

**RIGHTS TO LAND PARCELS AND WATER OBJECTS
FOR THE PURPOSE OF CONSTRUCTION AND EXPLOITATION
OF LINEAR INFRASTRUCTURES IN FRAMEWORK OF
THE RUSSIAN LEGISLATION**

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Introduction

The extension of linear infrastructures in Russia is great. Suffice it to say that the distance, for which only the main transmission pipelines are stretching, is more than 217 thousand km. The extension of Russian railways is more than 87 thousand km, and of high voltage EI-transmission lines, belonging only to RJSC "UES Russia" is almost 44 million km. Nevertheless, in spite of continuous improvement to the Russian legislation in the recent years, many issues, associated with the rights to land parcels of linear infrastructure owners, have not been resolved so far¹. At the same time, the Russian legislation requires that the owners of real estate property, situated on land parcels, should choose before January 1, 2006 one or another right to the land parcel, on which the real estate property is located.

Russian land legislation envisions six types of rights to land parcels: 1) land title; 2) right of continuous (perpetual) use; 3) right of gratuitous free use; 4) right of restrained use (servitude); 5) lease; 6) right of hereditary life tenure.

Only citizens own land parcels, based on the right of lifelong hereditary tenure.

Land parcels are granted, at the present time, only to the state and municipal institutions, to federal official enterprises as well as to bodies of state power and local self-government on the basis of the right of continuous (perpetual) use. The right of continuous (perpetual) use to land parcels, being in state or municipal ownership, if it was originated to citizens and juridical persons before the Land Code of RF (further - LC RF) came into power, retains to them. However, they cannot do anything with these land parcels.

The right of gratuitous fixed-date use of land parcels can emerge in two cases². Firstly, if the lands are in the state or municipal ownership, they can be transferred, based on this right, only to state and municipal institutions, to federal official enterprises as well as to bodies of state power and local self-government. Secondly, if the lands are in ownership of citizens or juridical persons, they can be transferred, based on this right, to other citizens or juridical persons.

Land parcel can be granted to the interested person for use, based on one or another right, not only from the land of reserve (i.e., not granted to juridical or physical persons). Land Code allows the possibility of its withdrawal from another owner, in this case by redemption, for state or municipal needs. In this case, the possibility of forced requisitioning in many respects depends on the category of lands.

Therefore, for the purposes of the present report only three types of rights to land parcels are of the practical interest to private corporations, main objective of which is to get profit. This is the right of property, lease and servitude. Besides, the possibility of granting land parcel, based on one of the listed rights, in case if it is necessary to withdraw the land parcel from citizen or juridical person, is being considered.

¹ Later on, taking into account the particular features of the present project, pipelines will be considered as linear infrastructure objects. At that, it is supposed that the conclusions and suggestions, made in the presented report, can be extrapolated to other objects of linear infrastructure - EI-transmission lines, railways and others. In the presence of the principle differences in the legal regulation of relations on using the listed objects, these differences will be mentioned separately.

² Here the possibility of granting the right of gratuitous free use of land parcels, which are given to citizens as endowments at work, is not considered since it gets out of the framework of the project.

One should take into consideration that pipelines can pass not only on industrial lands, but also on forestry lands or within the limits of water objects. This stipulated the necessity of analysis of forestry and water legislation besides land. Civil legislation is applied in the extent, in which it doesn't contradict to the requirements of land, water and forestry legislation.

Underground, as well as ground pipelines, have been laid out in Russia. This required not only accounting the differences of legal regulation of the corresponding relations, but also use of norms of mining legislation. Besides, the differentiation between registration of rights to land parcels, already occupied by pipelines, and parcels, on which their construction is only planned, has been taken into account.

1. Granting rights to land parcels in accordance with Russia land legislation

1.1. Right of ownership to land parcels and lease of land parcels

Considering the problems of granting rights to land parcels, one should keep in mind that such parcels can be granted from among the parcels already being in 1) use, possession, disposal of juridical persons or citizens or these are 2) undistributed parcels, being in municipal or state possession.

Before turning to the analysis of some types of rights of granting land parcels, one should note the following. Irrespective of land parcel ownership (state, municipal, private), it can be granted to other interested person only based on those rights and in accordance with the conditions, envisaged by the Land Code. From this point of view, the fact alone of forced requisitioning of land parcel from the owner, including by redemption, by no means influences the nature of those rights to this parcel, which can be established in the future.

Forced requisitioning of land parcel for state or municipal needs by the claim of this authority doesn't mean at all the "automatic" transfer to it the right of ownership to the land parcel. The state or municipal body performs the purchase.

In accordance with the article 55 of the Land Code, the procedure of cessation of rights of ownership and use of land parcel during its requisitioning for the state or municipal needs, the rights of owner of the land parcel, subject to redemption for state or municipal needs, are being established by the civil legislation. Therefore, in accordance with the civil legislation, the corresponding body of power, by which claim the forced requisitioning of land parcel has been conducted, acquires the right of ownership to it. Later on, this body has a right to grant the right of its use to other person.

Therefore, the forced requisitioning of land parcel from the owner implies the inclusion of this parcel into land stock, i.e., lands being in municipal or state ownership. And only afterwards such parcel is being granted to land user, based on one or another right.

It doesn't matter for the owner of pipeline, consequently, whether he acquires the law of property to land parcel to the lands, which were in reserve previously, or they were requisitioned from the owner for municipal or state needs. In both cases land parcels belong by the right of ownership to the state or municipal unit, and the owner of pipeline will solve the matter what rights to this land parcel are more preferential for him (right of ownership, lease, servitude).

In accordance with the article 79 of the Land Code, the withdrawal is allowed, including by redemption, for the purposes of allocation for nonagricultural use of agricultural lands, the cadastre value of which exceeds its medium level in the district (rayon), in cases, associated with construction and maintenance of, in particular, motor roads, main transmission pipelines, EI-transmission lines, communication lines and other similar structures with the lack of other possible options of disposition of these objects. Agricultural land use, in accordance with the land legislation, is of priority character. Therefore, one can suppose that for other categories of land the withdrawal from the owner is also possible.

At the same time, it is necessary taking into consideration a number of restrictions, associated with the forced requisitioning of lands. Thus, for example, the lands of especially protected territories, which have special preservation, scientific, historical-cultural, esthetic, recreational and other essential value (article 94 of the Land Code), have been completely or partially withdrawn from economical utilization and land turnover. The nature of business activity encumbrances on those territories and their legal status are defined by the types of those territories in accordance with the Federal law "On especially protected natural territories"³. Thus, for example, in accordance with the article 15 of the mentioned Law, it is prohibited to construct main motor roads, pipelines, EI-transmission lines and other communications on the territories of national parks.

In accordance with the article 99 of the Land Code, it is not allowed to withdraw lands of historical-cultural heritage. In the article 11 of the Law "On protection of lake Baikal" it is envisaged that in the central ecological zone of the lake it is prohibited to withdraw lands of forestry, not covered with forested vegetation, for their use for the purposes, not associated with conducting forestry business⁴.

In this connection the issue of what should be understood by the term "for the state or municipal needs", which activity can be covered by these concepts is getting more significant. There is a lack of legal (normative) definition of these concepts in the land legislation, and in other branches of Russian legislation as well.

The answer to it should be looked for, above all, by the comparative analysis of Land Code norms. The conditions of land parcel withdrawal for the state or municipal needs are stipulated by the article 49 of LC RF. In the clause 2 of the mentioned article it is stated that encumbrances of withdrawal, including by redemption, of land parcels for state or municipal needs from the lands of separate categories are established by articles 79, 83, 94 and 101 of the Land Code. On the other hand, in clause 3 of article 79 it is envisaged that "withdrawal, including by redemption, for the purposes of allocation for nonagricultural use of agricultural lands, cadastre value of which exceeds its medium level in the district (rayon), is allowed only in exclusive cases, associated with fulfillment of the international obligations of RF, defense and security management of the state, development of deposits of minerals (excluding popular minerals), maintenance of objects of cultural legacy of RF, construction and maintenance of objects of community service, social, educational functions, motor roads, main transmission pipelines, EI-transmission lines, communication lines and other similar structures in the lack of other options of possible disposition of these objects".

Hence, it is admitted that defense and security management of the state, development of deposits of minerals (excluding popular minerals), maintenance of objects of cultural legacy of RF, construction and maintenance of objects of community service, social, educational functions, motor roads, main transmission pipelines, EI-transmission lines, communication lines are the

³ Federal law "On especially protected natural territories" dated February 15, 1995 No. 33-FZ.

⁴ Federal law "On protection of lake Baikal" dated April 2, 1999 No. 94-FZ

state and municipal needs. Differentiation between state and municipal needs should be conducted, apparently, due to the fact of providing which interests, above all, the corresponding activity is aimed.

One may note that in accordance with clause 2 of article 2 of the Federal law "On general principles of organization of local self-management in RF"⁵ it is stated that in laws and other normative legal acts of RF the words "local" and "municipal" and words and combination of words, formed on their base, are used in one meaning. Consequently, the notions "municipal needs" and "local needs" are identical. In clause 1 of article 15 of the mentioned Law it is envisaged that arranging the power and gas supply within the boundaries of municipal region is referred to the local responsibility in the municipal region. Analogous rules are established by articles 14 and 16 of the mentioned Law related to the matters of local responsibilities for settlement and city okrug (county).

Consequently, one may assert that the construction and maintenance of pipelines (gas transmission lines), EI-transmission lines, if, herewith, the gas and power supply is provided for municipal needs, is aimed at provision of the municipal needs. One may refer to the state needs in those cases, when construction and maintenance of pipelines, EI-transmission lines, gas and power supply are aimed at provision of several municipal units or constituent entities of the Federation, as it takes place during construction and maintenance of main transmission pipelines. Confirmation to that can be found in the Federal law "On natural gas industry in RF"⁶. In article 5 of the mentioned Law it is secured that Federal system of gas supply - the aggregate of operating on the territory of Russia systems of natural gas industry: The unified system of gas supply, regional systems of gas supply, gas distribution systems and independent organizations. For the organizations - owners of Unified system of gas supply, being part of the federal system of natural gas industry, organizations - owners of gas distribution systems and independent organizations, irrespective of their forms of property and organizational-legal statuses, unified legal bases of market formation and price policy, unified requirements of electrical, industrial and ecological safety are applied.

It is not directly envisaged in the Land Code, that land parcels can be withdrawn for state and municipal needs for the purposes of the subsequent granting, based on one or another right, to private companies (created, for example, in the form of closed joint stock company or limited company). However, as it was mentioned, land parcels can be withdrawn for development of mineral deposits, for construction and maintenance of motor roads, main transmission pipelines, EI-transmission lines. On the other hand, only private companies are engaged in these types of activity. Therefore, mandatory withdrawal of land parcel from the owner by the state for its subsequent granting to juridical person for the purpose of construction and maintenance of pipelines and other structures of linear infrastructure, which are being maintained or being built by private companies, doesn't contradict to the existing legislation.

One should take into consideration that in accordance with clause 2 of article 55 of the Land Code the mandatory withdrawal of land parcel for state or municipal needs can be conducted only upon condition of preliminary and equivalent compensation of the land parcel value by the court decision.

The considerable part of lands at the present time is in the state (federal, constituent entity of Federation) ownership as well as in the municipal ownership. The lesser part is in the ownership of citizens and juridical persons. As long as delimitation of land ownership is not conducted to

⁵ Federal law "On general principles of organization of local self-management in RF" dated September 16, 2003 No. 131-FZ.

⁶ Federal law "On gas supply in RF" dated March 12, 1999 No. 69-FZ.

become the federal state property, the property of constituent entities of the Federation, the municipal property in accordance with the Federal law "On delimitation of state property to land"⁷, the arrangements for these lands is being made in accordance with the procedure, stipulated by the Decision of the Government of RF⁸.

The expediency of choosing the type of law of property, due to which land parcel will be granted to the owner of pipeline, is defined, at least, by two factors: payments, which he should pay for his right, and the bulk of rights to the given land parcel.

While acquiring land parcel as a property the owner pays land tax, when leasing land parcel, he pays a rent. One should keep in mind that in accordance with the article 3 of the Federal law "On enacting the Land Code of RF"⁹ the rent for using the mentioned land parcels is established in accordance with the decision of the Government of Russia. Herewith, the size of rent for using land parcels, being in state or municipal ownership, and occupied by objects of transportation systems of natural monopolies, cannot be more than the size of land tax, established for lands of industry, energy, transport and for lands of special use.

Consequently, if gas transmission lines and other constructions of linear infrastructure are situated on lands, which are possessed by the owners of those constructions on the basis of right of continuous (perpetual) use, then from the economic point of view there is no difference between getting these parcels as a property and getting a lease contract. In both cases the payment for land parcels will be the same - the size of land tax for lands of industry.

If the matter is being resolved due to which right to acquire a land parcel for construction of new pipeline, then the contract for land parcel leasing should be concluded with the owner of the land parcel. Herewith, one should take into consideration that in accordance with the article 65 of LC RF the procedure of defining the rent, the conditions and time constraints of its payment for lands, being in property of Russia, of constituent entities of Federation and in municipal property, is being established respectively by the Government of RF, by bodies of state power of constituent entities of Federation, by local self-management. It is evident that the sizes of rent can significantly differ from one region to another, and even from one municipal formation to another. In this case the detailed comparative economic analysis of land tax and rent is required.

1.2. Rights of restrained use of land parcels (land servitudes)

Land Code of RF (article 33) envisions the possibility of establishing private and land servitudes to land parcel.

Private land servitude is being established in accordance with the civil legislation. In accordance with the article 274 of the Civil Code of RF the owner of real estate property, including land parcel, or person, to whom the land parcel is granted, due to the right of continuous use, has the right to claim from the owner of adjacent or other land parcel the submission of the right of restrained use of this adjacent parcel. Private land servitude is being established by agreement between owners of adjacent land parcels or, if the agreement is not reached, - by court. For encumbrance of land parcel by private servitude the person, in favor of whom this servitude is established, has the right to claim the proportionate payment for using the land parcel. The re-

⁷ Federal law "On delimitation of state ownership to land" dated July 4, 2001 No. 101-FZ.

⁸ Decision of the Government of RF dated August 7, 2002 No. 576 "On procedure of land parcels managing, being in state ownership, before delimitation of state ownership to land", revised by Decision of Government of RF dated November 21, 2003 No. 705.

⁹ Federal law "On enacting the Land Code of Russian Federation" dated October 25, 2001 No. 137-FZ.

requirement of proportion in the case under consideration lies in the fact that the size of payment for establishing servitude should not exceed the proceeds, which the person forfeits due to establishing such servitude.

Considering the expediency of establishing different types of rights to land parcels for the purposes of construction and maintenance of pipelines, it is necessary to distinguish several types of lands, necessary for these purposes. Depending on that different rights should be established to them. These are the following types of lands and the corresponding rights to them:

1) Lands, occupied by on ground constructions of liners infrastructure - pipelines, compressor and gas distribution stations and other objects, necessary for maintenance of pipelines.

Such lands should be pertained to the category of lands of transport. To them either the right of possession from the owner of objects of the infrastructure can be established or these parcels can be leased from their owners. Taking into account the long period of exploitation of such objects, in this case, it would be preferable to acquire the corresponding parcels in ownership (redemption of land parcels).

2) Lands of protection zones along the constructions of linear infrastructures both on ground and underground. Such lands can, in principle, be referred to lands of different categories.

According to the Rules of protection of main transmission pipelines¹⁰ land parcels, included in protection zones of pipelines, are not withdrawn from land users and are used by them for conducting agricultural and other works with the obligatory observation of requirements of the Rules. In spite of the fact that the mentioned Rules were put into force before the Land Code of RF was adopted, the mentioned provision doesn't contradict to the acting land legislation. Such lands are used by their owners, land users according to special purpose use of lands, in spite of a number of restrictions, associated with provisions of safety maintenance of pipelines. Therefore, there is no necessity to repurchase them from the owner or to conclude the lease contract. It would be rather to establish public land servitude for such lands.

3) Lands, needed for conducting the works, dealing with laying out pipelines and construction of other structures, necessary for their maintenance.

Such lands are withdrawn from their economic use by their owners and land possessors for a brief period, necessary for conducting the correspondent construction works. In this case it would be rather to conclude the lease contract for such period.

Upon the completion of construction work the re-cultivation of damaged lands¹¹ should be carried out, which is being conducted, in particular, for their recovery for agricultural, forestry, water, construction, recreational, nature preservation and sanitary purposes. Lands are subject to re-cultivation, which were damaged also during laying out of pipelines, conducting construction, maintenance and other works, associated with disruption of soil layer; during construction, maintenance and conservation of underground objects and communications.

¹⁰ Rules of protection of main transmission pipelines. Approved: by the Ministry of fuel and energy of Russia dated April 29, 1992, by Decision of Gosgortekhnadzor of Russia dated April 22, 1992 No. 9 (revised by Decision of Gosgortekhnadzor of Russia dated November 23, 1994 No. 61).

¹¹ It is conducted in accordance with the Order of the Ministry of Environment Protection and Natural Resources of RF, No. 525, Committee of RF on land resources and land use management, No. 67 dated December 22, 1995 "On approval of "General provisions of lands re-cultivation, taking away, preservation and rational use of soil fertile layer".

4) Land parcels, adjacent to those land parcels, which are occupied by on ground constructions of linear infrastructures and are possessed by the right of property or lease.

If land parcel belongs to a company, due to the right of property or lease, and is occupied by objects of linear infrastructure, the company needs the right of limited use to the adjacent land parcel to approach with the purpose of maintenance of those objects. In that case it is sensible to establish private servitude related to the adjacent land parcel.

The extension of the linear infrastructures, as it was stated, in Russia is great. With necessity of establishing the protection zones around them their area can be measured by millions of hectares. Therefore, in the first place, the matter of right, due to which it is sensible to grant land parcel within the limits of protection zones, is most significant.

In this connection, the matter of possibility of establishing public land servitude in respect to lands within the boundaries of protection zones deserves serious attention.

In accordance with the article 23 of the Land Code public servitude is being established by law or other normative legal act of the Russian Federation, by normative legal act of the constituent entity of the Federation, by normative legal act of a body of local self-government in cases, if it is necessary to provide the interests of the state, of local self-government or local population without land parcels requisitioning. Public servitude is being established with accounting the results of public hearings.

In connection with this provision it is necessary to note the following.

The Land Code doesn't envisage by which laws or other normative legal acts of the Russian Federation, by normative legal acts of the constituent entities of the Federation, by normative legal acts of local self-management public land servitude may (should) be established.

At the level of constituent entities of the Russian Federation and municipal formations these matters are being resolved differently. Thus, for example, the Law of Ivanov region dated March 31, 2003 No. 26-OZ "On establishing public servitudes for the sake of Ivanov region" was put in force on April 15, 2003. Public servitude is considered as a right of restrained use of alien land parcel (without its withdrawal) for providing the public interests. Public servitudes are being established by decisions of regional Administration in cases, when without their establishing it is impossible to provide the interests of the region.

In accordance with the Decision of City Duma of the city of Irkutsk dated February 17, 2003 No. 321-25gD(3) "On provision on public servitudes", public land servitudes are being established by the Decision of Mayor of the city for providing the interests of the state, local self-management or population of the city of Irkutsk. Similarly public servitudes are being established in the city of Tomsk. Public land servitude in the city of Novgorod is being established by the order of the city Administration in cases, if it is determined by the state or public interests.

Insufficient legal regulation of land servitudes in a number of cases leads to arbitrary interpretation and, as a consequence, to breaching of the land legislation. Thus, in Smolensk and Orlov regions the withdrawal of land for construction of gas transmission lines, EI-transmission lines, motor roads and so on is being accomplished with violation of the existing procedure of withdrawal and redemption of lands. The requisitioning is performed without landowners consent. Land is not redeemed from the owners. To settle those conflicts the compromise option is being proposed: land parcels should not be withdrawn from the owners, but for land, occupied by gas

transmission lines, EI-transmission lines and so on public servitudes should be established and registered in accordance with the procedure, defined by the existing legislation¹².

Apparently, one should agree with the idea that public servitude should be established by the normative act of the body of local self-management at the time, when it is necessary to provide public needs of the population, living within the limits of the corresponding municipal formation. The type of the normative act should be defined taking into account the Charter or other legal act, regulating the procedure of establishment and activity of the body of local self-management, competence of its officials.

The public land servitude should be established by the law of the constituent entity of the Russian Federation in those cases, when the use of land parcel is necessary for providing the needs of population, living on the territory of the constituent entity of the Federation.

If public servitude affects the interests of two or more constituent entities of the Federation, or if it results in encumbrances of lands, being in federal ownership, then such public servitude should be established by law or other normative act of the Russian Federation.

In accordance with the Land Code public land servitudes can be established for passing through the land parcel; for using the land parcel to repair public water supply, engineering, electrical and other lines and networks as well as objects of the transportation infrastructure; to locate on the land parcel the land-marks and geodesic marks and approaching to them on land parcel; for temporary use of the land parcel for conducting survey, exploration and other works. This gives possibility to use the institution of public land servitude within the limits of protection zones of pipelines. At the same time, however, one should note that in the Land Code among the purposes of establishing public servitude, for example, repair of engineering, electrical and other lines and networks as well as objects of the transportation infrastructure are mentioned, but such purpose as maintenance of engineering, electrical and other lines and networks as well as objects of the transportation infrastructure is not mentioned. Evidently, this should be considered as an omission in the land legislation, requiring bridging the gap.

Land Code emphasizes that public land servitude is being established, if it is necessary to provide the interests of the state, of local self-management or local population. As it was previously stated, construction and maintenance of both main transmission pipelines and pipelines, laid out from gas distribution station of the main transmission pipeline to the end user, can be considered as the activity, aimed at the achievement of, state and local needs, correspondingly. Pipelines inside exploration fields are situated, as a rule, on the lands, right of use to which should have been granted to the user of the mineral deposits well before issuing the license for the right of using deposits.

If land parcel was granted to oil and gas producing company for the purpose of using deposits, based on the right of lease, then the land parcel, necessary for maintenance of the pipeline, will be used, based on the same right. If the land parcel, for the purpose of using deposit, was being granted due to the right of continuous use, then during re-registration of this right in accordance with the requirements of the Land Code the right to use the lands, necessary for maintenance of pipelines inside exploration fields, can be granted by establishing public servitude¹³.

¹² "The truth about the right to land"//Krestjanskije novosty. No. 20, 2003

¹³ The possibility of granting land parcel on one or another right for surveying and exploitation of minerals is not considered here, since it is beyond the scope of the present study.

By general rule, the establishment of public servitude doesn't require any payments by virtue of its publicity. However, the land legislation stipulates two exceptions.

Firstly, if the establishment of public servitude leads to impossibility of using land parcel, the owner of the land parcel, land user, land possessor has the right to demand the withdrawal, including by redemption, from him the given land parcel with the compensation by the body of state power or body of local self-government, established the public servitude, the damages or granting the equivalent land parcel with the compensation of damages.

Secondly, if the establishment of public servitude leads to considerable difficulties to use land parcel, its owner has the right to demand from the body of state power or body of local self-government, established the public servitude, the proportionate compensation¹⁴.

Here one should consider two options. If the owner of land parcel¹⁵ (land user¹⁶, land possessor¹⁷) is juridical or physical person, then in both cases, if public servitude is established, although for providing the state or public needs, but in the interests of private company, the body of state power or local self-government, established the servitude, apparently, has the right, in the course of regression, to bring a suit on levying sustained losses from the company, in which interest such servitude has been established. If the land parcel is in the state or municipal ownership, then, obviously, the state or municipal body, established the public servitude for its own (state, public) interests, has no right to demand the payment from the company for establishing the servitude.

At the same time, one should bear in mind that the given provisions will hardly have any serious meaning for the owners of constructions of linear infrastructure. It is explained by the fact that the establishment of public land servitude to lands of protection zones neither can lead to the considerable difficulties to use land parcel, no even more so to the impossibility of using land parcel due to its special purpose use.

In article 23 of the Land Code it is stated that persons, whose rights and lawful interests are affected by the establishment of public servitude, can exercise protection of their rights in the court and as well as that servitude, including public servitude, are subject to state registration in accordance with the Federal law "On state registration of rights to real estate property and transaction to it".

Certain restrictions on establishing servitudes exist related to lands of traditional nature management as far as in accordance with the Federal law "On territories of traditional nature management of native scanty nations of North, Siberia and Far East of the Russian Federation"¹⁸, on land parcels, situated within the boundaries of territories of traditional nature management, in order of providing deer's wanderings, watering places for animals, passes, passages, water supply, laying out and maintenance of EI-transmission lines, communication and pipelines as well as other needs servitudes can be established in accordance with the legislation of the Russian Federation, if it doesn't breach legal regime of the territories of traditional nature management.

¹⁴ Criteria of "adequacy" were mentioned earlier.

¹⁵ Owner of land parcel - person, who owns it (*annotation of interpreter*).

¹⁶ Land user - person, who owns and use land parcel on the basis of right of continuous (perpetual) use or right of gratuitous free use (*annotation of interpreter*).

¹⁷ Land possessor - person, who owns and use land parcel on the basis of right of hereditary life tenure (*annotation of interpreter*).

¹⁸ Federal law "On territories of traditional nature management of native scanty nations of North, Siberia and Far East of the Russian Federation" No. 88 dated May 11, 2001.

The proposition of establishing public land servitude for construction and maintenance (in particular, for pipelines) is not absolutely new for domestic Russian legislation. Similar normative provisions were consolidated even in Mining Charter of Russian Empire (revision of 1893)¹⁹.

In accordance with the article 609 of the Charter the laying out of oil pipelines was allowed with the permission of the local province authority without allotment for it a special strip of land. In accordance with the article 611 of the Charter "laying out of oil pipelines and allotment of parcels for necessary for oil pipelines constructions are allowed free of charge: 1) on state lands, not included in tribute clauses and not used by state settlers; 2) on waste, not capable for cultivating lands, being in use of state settlements but not assigned to them as permanent lot; 3) along boundary-strips and borders of groups of parcels, assigned by the treasury for oil production; 4) along country and merchant roads and at their crossing". The term "servitude" was not mentioned in the Mining Charter, however, the possibility and necessity of land parcel encumbrance for the purpose of construction and maintenance of oil pipelines plainly resulted from the article 612 of the Charter: "Laying our oil pipelines and allotment of parcels for oil pipeline structures: 1) in state tribute clauses and 2) on lands, being in ownership of private persons, townspeople and peasants of different appellation, is conducted by agreement of oil production person with the owners of land and corresponding village and town societies. Failing to reach agreement and if there will be no possibility to lay out the oil pipeline by another route without considerable extension and increase of oil pipeline cost, the constructor of oil pipeline can ask the local province authority for permission to lay out the pipes and occupy the necessary parcels without owner's consent, providing annual appointed assessed reward, until the dismantling the oil pipeline". Thus, the article 611 of the Charter practically envisaged the possibility to establish public servitude on the state owned lands, and the article 612 of the Charter - the private servitude on lands, being in private ownership.

2. Granting rights to land parcels of other categories

2.1. Granting rights to land parcels of forest stock

Forest stock (resources), in accordance with the article 7 of Forest Code (FC RF)²⁰, includes all forests, excluding forests, situated on lands of defense and lands of settlements, as well as lands of forest stock not covered by forest vegetation (forest lands and non forest lands).

Lands, covered by forest vegetation and not covered by it, but designated for its recovery (felling, fire-sites, dead stands, sparse, vacant, clearings. areas, occupied by arboretums, by not closed forest specimens and others) are related to forestlands.

Non-forestlands are regarded as lands intended for the needs of forest stock (lands, occupied by cuttings, by roads, by agricultural lands and other lands) as well as other lands, situated within the boundaries of forest stock (lands, occupied by marshes, by stone placers, and other non convenient for use lands) - article 8 of FC RF.

Land Code defines non-forestlands differently, more narrowly. In accordance with the article 101 of the Land Code non-forestlands are regarded only as those lands, designated for conducting

¹⁹ PCZ, v. VII, S-Pb, 1893.

²⁰ Forest Code of the Russian Federation. Federal law No. 22-FZ dated January 29, 1997 (revision dated December 10, 2003, No. 171-FZ).

forestry. While FC RF regards non-forestlands only as lands, not designated for conducting forestry, but included into forest stock. In accordance with the article 1 of FC RF norms of forest legislation, contained in other laws, should correspond to forest legislation of RF. Therefore, while defining non-forestlands one should follow forest legislation (FC RF).

All forest stock of Russia is in the federal ownership.

Establishment of public forest servitude for the purposes of construction and maintenance of linear infrastructure is impossible. By public forest servitude FC RF considers the right of citizens to be freely in forest stock and forests, which are not included in forest stock. Hence, the establishment of public forest servitude for any kind of purposes for juridical persons is not envisaged.

In forest stock it is possible to conduct construction works, laying out communications, including pipelines, and to implement other works, not associated with conducting of forestry and forest use management 1) without transfer of forest lands into non-forest, and 2) with transfer of forest lands into non-forest. Transfer of forest lands into non-forest for using them for the purposes, not associated with conducting forestry and with use of forest stock, can be accomplished either for temporary (for the period of up to 25 years) use without excluding from forest stock or with withdrawal of lands and exclusion them from forest stock.

In the first case these works are accomplishing on the basis of permission of forest enterprise of the federal organ of forestry management (Ministry of Natural Resources RF, (MNR RF) provided that it has positive conclusion from state ecological expertise.

In the second case transfer of forestlands into non-forest is being accomplished in accordance with the requirements of FC RF and the Decision of the Government of RF dated September 19, 1997²¹.

Transfer of forest lands into non-forest for using them for the purposes, not associated with conducting forestry, using forest stock, is being accomplished: in forests of the first group - by the Government of Russia by presenting of the body of state power of the constituent entity of the Federation, coordinated with MNR RF; in forests of the second and third groups - by the body of state power of the constituent entity of the Federation by presenting of the corresponding territorial body of MNR RF. Transfer of lands of forest stock into lands of other categories is being accomplished by the Government of RF.

For construction and maintenance of pipelines it is advisable to transfer lands of forest stock into lands of transport. In accordance with the article 63 of FC RF such transfer is being accomplished, in particular, in case of necessity to provide the needs of power engineering. At that in the future the legal regulation of land relations in construction and maintenance of pipelines will be accomplished only by the land legislation since the mentioned lands will be excluded from forest stock.

Lands of forest stock (forest and non-forest) are, as it was pointed out, in the federal ownership, therefore while their transferring into lands of other categories, in particular, into lands of transport, the matter on the right of property for such lands is aroused.

²¹ Enactment of the Government of RF dated September 19, 1997 No. 1200 "On procedure of transfer of forest lands into non-forest for using with a view, not associated with conducting forestry and use of forest stock, and (or) withdrawal of lands of forest stock.

Meanwhile, with transfer of forest lands into non-forest for construction of gas transmission lines, oil pipelines, construction of facilities in the oil and gas fields and for other purposes, not associated with conducting forestry and using of forest stock, the question of transfer of these lands into lands of other categories and of delimitation of property to corresponding land parcels is not yet resolved²².

²² See, for example, the Decisions of the Government of RF dated October 28, 2003 No. 1557-p, dated October 16, 2003 No. 1502-p "On transfer of forest lands into non-forest in the forests of the first group for using them for purposes, not associated with conducting forestry and use of forest stock".

2.2. Granting rights to lands of water reserves and water objects

Lands of water reserves are defined in the Land Code as lands, occupied by water objects, lands of water protection zones of water objects²³ as well as lands, chosen for establishing strips of allotment and conservation zones of water inlets²⁴, hydro engineering constructions and other hydro economic structures and objects.

In accordance with the Water Code of RF²⁵ water reserves are the aggregate of water objects within the limits of the territory of Russia, included or subject to including in the State Water Cadastre. In accordance with the article 7 of Water Code surface waters and lands, covered by them, and connected with them (bottom and shores of water object), are considered as a unified water object. Neither in water nor in land legislation the concept of land parcel "connected with the surface waters" is given.

Legal treatment of land parcels, adjoined with water objects (adjoining to them), and any other land parcels is different and should be defined by the norms of water legislation, taking into consideration the provisions of land legislation. Article 2 of the Water Code is the evidence to that, in accordance with which the norms of water legislation, contained in other laws, should correspond to the water legislation of the Russian Federation.

If land parcels are included, as a part, in water object then the right of property to them is already defined by water legislation. Rights to land parcels, not included in water object, as its part, will be granted in accordance with the requirements of land legislation, as it was considered before. But for all that, it is necessary to take into account the restrictions, imposed by water legislation to business activity within the limits of water protection zones and coastal protection strips.

Rights to land parcels within the limits of water object (including land parcels, adjacent to water object) will be represented by the owner of the water object.

In accordance with articles 36-37 of the Water Code the property of the Russian Federation (federal property) includes the following:

- surface water objects, water areas and basins of which are situated on the territory of two or more constituent entities of the Federation;
- underground water objects, situated on the territory of two or more constituent entities of the Federation;
- water objects, situated on the territory of one constituent entity of the Federation, but necessary for providing the needs of defense, security, federal energy systems, federal transport and other state needs, implementation of which is referred to the authority of the Russian Federation;
- water objects, being the habitat of anadromous and katadromous types of fish;
- trans boundary (frontier) water objects;
- interior sea waters;

²³ Enactment of the Government dated November 23, 1996 No. 1404 "On approval of "Provision of water conservation zones of water objects and their coastal protection strips".

²⁴ Decision of the Ministry of Health of Russian Federation and Chief Sanitary Inspector of Russian Federation dated March 14, 2002 No. 10 "On putting into power the sanitary rules and norms "Zones of sanitary protection of sources of water supply and water pipelines of drinking designation. SANPIN 2.1.2.1110-02".

²⁵ Water Code of the Russian Federation. Federal law dated November 16, 1995 No. 167-FZ.

- territorial sea of the Russian Federation;
- water objects, being especially protected natural territories of the federal significance or representing part of these territories;
- water objects, being part of the territories of resorts or health and care places of the federal significance;
- other especially protected water objects of the federal significance.

Water objects, water areas and basins of which are completely situated within the limits of the territory of the corresponding constituent entity of the Federation and not referred to the federal property, can be the property of the constituent entities of the Federation.

Granting the right of using water objects for construction and maintenance of pipelines by establishing public or private water servitude is not envisaged by the existing water legislation. This follows from of the Water Code provisions.

Public water servitude is the right of each user of water object of general use and other water objects. Private water servitude represents the restriction of the right of water user to use a water object provided to him in favor of other interested persons.

However, in contrast to land, forest and civil legislation water legislation establishes exhaustive (closed) list of purposes, for which public or private servitude can be established. These are: diversion flow without using technical constructions, technical means and devices; watering and driving cattle; using water objects as a water ways for ferries, boats and other small floating means. Other water servitudes can be established only by water legislation. Therefore, it seems appropriate amending the water legislation (Water Code of RF) by introducing the provision that public and private water servitudes can be established for the state and municipal needs.

Since the right of private ownership to water objects (excluding isolated water objects) is not allowed, and it is impossible to establish water servitudes for the purposes of laying out and maintenance of pipelines, then it is possible to grant water object for these purposes on the basis of license and agreement, concluded in accordance with it for water use. This is stipulated by the article 145 of the Water Code, in which it is stated that the use of water objects for laying out cables and pipelines and other works, associated with the use of the bottom of water objects, for construction and maintenance of underwater and above-water constructions is being accomplished on the basis of license for water use.

Analysis of water legislation allows assuming that water objects for construction and maintenance of pipelines should be granted according to special water use. This is stipulated by two reasons.

Firstly, in accordance with article 87 of Water Code and the Decision of the Government of RF dated April 3, 1997 No. 383²⁶ water objects can be granted for special use, in particular, for federal energy systems, federal transport as well as for other state and municipal needs. The possibility of ascription the maintenance of pipelines to the state or municipal needs has been substantiated before. Depending on whether water object is in the federal ownership or in the ownership of the constituent entity of the Federation, the decision for special water use is being made, accordingly, by the Government of RF or by the body of executive power of the constituent entity of the Federation.

²⁶ Decision of the Government of RF dated April 3, 1997 No. 383 "On approval of "Rules of granting for use water objects, being in state possession, establishing and reconsideration of limits to water use, issuing licenses for water use and the license for disposing the property".

Secondly, in accordance with article 88 of the Water Code on water objects, provided for general use, the general use is allowed on the conditions, established by the water user by coordination with the specially authorized state organ of management of use and protection of water reserves (MNR RF), and in case of necessity can be prohibited by the water user. Limitation of a right of general water use for water objects, within the limits of which pipelines are laid out, is necessary for providing both the security for people and normal functioning of pipeline, saving it from damages.

However, it is necessary to note that by the Order of the Ministry of Natural Resources of RF dated October 23, 1998 No. 232²⁷ construction of pipelines is referred to the special water use. Thus, clause 8 of "List of types of special water use (for above-water water objects)", approved by the mentioned Order, states the following. To the special water use the following is referred: use of water objects or their parts for satisfaction of needs of industry, energy and other state and public needs, if the mentioned types of water use are being conducted with application of earth-moving, boring, weight-lifting, other special floating machineries for execution of construction-assembling, exploration works, construction and maintenance of underwater communications, construction underwater passages of gas pipelines and oil products pipelines.

The mentioned provision carries internal contradiction. From one side, construction and maintenance of underwater communications are referred to the special water use. From the other side, only construction, not maintenance of underwater passages of gas pipelines and other pipelines is recognized as the special water use.

Article 145 of the Water Code is contradictive also. It is stated in it, firstly, that the use of water objects for laying out pipelines is being accomplished on the basis of licensing. From the other side, here also it is stated that construction and maintenance of underwater and above-water structures are subject to licensing. Consequently, literal interpretation of the mentioned clause doesn't give direct answer to the question, whether the license is necessary for water use while maintaining pipelines or it is necessary only while laying it out. It is supposed that the mentioned clause should be formulated more clearly.

2.3. Granting of rights to land parcels of lands of settlements

Provision of land parcels for construction and maintenance of linear infrastructure installations on the lands of settlements is being accomplished in accordance with the requirements of Land Code and Town-planning Code²⁸.

In accordance with the mentioned codes land parcels are being granted on the lands of settlements for utility and transport infrastructure to build their facilities. In accordance with article 64 of Town-planning Code public servitude is being established by the normative legal acts of bodies of local self-government on the basis of town-planning documentation and rules of building up in cases, if this is defined by state or public interests.

High density of population in cities and settlements requires increased measures of security for construction and maintenance of pipelines²⁹.

²⁷ Order of the Ministry of Natural Resources of RF dated October 23, 1998 No. 232 "On approval of documents on licensing the use of above-water water objects".

²⁸ Town-planning Code of the Russian Federation. Federal law dated May 7, 1998 No. 73-FZ

²⁹ See, for example, Construction norms and rules. SNiP 2.05.13-90. Oil products pipelines, being laid out on the territory of cities and other settlements. Date of enactment is January 1, 1991.

3. Material losses of owners of linear infrastructure constructions, associated with granting land parcels for use

When land parcels of different categories are granted for use, the owner of linear infrastructure constructions is obliged to compensate to the owner of the land parcel, to the land possessor, to the land user the material losses, incurred by them.

In accordance with the Decision of the Government of RF dated May 7, 2003 No. 262³⁰ the grounds for compensation of losses to land parcel owners are, in particular, a) the agreement on temporary occupation of land parcel between the land parcel owner and the person, in favor of whom the temporary occupation of the land parcel is being accomplished; b) the protocol of the state body of executive power or body of local self-government on the restriction of rights of the land parcel owner, the agreement on servitude.

Somewhat differently the question of compensation of losses is being solved in the case, when parcels of forest stock are being used for laying out pipelines. The losses of forestry are subject to compensation for the transfer of forest lands into non-forest lands in order to use them for the purposes, not associated with conducting the forestry, using forest stock as well as for withdrawal of forest stock lands. Compensation of forestry's losses is being accomplished by levying the payment for forestlands transfer into non-forest and for withdrawal of forest stock lands. The procedure of forestry's losses compensation is being established by the Decision of the Government of RF dated December 11, 2002 No. 887³¹. The size of payment, levied for transfer of forest lands into non-forest lands for using them for the purposes, not associated with conducting forestry and forest stock use, and (or) for withdrawal of forest stock lands is being conducted in accordance with the Principles of economic assessment of forests³².

Moreover, while laying out pipelines and constructing other installations of linear infrastructure clearing of forest stock parcels is required. The procedure of felling at that is being defined by the article 113 of Forest Code and by the Decision of the Government of RF dated June 1, 1998 No. 551³³.

4. Spatial boundaries of land parcels granted for linear infrastructure construction

The sizes of protection zones for pipelines and constructions, providing their maintenance, as well as restrictions for land use within the limits of these zones are being established by the

³⁰ Decision of the Government of RF dated May 7, 2003 No. 262 "On approval of "Rules of compensation to the owners of land parcels the material losses, caused by withdrawal or by temporary occupation of land parcels, by encumbrances of rights of land parcel owners, land users, landowners and leasers of land parcels or caused by deterioration of land quality due to the activity of other persons".

³¹ Decision of the Government of RF dated December 11, 2002 No. 887 "On approval of "Rules forestry's losses compensation while transferring forest lands into non-forest lands for their use for the purposes, not associated with conducting forestry, forest stock use and (or) withdrawal of forest stock lands".

³² Order of Federal service of forestry of RF dated March 10, 2000 No. 43 "On approval of "Principles of economic assessment of forests"

³³ Decision of the Government of RF dated June 1, 1998 No. 551 "On approval of "Rules of delivery of standing timber in the forests of Russian Federation".

Rules of main transmission pipelines protection³⁴. The sizes of protection zones are from 25 to 100 m - depending on the construction type.

Protection zones of lines and constructions of communication and lines and constructions of radio broadcasting are being established by the Rules of protection for lines and constructions of communication³⁵. The sizes of protection zones are from 2 to 100 m.

The sizes of land parcels, being granted for maintenance of EI-transmission lines, are established by the Decision of the Government of RF dated August 11, 2003 No. 486³⁶.

Some uncertainty exists while defining the sizes of water objects and, accordingly, the sizes of land parcels, for which the rights are being granted when pipelines cross water objects.

In accordance with Water Code strip of dry land along the shores of water objects of general use ("bechevnik") is intended for general use. Everybody has the right to use "bechevnik" without using transportation facilities and stay at the water object of general use, including for using it for fishing and mooring floating means. The width of "bechevnik" cannot exceed 20 m. One may allow that "bechevnik" is the restricted right of use (servitude) of, namely, the water object, not the land parcel. Strip of dry land along water object is considered in law as a part of the water object. Code of Inland Water Transport of the RF is also the evidence to it. It is stated in it that within the limits of inland water ways, situated out of the limits of the territories of towns the organizations of inland water transport have the right to use free of charge for works, associated with navigation, the waterside - the strip of land with the width of 20 m from the edge of water deep into the shore with medium level of water for many years in free rivers and normal level of water in artificially created inland water ways. On the shore, having slope more than 45 grades, the waterside is defined from the edge of the shore deep into the shore. The Government of Russia³⁷ establish the Special Conditions for waterside use. Therefore, one can suppose that the maximum extension of land parcel, which can be included into water object, should not exceed 20 m from the boundary of surface waters or 20 m from the shore, if its slope is more than 45 degrees.

³⁴ Rules of main transmission pipelines protection (approved by the Ministry of Fuel and Energy of RF dated April 29, 1992, by Decision of Gosgortekhnadzor RF dated April 22, 1992 No. 9), revised by the Decision of Gosgortekhnadzor RF dated November 23, 1994 No. 61 (together with "Provision of relationships between enterprises, communications of which are passing in the same technical corridor or intersecting").

³⁵ Decision of the Government of RF dated June 9, 1995 No. 578 "On approval of "Rules of protection of lines and constructions of communication of the Russian Federation".

³⁶ Enactment of the Government of RF dated August 11, 2003 No. 486 "On approval of "Rules of land parcels identification for placing of aerial lines of electric power transmission and communication lines supports, servicing electric power networks".

³⁷ In the Decision of the Government of RF dated February 6, 2003 No. 71 "On approval of "Provision for special conditions for waterside use of inland water ways of RF", in particular, it is stated that the boundary of waterside is defined by basin bodies of state management in inland water transport in accordance with the procedure, established by the Ministry of Transport of RF by coordination with the interested federal bodies of executive power. The parcel of waterside can be granted to juridical and physical persons for temporary use: a) for the purposes of conducting the following works, associated with provisions of transportation process: arrangements of temporary constructions for final approach, mooring and anchorage of ships and other floating objects, loading, unloading and storage of cargo, boarding and debarkation of ships by passengers, construction of temporary structures and conducting other necessary works in case of unforeseen wintering of ships or transport accidents with ships; b) for agricultural and other purposes.

In accordance with the Enactment of the Government of RF "On approval of "Provision for water protected zones of water objects and their coastal protection strips" as well as with the Order of Ministry of Natural Resources of RF dated August 21, 1998 No. 1998³⁸ the width of water protected zone can be of size of 50 up to 500 m, and the width of coastal protection strips - from 15 up to 100 m. Hardly it would be substantiate to state that land parcels, adjoined to water objects, include water protection zones and even coastal protection strips. Land parcels with the width of 500 m by both sides of, for example, river should not be part of the water object, and law of property to them should be defined in accordance with the land but not water legislation.

Normative legal acts

1. Town-planning Code of the Russian Federation. Federal law dated May 7, 1998 No. 73-FZ.
2. Forest Code of the Russian Federation. Federal law No. 22-FZ dated January 29, 1997 (revision No. 171-FZ dated December 10, 2003).
3. Water Code of the Russian Federation. Federal law dated November 16, 1995 No. 167-FZ.
4. Federal law "On territories of traditional nature management of scanty native nations of North, Siberia and Far East of the Russian Federation" No. 88 dated May 11, 2001.
5. Federal law "On putting the Land Code of Russian Federation into force" dated October 25, 2001 No. 137-FZ.
6. Federal law "On especially protected natural territories" dated February 15, 1995 No. 33-FZ.
7. Federal law "On protection of the lake Baikal" dated April 2, 1999 No. 94-FZ
8. Federal law "On general principles of organization of local self-management in RF" dated September 16, 2003 No. 131-FZ.
9. Federal law "On gas supply in the RF" dated March 12, 1999 No. 69-FZ.
10. Federal law "On delimitation of state ownership to land" dated July 4, 2001 No. 101-FZ.
11. Decision of the Government of the RF dated August 7, 2002 No. 576 "On procedure of making arrangements for land parcels, being in state ownership, before delimitation of state property to land", revised by Decision of Government of RF dated November 21, 2003 No. 705.
12. Decision of the Government of RF dated September 19, 1997 No. 1200 "On procedure of forest lands transfer into non-forest for the purposes, not associated with conducting forestry and use of forest stock, and (or) withdrawal of lands of forest stock".
13. Decision of the Government of RF dated November 23, 1996 No. 1404 "On approval of "Provision of water protection zones of water objects and their coastal protection strips".
14. Decision of the Ministry of Health of Russian Federation and Chief Sanitary Inspector of Russian Federation dated March 14, 2002 No. 10 "On putting into power the Sanitary Regulations "Zones of sanitary protection of sources of water supply and drinking water pipelines. SANPIN 2.1.2.1110-02".
15. Decision of the Government of RF dated April 3, 1997 No. 383 "On approval of "Rules of granting water objects for use, being in the state possession, establishing and reconsideration of limits to water use, issuing licenses for water use and the license for disposing the property".
16. Decision of the Government of RF dated May 7, 2003 No. 262 "On approval of "Rules of compensation to the owners of land parcels the material losses, caused by withdrawal or by temporary occupation of land parcels, by restrictions of rights of land parcel owners, land users, land possessors and leasers of land parcels or caused by deterioration of land quality due to the activity of other persons".

³⁸ Order of the Ministry of Natural Resources of RF dated August 21, 1998 No. 198 "On approval of "Methodical recommendations on designing water protection zones of water objects and their coastal protection strips".

17. Decision of the Government of RF dated December 11, 2002 No. 887 "On approval of "Rules forestry's losses compensation while transferring forest lands into non-forest lands for their use for the purposes, not associated with conducting forestry, forest stock use and (or) withdrawal of forest stock lands".
18. Enactment of the Government of RF dated June 1, 1998 No. 551 "On approval of "Rules of delivery of wood stand in the forests of Russian Federation".
19. Enactment of the Government of RF dated June 9, 1995 No. 578 "On approval of "Rules of protection for lines and constructions of communication of the Russian Federation".
20. Enactment of the Government of RF dated August 11, 2003 No. 486 "On approval of "Rules of land parcels identification for placing of aerial lines of electrical transmission and communication lines supports, servicing electrical networks".
21. Forest Code of Russian Federation. Federal law No. 22-FZ dated January 29, 1997 (revision dated December 10, 2003, No. 171-FZ).
22. Order of the Ministry of Natural Resources of RF dated August 21, 1998 No. 198 "On approval of "Methodical recommendations on designing water protection zones of water objects and their coastal protection strips".
23. Order of Federal service of forestry of RF dated March 10, 2000 No. 43 "On approval of "Principles of forests economic valuation ".
24. Order of the Ministry of Natural Resources of RF dated October 23, 1998 No. 232 "On approval of documents on licensing the use of surface water objects".
25. Order of the Ministry of Environment and Natural Resources of RF Preservation, No. 525, Committee of RF on Land Resources and Land Use Management, No. 67 dated December 22, 1995 "On approval of "General provisions of re-cultivation of lands, removal, preservation and rational use of fertile layer of soil".
26. Rules of protection of main transmission pipelines. Approved: by the Ministry of Fuel and Energy of Russia dated April 29, 1992, by Decision of Gosgortekhnadzor of Russia dated April 22, 1992 No. 9 (revised by Decision of Gosgortekhnadzor of Russia dated November 23, 1994 No. 61).
27. Construction norms and rules. SNiP 2.05.13-90. Oil products pipelines, being laid out on the territory of cities and other settlements. Date of putting into force is January 1, 1991.