

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of State Lands**

**Granting of Rights-of-Way to Corporations or Individuals
(LAC 43: XXVII.2701)**

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 41:1173, that the Office of State Lands proposes to amend Chapter 27 to increase the fees associated with pipeline rights-of-way. The Office of State Lands currently charges \$25, \$35, and \$45 for the three (3) classes of pipeline that traverse State property. The Office of State Lands intends to double these rates, bringing Louisiana's rates closer to those of neighboring states.

Title 43

NATURAL RESOURCES

Part XXVII. State Lands

Subpart 2. Use and Management of State Lands

Chapter 27.[tab]Rights-of-Way

§2701.[tab]Granting Rights-of-Way to Corporations or Individuals

A - M[tab] Fees for permits shall be as follows.

1. Class 1. Pipe 2 inches up to 19 inches outside diameter with a minimum of 75 feet right-of-way during construction to revert to 35 after construction is completed with the additional

right of ingress and egress for the purpose of maintenance, repairs, removal or modification- ~~\$25~~ \$50 per rod.

2. Class 2. Pipe 19 inches up to 36 inches outside diameter with a maximum of 100 feet right-of-way during construction to revert to 50 feet after construction is completed with the additional right of ingress and egress for the purpose of maintenance, repairs, removal or modification- ~~\$35~~ \$70 per rod.

3. Class 3. Pipe over 36 inches outside diameter with a maximum of 200 feet right-of-way during construction to revert to 60 feet after construction is completed with the additional rights of ingress and egress for the purpose of maintenance, repairs, removal or modification- ~~\$45~~ \$90 per rod.

AUTHORITY NOTE:[**tab**]Promulgated in accordance with R.S. 41:1173.

HISTORICAL NOTE:[**tab**]Adopted by the State Land Office, LR 1:147 (February 1975), amended by the Department of Natural Resources, Office of the Secretary, LR 3:314 (July 1977), repealed and repromulgated by the Office of the Governor, Division of Administration, State Land Office, LR 19:493 (April 1993)

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed rule on

the family has been considered. This proposed rule has no impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments to Les Rosso, Office of State Lands, P.O. Box 44124 Baton Rouge, LA 70804. He is responsible for responding to inquiries regarding this proposed Rule.

Public Hearing

A public hearing on this proposed Rule is scheduled for Monday, November 28 at 9:30 a.m. in Room G-150, Claiborne Building, 1201 North 3rd St, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Mark Gates

Asst. Director, Office of Facility Planning & Control (State
Lands Designee)

Fiscal and Economic Impact Statement

I. ESTIMATED IMPLEMENTATION COSTS TO STATE OR LOCAL GOVERNMENTAL UNITS (SUMMARY)

There are no projected implementation costs to state or local governmental units. The proposed rule change will double the fee paid by right-of-way grantees from \$25, \$35 or \$45 per rod (16.5 feet) depending on the diameter of the pipeline, to \$50, \$70 or \$90 respectively.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The state is estimated to collect an additional \$280,000 in right-of-way fees on an annual basis as a result of the proposed rule change. The total projected collections through the end of FY 2021 will total \$1,260,000.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

New right-of-way grantees will realize additional costs of approximately \$280,000 annually and \$1,260,000 in total over the next five (5) fiscal years as a result of the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is not anticipated to effect competition or employment in the public or private sectors.