

POLICY

Use of Natural Resource Lands by Linear Facilities

As Approved By

Board of Trustees of the Internal Improvement Trust Fund

on January 23, 1996

(A) Purpose and Scope.

(1) This policy applies only to linear facilities, including electric transmission and distribution facilities, telecommunications transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances.

(2) While it is appropriate to discourage and prohibit most kinds of intrusions on natural resource lands, the Trustees recognize that the expanding ownership of lands by the state and the need to provide services to a growing population through linear facilities and related appurtenances will from time to time require crossings and location on such lands. The goal of this policy is to avoid and minimize conflicts between the acquisition and management of natural resource lands for conservation, recreation, and preservation and activities necessary for the construction, operation and maintenance of linear facilities and related appurtenances.

(B) Definitions.

(1) "Natural Resources" include but are not limited to wetlands, lakes, rivers, streams, estuaries and other surface and ground water resources, flora, fauna, fish and wildlife, natural communities, historical and archaeological resources, scenic vistas and aesthetic values.

(3) "Natural Resource Lands" are those lands owned by the Trustees and which: were acquired with funds from the P2000 or Save Our Coast Bond Program; or were acquired with funds from the CARL or LATF Trust Fund; or are managed for natural resources by the Division of Recreation and Parks, Division of Marine Resources, Game and Fresh Water Fish Commission, Division of Forestry, or Secretary of State.

(3) "Related Appurtenances" include those support facilities necessary to the operation of linear facilities. (Examples include but are not limited to substations and pump-stations.)

(4) "Trustees" means the Board of Trustees of the Internal Improvement Trust Fund.

(C) Avoidance.

Owners and operators of linear facilities must avoid location on natural resource lands unless no other practical and prudent alternative is available and all steps to minimize impacts as set forth below are implemented. The test of practicality and prudence will compare the social, economic, and environmental effects of the alternatives.

(D) Minimizing Impacts.

Applicants must minimize adverse impacts to natural resource lands through reasonable measures where applicable: locating the project in areas where less adverse impacts are expected, such as areas which have already been impacted and are less sensitive than other areas; avoiding significant wildlife habitats, natural aquatic areas, wetlands, or other valuable natural resources; selecting areas to minimize damage to existing aesthetically-pleasing features of the lands; employing best management practices in construction and operation activities; designing access roads and site preparation to avoid interference with hydrologic conditions that benefit natural resources and reduce impacts on other natural resources and public use and enjoyment; and; generally selecting areas that will not increase undesirable human activities on the natural resource lands; and generally, not adversely impacting the management of such lands. However, human activities may be encouraged where linear facility corridors are designated as part of a greenway or trail.

(E) Compensation.

(1) The applicant will pay the Trustees an amount not to exceed the fair market value of the interest acquired in the parcel on which the linear facility and related appurtenances will be located.

(2) In addition to the amount in (E) (1) above, the applicant will provide to the managing agency that measure of additional money, land, or services necessary to offset the actual adverse impacts reasonably expected to be caused by the construction, operation and maintenance of the linear facility and related appurtenances. Such impact compensation will be calculated from the land managing agency's timely presentation of documented costs which will result from the impacts of the proposed project.