 7852.2600, subpart 3, and 7852.2700 (unless the information is substantially the same as provided by the applicant), and be presented to the Commission within 70 days of application acceptance.

If a route or route segment proposal is submitted to the Commission, the Commission has 10 days to determine if the proposal contains the necessary information. If it contains the necessary information, the Commission then determines whether the proposal will be considered at the contested case hearing.

If the Commission determines the proposal does not contain the necessary information, the Commission must inform the proposer of what additional information is required. The proposer must submit the additional information within 10 days. Once resubmitted, the Commission shall determine within five working days whether the amended proposal contains the required information. If the proposal contains the required information, the Commission then determines whether the proposal will be considered at the contested case hearing. If the Commission determines that the proposal still does not contain the required information, the route proposer may appeal to the Commission at its next regular meeting for consideration of acceptance.

In practice, the Commission authorizes EERA staff to receive and evaluate all route or route segment proposals submitted for consideration. This includes working with proposers to ensure necessary information was provided. EERA then presents all proposals to the Commission for a final determination on whether they should be accepted for consideration at the contested case hearing. This practice does not affect the Commission's authority to approve or disapprove consideration of any route proposal as all compliant proposals are forwarded to the Commission for consideration.

### *Alternative Route Analysis*

The CEA evaluates all of the alternative routes accepted by the Commission for consideration at the contested case hearing. It also evaluates other issues raised during the scoping process. Like an EIS, the CEA contains an overview of the resources and potential

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<sup>24</sup> Minn. R. [7852.1400](#).

human and environmental impacts and mitigation measures associated with the proposed project. The CEA may be prepared by staff or by the applicant.<sup>25</sup> If prepared by the applicant, the CEA is reviewed and approved by staff. In practice, EERA staff prepares the CEA.

### *Second Public Information Meeting*

A second public information meeting must be held in each county crossed by a pipeline route alternative.<sup>26</sup> This second round of public meetings is held prior to the contested case hearing that will be held in each county through which a route is proposed. The purpose of this meeting is to explain the route designation process, present major issues, and respond to questions raised by the public. In recent pipeline proceedings, the second public information meeting was held immediately prior to the start of the contested case hearing.<sup>27</sup>

### *Contested Case Hearing*

Under the full pipeline routing procedures, the proposed project must be referred to the Office of Administrative Hearings for a contested case hearing pursuant to Minnesota Rules Chapter 1405.<sup>28</sup> Before the hearing can take place, the CEA must be completed and made available for public review. The hearings are administered by an administrative law judge and occur in counties along the proposed route alternatives.

## EERA Staff Analysis and Comments

EERA staff participated in pre-filing meetings with the applicant as well as provided numerous comments on drafts of the route permit application. Subsequently, EERA staff conducted a completeness review of the Rochester Natural Gas Pipeline Project route permit application as filed on November 3, 2015, relative to the application content requirements specified in Minnesota Rules 7852.2100 to 7852.3100 (**Table 1**).

EERA staff believes that its comments on the draft application have been largely addressed and that the filed application meets the content requirements of Minnesota Rules 7852.2100 to 7852.3100 and, therefore, is substantially complete.

## Citizen Advisory Committee

EERA analyzed the merits of establishing a citizen advisory committee for the proposed project considering four characteristics: project size, project complexity, known or anticipated controversy, and sensitive resources. The proposed design information and preliminary environmental data contained in the application were used to complete this evaluation.

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<sup>25</sup> Minn. R. [7852.1500](#).

<sup>26</sup> Minn. R. [7852.1300](#), subpart 1(B).

<sup>27</sup> See eDocket Nos. PL9/PPL-07-360 and PL9/PPL-07-361 (Alberta Clipper and Southern Lights Diluent Projects).

<sup>28</sup> Minn. R. [7852.1700](#).

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### *Project Size*

The proposed project is relatively short (13.1 miles), uses a pipe diameter (12 to 16 inches) that is representative of other natural gas pipelines permitted by the Commission, and does not impact a large amount of land. The proposed project also will include construction of two town border stations and one district regulator station. These stations are approximately one acre in size. The requested permanent right-of-way width of 50 feet is representative of other natural gas pipeline rights-of-way for projects of this size.

### *Complexity*

Significant obstacles to construction have not been identified. As is typical with all construction projects in the area, sinkholes — if discovered — would be avoided by rerouting the pipeline within the route. Road, water and wetland crossings are relatively short, and will be accomplished through horizontal directional drilling or boring. The applicant's proposed route follows existing rights-of-way for 60 percent of its length, reducing the need for "green-field" development.

### *Known or Anticipated Controversy*

The applicant contacted local governments and state agencies regarding the proposed project. Public meetings were held in the project area. As a result, the applicant proposed a wider route buffer near the proposed project's southern endpoint to provide greater flexibility within a commercial area to accommodate future development; however, no significant issues were identified. Based on this, the likelihood for significant controversy appears minimal.

The proposed project will be located entirely within Olmsted County and the city of Rochester. As such, the potential for disagreement among local government entities is minor considering how few governments are affected.

### *Sensitive Resources*

The applicant's proposed route generally avoids sensitive resources within the project area. The applicant also proposes to mitigate impacts to affected resources (a relatively small area) through use of construction techniques such as horizontal directional drilling or boring, as a result, expected impacts to sensitive resources are anticipated to be minimal.

Based on this analysis, EERA staff believes a citizen advisory committee is not warranted at this time. Should significant issues be identified at the first informational meeting, the Commission can reconsider if an advisory committee is warranted.

## **Disputed Issues of Fact**

EERA is not aware of any disputed issues of fact at this time. Staff believes that any issues that surface can be addressed through the contested case hearing process.

EERA did identify a discrepancy regarding pipe specifications provided in a footnote on page 9 and Table 2 on page 10 regarding the specified minimum yield strength of X60 steel pipe. Staff anticipates the applicant will provide corrected information, with citations, clarifying this discrepancy, as well as verify other pipe specifications as part of their reply comments, and will respond to any further questions we might have as the review unfolds.

Alternative routes are proposed; however, at this time, the likelihood for significant disagreement appears minimal.

## **Project Budget**

Minnesota Rule 7852.4000 requires an application fee to cover actual costs necessarily and reasonably incurred in processing an application for a pipeline routing permit, permit compliance activities, administrative overhead, and legal and other expenses.

EERA has included staff time, travel, hearing costs, and administrative law judge and attorney general fees in developing an initial budget estimate. EERA requests the Commission approve a budget of up to \$100,000. EERA staff believes this estimate will cover all actual costs associated with Commission review of this project; however, this initial estimate may change during the course of administrative review.

The rules require that the budget be reviewed with the applicant and approved by the Commission. The budget estimate was provided to the applicant on October 29, 2015. The applicant will be provided with an accounting of all expenditures and may present objections to the Commission. Any unspent funds will be returned to the applicant.

## **Request for Variance**

EERA staff requests the Commission grant a variance of the provisions of Minnesota Rule 7852.1400, subparts 3 and 4 (route proposals) that establish a time limit of 70 days for route proposals to be submitted to the Commission. The 70 day schedule may be insufficient to accommodate the necessary procedural steps. A variance would ensure that sufficient time is provided for the public to submit proposals, and for EERA to process route proposals and submit them to the Commission for consideration at the public hearing.

Minnesota Rule 7829.3200 allows the Commission to vary its rules when it determines that the following requirements are met:

- A. enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- B. granting the variance would not adversely affect the public interest; and
- C. granting the variance would not conflict with standards imposed by law.

EERA staff believes that the variance request does not conflict with conditions A through C above and warrants consideration. Granting a variance furthers the public interest and does not impose a hardship on the applicant.

## EERA Staff Recommendation

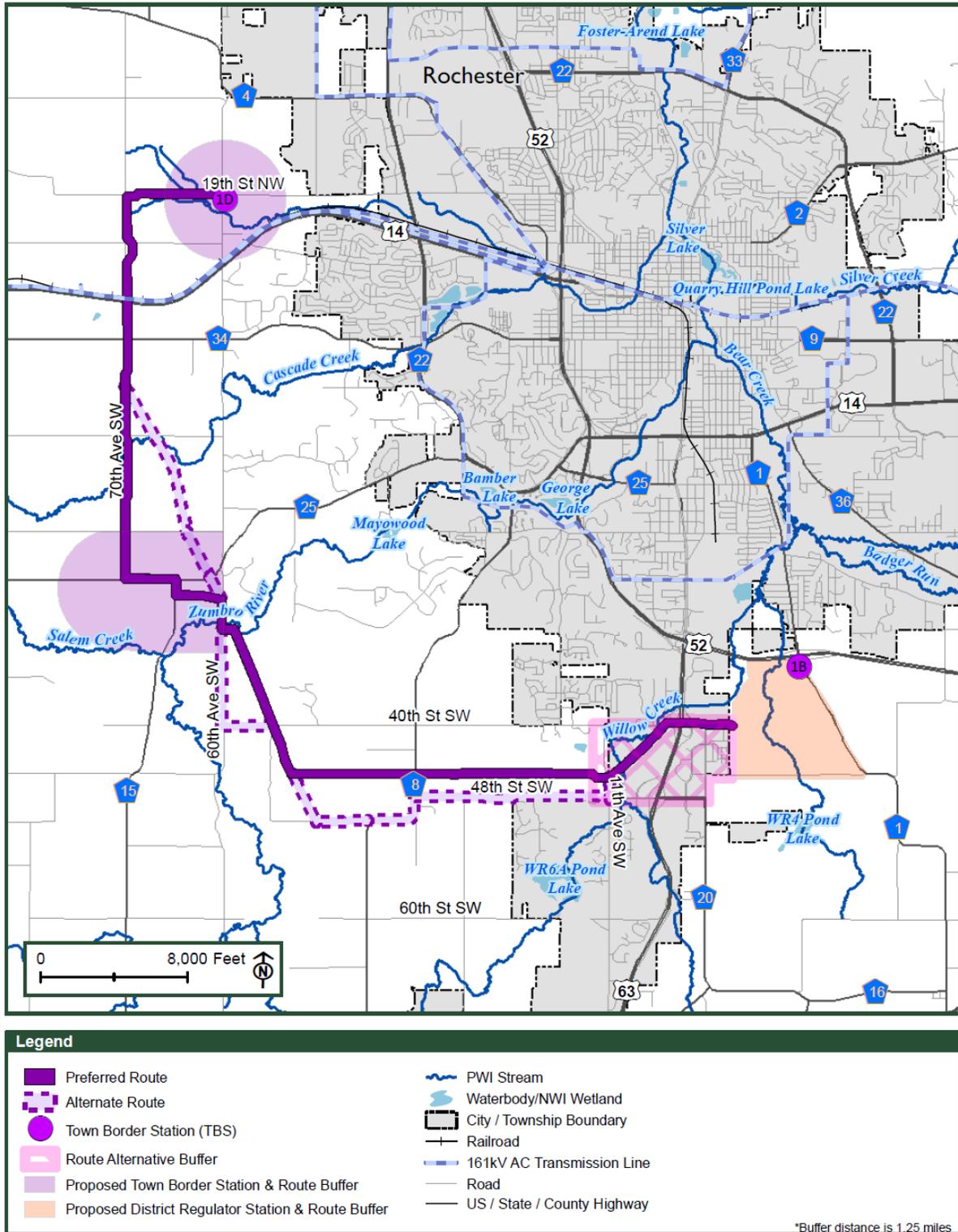
EERA staff recommends that the Commission accept the route permit application for the Rochester Natural Gas Pipeline Project as complete.

Additionally, EERA staff recommends that the Commission:

- Approve the EERA proposed project budget of \$100,000,
- Approve the variance request to the 70-day time limit in Minnesota Rule 7852.1400,
- Take no action on a citizen advisory committee at this time; and
- Authorize EERA staff to implement the requirements in Minnesota Rules 7852.1300 (Public Information Meetings), 7854.1400 (Route Proposal Acceptance), and 7852.1500 (alternative Route Analysis).

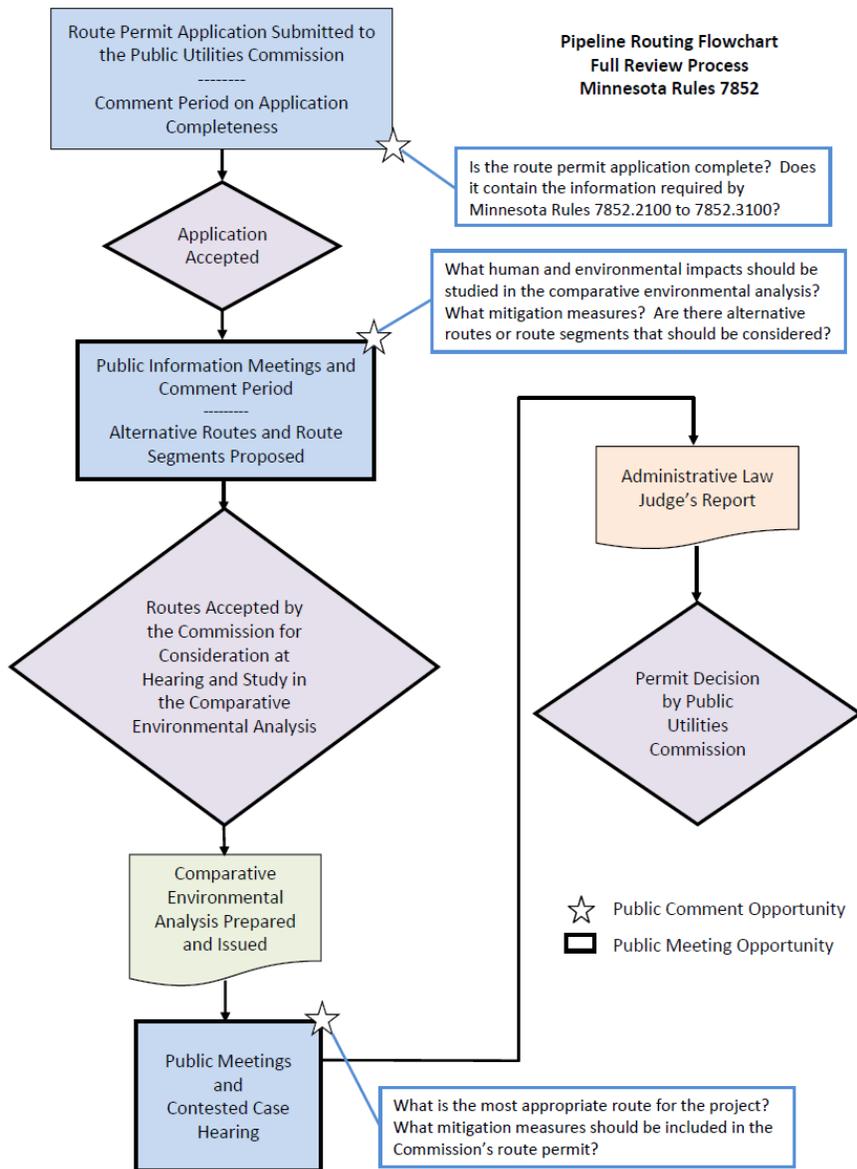
Lastly, EERA staff will work with Commission staff to implement the requirements of Minnesota Rules 7852.0900 (Application Acceptance Notice) and 7852.1600 (Published Notice of Routes Accepted).

Figure 1 Project Overview Map



Source: Minnesota Energy Resources Corporation

# Figure 2 Full Process Pipeline Routing Flowchart



# Table 1 Application Completeness Checklist

## Minnesota Rule 7852.0800 Application Procedures and Requirements

A person submitting an application for a pipeline routing permit must comply with the application procedures of part 7852.2000 and submit an application that contains the information required in parts 7852.2100 to 7852.3100.

Application Requirement	Page	EERA Comments
<b>7852.2100 General Information</b>		
<b>Subp. 1. Cover letter.</b> Each application must be accompanied by a cover letter signed by an authorized representative or agent of the applicant. The cover letter must specify the type, size, and general characteristics of the pipeline for which an application is submitted.	Cover Letter	A cover letter was included with the application.
<b>Subp. 2. Title page and table of contents.</b> Each application must contain a title page and a complete table of contents.	Title page, Table of contents	The application contains both a title page and table of contents.
<b>Subp. 3. Statement of ownership.</b> Each application must include a statement of proposed ownership of the pipeline as of the day of filing and an affidavit authorizing the applicant to act on behalf of those planning to participate in the pipeline project.	Page 8	Information is provided about these requirements. Minnesota Energy Resources Corporation (MERC) will own the proposed pipeline.
<b>Subp. 4. Background information.</b> Each application must contain the following information: A. the applicant's complete name, address, and telephone number; B. the complete name, title, address, and telephone number of the authorized representative or agent to be contacted concerning the applicant's filing; C. the signatures and titles of persons authorized to sign the application, and the signature of the preparer of the application if prepared by an outside representative or agent; and D. a brief description of the proposed project which includes: (1) general location; (2) planned use and purpose; (3) estimated cost; (4) planned in-service date; and (5) general design and operational specifications for the type of pipeline for which an application is submitted.	Pages 8-9	Information is provided about these requirements.
<b>7852.2200 Proposed Pipeline and Associated Facilities Description</b>		
<b>Subp. 1. Pipeline design specifications.</b> The specifications for pipeline design and construction are assumed to be in compliance with all applicable state and federal rules or regulations unless determined otherwise by the state or federal agency having jurisdiction over the enforcement of such rules or regulations. For public information purposes, the anticipated pipeline design specifications must include but are not limited to: A. pipe size (outside diameter) in inches; B. pipe type; C. nominal wall thickness in inches; D. pipe design factor; E. longitudinal or seam joint factor; F. class location and requirements, where applicable;	Page 10	Information is provided about this requirement; however, a discrepancy exists between pages 9 and 10 with regards to the minimum yield strength of X-60 steel pipe.

Application Requirement	Page	EERA Comments
G. specified minimum yield strength in pounds per square inch; and H. tensile strength in pounds per square inch.		
<b>Subp. 2. Operating pressure.</b> Operating pressure must include: A. operating pressure (psig); and B. maximum allowable operating pressure (psig).	Page 11	Information is provided about this requirement. Operating pressure will be 400 to 475 psig for the 16-inch pipe and 250 to 275 psig for the 12-inch pipe. Maximum operating pressure for both pipes is 500 psig.
<b>Subp. 3. Description of associated facilities.</b> For public information purposes, the applicant shall provide a general description of all pertinent associated facilities on the right-of-way.	Pages 11-14	Information is provided about this requirement. Associated facilities includes: town border stations, district regulator stations, valves and flanges, cathodic protection, alternating current mitigation, and a gas odorizing station.
<b>Subp. 4. Product capacity information.</b> The applicant shall provide information on planned minimum and maximum design capacity or throughput in the appropriate unit of measure for the types of products shipped as defined in part 7852.0100.	Page 15	Information is provided about this requirement. The application provides both minimum and maximum design capacities, as well as approximate hourly flow rates.
<b>Subp. 5. Product description.</b> The applicant shall provide a complete listing of products the pipeline is intended to ship and a list of products the pipeline is designed to transport, if different from those intended for shipping.	Page 15	Information is provided about this requirement. The proposed pipeline will carry natural gas (methane).
<b>Subp. 6. Material safety data sheet.</b> For each type of product that will be shipped through the pipeline, the applicant shall provide for public information purposes the material identification, ingredients, physical data, fire and explosive data, reactivity data, occupational exposure limits, health information, emergency and first aid procedures, transportation requirements, and other known regulatory controls.	Page 15, Appendix C	Information is provided about this requirement. The material safety data sheets are provided in an appendix.
<b>7852.2300 Land Requirements</b>		
For the proposed pipeline, the applicant shall provide the following information: A. permanent right-of-way length, average width, and estimated acreage; B. temporary right-of-way (workspace) length, estimated width, and estimated acreage; C. estimated range of minimum trench or ditch dimensions including bottom width, top width, depth, and cubic yards of dirt excavated; D. minimum depth of cover for state and federal requirements; and E. rights-of-way sharing or paralleling: type of facility in the right-of-way, and the estimated length, width, and acreage of the right-of-way.	Pages 16-17	Information is provided about these requirements. The permanent right-of-way required for the proposed project will be approximately 80 acres, and it will parallel existing rights-of-way for about 60 percent of its length. The pipe will be buried to a minimum depth of 4.5 feet.
<b>7852.2400 Project Expansion</b>		
If the pipeline and associated facilities are designed for expansion in the future, the applicant shall provide a description of how the proposed pipeline and associated facilities may be expanded by looping, by additional compressor and pump stations, or by other available methods.	Page 18	Information is provided about this requirement. Currently, there are no plans to expand the pipeline beyond what is proposed. Operating pressure may increase with demand, but it cannot exceed the

Application Requirement	Page	EERA Comments
		design pressure (500 psig).
<b>7852.2500 Right-of-Way Preparation Procedures and Construction Activity Sequence</b>		
Each applicant shall provide a description of the general right-of-way preparation procedures and construction activity sequence anticipated for the proposed pipeline and associated facilities.	Pages 51-54	Information is provided about this requirement.
<b>7852.2600 Preferred Route Location; Environment Description</b>		
<b>Subp. 1. Preferred route location.</b> The applicant must identify the preferred route for the proposed pipeline and associated facilities, on any of the following documents which must be submitted with the application: A. United States Geological Survey topographical maps to the scale of 1:24,000, if available; B. Minnesota Department of Transportation county highway maps; or C. aerial photos or other appropriate maps of equal or greater detail in items A and B. The maps or photos may be reduced for inclusion in the application. One full-sized set shall be provided to the commission.	Pages 19, Figures (various)	Information is provided about these requirements. A written description is provided, as are aerial and topographic maps.
<b>Subp. 2. Other route locations.</b> All other route alternatives considered by the applicant must be identified on a separate map or aerial photos or set of maps and photos or identified in correspondence or other documents evidencing consideration of the route by the applicant.	Pages 19-20, Figure 6	Information is provided about this requirement. Written descriptions are provided, as are aerial and topographic maps.
<b>Subp. 3. Description of environment.</b> The applicant must provide a description of the existing environment along the preferred route.	Pages 20-35	Information is provided about this requirement.
<b>7852.2700 Environmental Impact of Preferred Route</b>		
The applicant must also submit to the commission along with the application an analysis of the potential human and environmental impacts that may be expected from pipeline right-of-way preparation and construction practices and operation and maintenance procedures. These impacts include but are not limited to the impacts for which criteria are specified in part 7852.0700 or 7852.1900.  <b>7852.1900, Subp. 3 Criteria:</b> 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 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	A. Pages 36-38, Nov. 9 Filing B. Pages 38-42, Nov. 9 Filing C. Pages 42-44 D. Pages 44-45 E. Page 45, Table 1 F. Page 45 G. Pages 39-40 H. Page	[Note: Minn. R. 7852.1900 is listed for reference.]  Information about these requirements is provided. Project construction will result in short-term impacts to a variety of resources, including noise and visual disturbances. Long-term impacts along the permanent right-of-way include encumbrances on future land use and changes to vegetation. Long-term impacts to wildlife, recreation, and archeological resources are not anticipated.

Application Requirement	Page	EERA Comments
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.	45  I. Pages 45-46  J. Pages 46-47, 61	
<b>7852.2800 Right-of-Way Protection and Restoration Measures</b>		
<b>Subp. 1. Protection.</b> The applicant must describe what measures will be taken to protect the right-of-way or mitigate the adverse impacts of right-of-way preparation, pipeline construction, and operation and maintenance on the human and natural environment.	Pages 55-56	Information is provided about this requirement.
<b>Subp. 2. Restoration.</b> The applicant must describe what measures will be taken to restore the right-of-way and other areas adversely affected by construction of the pipeline.	Page 57	Information is provided about this requirement.
<b>7852.2900 Operation and Maintenance</b>		
Pipeline operations and maintenance are assumed to be in compliance with all applicable state and federal rules or regulations, unless determined otherwise by the state or federal agency having jurisdiction over the enforcement of such rules or regulations. For public information purposes, the applicant must provide a general description of the anticipated operation and maintenance practices planned for the proposed pipeline.	Pages 58-60	Information is provided about this requirement.
<b>7852.3000 List of Government Agencies and Permits</b>		
Each application must contain a list of all the known federal, state, and local agencies or authorities and titles of the permits they issue that are required for the proposed pipeline and associated facilities.	Page 61	Information is provided about this requirement.
<b>7852.3100 Evidence of Consideration of Alternative Routes</b>		
If the applicant is applying for a pipeline routing permit under parts 7852.0800 to 7852.1900, the applicant shall provide a summary discussion of the environmental impact of pipeline construction along the alternative routes consistent with the requirements of parts 7852.2600 to 7852.2700 and the rationale for rejection of the routing alternatives.	Pages 48-50	Information is provided about this requirement.

## Table 2 Tentative Process Timing

Project Day	Pre-Application Acceptance	Responsible Party
—	Application Filed	Applicant
	Application Completeness Comments	Agencies/Public
	Reply Comments	Applicant
	Consideration of Application Acceptance	Commission
Acceptance to Public Hearing		
0	Application Acceptance Order	Commission
21	First Public Information/Scoping Meeting	EERA/Commission
70	Alternative Route Proposal Submittal, Review	Interested Persons
90	Route Proposals Submitted to the Commission	EERA
120	Decision on Routes Accepted for Hearing	Commission
210	Comparative Environmental Analysis Issued	EERA
215	Public Hearing Notice	Commission
220	Pre-filed Direct Testimony for Parties	Parties/EERA
235	Second Public Information Meeting	EERA/Commission
235	Public Hearing	OAH
245	Comment Period Closes	OAH
252	ALJ Submits Hearing Transcript and Comments	OAH
260	Proposed Findings of Fact	Applicant
275	Replies to Applicant Proposed FOF/Tech. Analysis	EERA
290	ALJ FOF, Conclusions of Law, Recommendation	OAH
305	Exceptions to ALJ Report	EERA, Applicant
<b>320</b>	Consideration of Route Permit Issuance	Commission