

In the Matter of the Application of Northern States Power Company d/b/a Excel Energy for a Pipeline Routing Permit and Partial Exemption from Pipeline Route Selection Procedures Pursuant to Minnesota Rules Chapter 4415

**PROPOSED  
FINDINGS OF FACT AND  
CONCLUSIONS**

**PUC DOCKET NO. G002/GP-05-1706**

---

The above-captioned matter came before the Minnesota Public Utilities Commission (PUC) at a regularly scheduled meeting pursuant to the Application of Xcel Energy (hereinafter "Xcel") to construct, own, and operate a 2.5 mile natural gas pipeline that will begin at the Mendota Regulator Station in the southeast quadrant of the interchange between Interstate Highway 35E and Minnesota Highway 13 in Mendota Heights, pass through Lilydale (Dakota County) and end at the High Bridge facility on the north shore of the Mississippi River near downtown St Paul (Ramsey County). The proposed pipeline will traverse portions of Dakota and Ramsey Counties in Minnesota.

**STATEMENT OF ISSUE**

Construction of a pipeline designed to be operated at a pressure of more than 275 pounds per square inch and to carry natural gas requires a Pipeline Routing Permit from the Minnesota Public Utilities Commission. Minnesota Statutes 161.015 prescribes applicable requirements and assigns authority to designate a route to the PUC. The review procedures are contained in Minnesota Rules Chapter 4415. In this instance, review is taking place under the requirements set forth in Minnesota Rule 4415.0035 [Partial Exemption from Pipeline Route Selection Procedures].

Based on information in the Application, the comments at the public information meeting, written comments received, and other documents compiled as part of this proceeding relating to pipeline construction impacts and mitigation procedures Department of Commerce (DOC) Energy Facility Permitting (EFP) staff proposes that, the PUC make the following Findings of Fact and Conclusions.

**FINDINGS OF FACT**

**Background and Procedure**

1. November 2005, Xcel Energy filed a preliminary Application for a pipeline routing permit and partial exemption from pipeline route selection procedures for a proposed 2.5 mile long pipeline that will begin at the Mendota Regulator Station in the southeast quadrant of the interchange between Interstate Highway 35E and Minnesota Highway 13 in Mendota Heights, pass through Lilydale (Dakota County) and end at the High Bridge facility on the north shore of the Mississippi River near downtown St Paul (Ramsey County).
2. DOC EFP staff reviewed the preliminary application for compliance with the requirements of Minnesota Rules 4415.0115 through 4415.0165, and requested supplemental information. Xcel revised the application and on November 8, 2005

resubmitted it (Exhibit 1). EFP staff review concluded that the revised application contained all of the necessary information.

3. On November 17, 2005, the PUC considered Xcel's Application for a pipeline routing permit and partial exemption from pipeline route selection procedures (Exhibit 2). In an Order dated December 2, 2005, the Commission accepted Xcel's application (Exhibit 3).
4. Xcel published notice of the application and public information meeting in the St. Paul Pioneer Press newspaper (Exhibit 4). The notice announced the DOC's public information meeting schedule, the date by which comments were due, and how to obtain additional project information and other project related material. The Xcel notice was published in the St. Paul Pioneer Press on December 1, 2005.
5. The notice as published also included: 1) a description of the proposed project; 2) a map of the proposed pipeline route; and 3) a description of the procedures that must be followed for commenting on the application (Exhibit 5). The notice contained the information required by Minnesota Rule 4415.0035, subp. 2. A.
6. The EFP staff published Notice of Application Acceptance and the DOC public information meeting schedule in the *EQB Monitor* on December 5, 2005. *EQB Monitor*, Volume 29, Number 16 (Exhibit 6).
7. On November 29, 2005, Xcel mailed a copy of the Application and a description of the procedures for commenting on the Application to affected landowners and governmental units in the areas that would be crossed by the pipeline along the Xcel preferred route in accordance with Minnesota Rules 4415.0035, subp. 2. B. and C (Exhibits 5 and 12). The mailing also advised the recipient of the DOC's public information meetings.
8. The DOC EFP held public information meetings, as required by Minnesota Rules 4415.0035, subp. 4. The DOC public information meetings were held on December 12, 2005, at 2:00 p.m. in the DOC office in St. Paul in Ramsey County and at 7:00 p.m. at the Lilydale City Hall in Dakota County.

### **The Applicant**

9. Northern States Power Company d/b/a Xcel Energy is headquartered in Minneapolis, Minnesota, and is the project proposer. Therefore, the PUC permit will identify Northern States Power Company d/b/a Xcel Energy as the permittee for the proposed project.

### **Project Overview and Description**

10. The proposed 2.5 mile natural gas pipeline will have an outside diameter of 20 inches and will begin at the Mendota Regulator Station in the southeast quadrant of the interchange between Interstate Highway 35E and Minnesota Highway 13 in Mendota Heights, pass through Lilydale (Dakota County) and end at the High Bridge facility on the north shore of the Mississippi River near downtown St Paul (Ramsey County).

11. The estimated total cost of the pipeline is approximately \$6.9 million.
12. The normal operating pressure of the pipeline and associated facilities will be 650 pounds per square inch gauge. The proposed natural gas pipeline and associated facilities are designed to have a maximum throughput capacity of 148.8 million cubic feet per day. The minimum throughput design is 76.8 million cubic feet per day.

### **Pipeline Facility Description**

13. The facilities proposed by Xcel specify 20-inch (outside diameter) steel pipe and related materials that include valves, flanges, pipe fittings, coating and wrapping materials, casing, pipe supports, caution signs for crossings and other miscellaneous materials.

The 20-inch pipe will have a nominal pipe wall thickness of 0.375 inches. The type of pipe used will be American Petroleum Institute 5L, X52, ERW. ERW has one longitudinal seam, which is formed by electric resistance welding during the manufacturing process. The maximum allowable operating pressure of the proposed pipeline is 650 pounds per square inch.

14. In addition to the steel pipe, isolation valving will be installed at the existing regulator station and at the High Bridge generating facility. No above ground appurtenances are to be installed along the pipeline route other than pipeline markers and cathodic test stations as required by state and federal codes. Typically, these are installed at property boundaries and/or roads to minimize interference with land utilization. At approximately one mile intervals and adjacent to the marker posts, Xcel will install test stations to monitor the effectiveness of cathodic protection efforts.
15. Cathodic protection will be provided on the pipeline to stop galvanic corrosion and will comply with all requirements of the U.S. Department of Transportation Pipeline Safety Regulations, 49 CFR Part 192. As part of the cathodic protection system, rectifiers and anode ground beds will be located along side the right-of-way.

### **Land Requirements**

16. The total right-of-way length is approximately 2.5 miles. The majority of the pipeline route will be in existing Xcel Energy electric transmission line and gas pipe line rights-of-way. The permanent easement width will be 30 feet. Estimated acreage within the permanent right-of-way is 8.2 acres. This total does not include the approximately 740-foot portion of the route that crosses the Mississippi River.
17. Additional right-of-way in the form subterranean easements will be needed to get from the existing regulator station at State Highway 13 and Interstate 35E to the existing Xcel Energy electric transmission line right-of-way. Minimal impact on landowners or encroachment on the land is expected since piping will be installed through directional drilling in these areas.
18. Permission to use temporary workspace will be obtained from landowners adjacent to the permanent right-of-way. Xcel Energy plans to obtain a general right of access to the right-of-way, which would include temporary workspace. This area will vary as needed

but will average approximately 35 feet. The estimated acreage of temporary workspace is 9.0 acres. Temporary right-of-way or workspace will revert to landowners upon completion of construction. Additional temporary workspace adjacent to the construction right-of-way may be necessary during construction in areas such as steep slopes and staging areas for stream, wetland, and road crossings, for safety reasons, to provide an area for prefabrication of sections of pipeline, or storage of spoil materials. Xcel Energy will acquire additional workspace from the landowner where necessary; however in all cases, the size of extra workspace will be kept to the minimum required to safely conduct the work.

### **Trench and Depth of Cover Requirements**

19. Minnesota Statutes 116I.06, subd. 1 requires pipelines to be buried with a minimum level cover of not less than 54 inches in all areas where the pipeline crosses the right-of-way of any public drainage facility or any county, town or municipal street or highway and where the pipeline crosses cultivated agricultural land. As provided by Minnesota Statutes 116I.06, subd. 2, the landowner may waive the depth of cover requirements. Any political subdivision authorized by law to approve the use of the right-of-way of any public drainage facility or any public street or highway for a pipeline may waive the minimum depth of cover requirement or adopt and enforce by resolution or ordinance rules or regulations establishing a greater depth than the minimum required and other measures for protection of public roads and drainage facilities under its jurisdiction. Xcel Energy has committed to burying the pipeline 54 inches deep or more in accordance with state requirements.
20. The trench in which the pipe is placed will have a minimum depth of 74 inches to allow for a minimum of 54 inches of ground cover to the top of the pipe. The trench will have a minimum width of 36 inches for the 20-inch pipe. The top and bottom widths are determined by soil conditions. In sandy soils, a wider trench will be necessary for sidewall stability. The trench required for the proposed pipeline will result in a minimum excavation volume of 4,000 cubic yards of soil.

### **Pipeline Safety**

21. Pipeline safety is a matter of paramount concern to all interested parties. Xcel, as noted in its Application and in these findings, is subject to the U.S. Department of Transportation, Pipeline Safety Regulations (Title 49, C.F.R., Part 192).
22. The Minnesota Office of Pipeline Safety is responsible for enforcement of the pipeline safety regulations. The Office of Pipeline Safety intends to monitor construction of the proposed pipeline for compliance with the regulations. The Office of Pipeline Safety also has an ongoing responsibility for monitoring Xcel pipeline facilities for compliance with the safety regulations.

### **DOC Public Information Meeting**

23. The DOC held two public information meetings to receive public comment on the Xcel application as noted in Finding 6. Approximately nine persons attended the PUC public information meeting in Ramsey County. No one from the public attended the DOC

information meeting in Dakota County. EFP staff presented an overview of the requirements for a pipeline routing permit and for a partial exemption from pipeline route selection procedures. Xcel provided an overview of the project.

24. DOC EFP staff and Xcel representatives were available for questions. A representative of the city of St. Paul had several questions about the project and its effect on park lands. Xcel Energy responded to those questions. The city of St. Paul followed up with written comments and Xcel responded in writing. There are no unresolved issues.

### **Comment Letters**

25. The DOC EFP staff announced at the public meetings that the PUC would accept public comments about the proposed project and the Application for a partial exemption and routing permit until January 4, 2006. Three (3) comment letters were received on the Xcel proposed pipeline. The comment letters came from the Department of Natural Resources, the Metropolitan Council and the City of St. Paul (Exhibits 7 through 9).
26. Several issues were raised or identified in the comment letters. Xcel Energy is subject to the terms and conditions of any DNR and city of St. Paul license and permit requirements, as well as any Dakota or Ramsey County permit requirements. Xcel's written response to the comment letters addresses the issues and concerns raised in the comment letters (Exhibit 10). Language has been included in the route permit that requires Xcel to comply with municipal and county permit requirements.

### **Alternatives to the Proposed Pipeline Route**

27. Xcel also looked at the alternative of no action and three other routing alternatives. All of the alternative routes would have more impacts than the proposed route alignment.

### **Standard and Criteria for Partial Exemption From Pipeline Route Selection Procedures [Minnesota Rules 4415.0040]**

28. In determining whether to grant or deny a partial exemption from pipeline route selection procedures, the PUC must apply the requirements of Minnesota Rules part 4415.0040 [Criteria for Partial Exemption from Pipeline Route Selection Procedures]. This part contains the standard and criteria that the Commission must apply in determining whether to grant or deny the partial exemption
29. Minnesota Rules 4415.0040, subp. 2, [Standard], requires the PUC to determine that the proposed pipeline will not have a significant impact on humans or the environment in order to grant the partial exemption. In conducting this evaluation, the PUC must consider a number of criteria set forth in subpart 3 of the rule.

### **Consideration of Pipeline Routing Criteria**

30. In determining whether to grant a partial exemption request and designate a route, the PUC considers the criteria set forth in the rules. The following findings discuss the specific impacts on humans and the environment of Xcel pipeline as proposed.

31. For nearly the entire distance of the pipeline, the major impact of concern is the impact on natural resources and parkland. Regardless of right-of-way or centerline location, certain mitigation procedures and construction practices will be followed pursuant to pipeline routing permit conditions.

**Criterion A. Impact on human settlement, existence and density of populated areas, existing and planned future land use, and management plans.**

32. The pipeline will be installed in an area that is primarily zoned as open space, with commercial and industrial zoned areas at the termini. The open space is primarily park and recreation areas, including Lilydale Regional Park and the Mississippi National River and Recreation Area (MNRRA). The nearest residential area is approximately 1,500 feet southeast of the proposed pipeline in the city of Mendota Heights. Nearby residential areas will experience minimal impacts from pipeline construction and operation.
33. Most of the roads crossed by the pipeline will be directionally drilled. The pipeline will not affect traffic or traffic patterns. No railroads or airports will be impacted by the pipeline.
34. Future development along the pipeline right-of-way is regulated by ordinance setbacks established pursuant to the requirements of Minnesota Statutes 299J.05 [Pipeline Setback Ordinance]. This ordinance requires that no development occur within the permanent right-of-way. The proposed pipeline alignment is not in conflict with any existing or planned residential, commercial or industrial development in the area.
35. The Xcel right-of-way alignment will not significantly affect human settlement areas, planned future land uses, or any local management plans.

**Criterion B. Impact on the natural environment, public and designated lands, including but not limited to natural areas, wildlife habitat, water, and recreational lands.**

36. Two water crossings have been identified along the alignment of the proposed pipeline. The pipeline will cross the Mississippi River and Pickerel Lake. The proposed method of crossing these water bodies will be by directional drilling so as to minimize any impact to these water bodies. Permits to cross these water bodies will be obtained from the MN Department of Natural Resources, and the crossing methods will be dictated by the permit conditions.
37. Any inadvertent releases of drilling fluids would be contained by hay bales or other appropriate materials. Vacuum or sump pumps would then be used to clean up and transfer the drilling fluids back to the entry or exit points of the drilling mud pits for either reprocessing or disposal. If the directional drill cannot be completed, the borehole would be sealed by mixing a commercially available grout additive into the drilling fluid as the drill pipe is withdrawn.
38. No compression facilities are to be installed on the proposed pipeline so there will not be any exhaust or other noise from these facilities. The pipeline does not generate any noise under normal operations. During construction, the machinery generates noise between 75-90 decibels within 50 feet of the equipment. The noise is typical of the machinery

that is used in tilling, harvesting and other agriculture operations. Equipment noise impact would be short-term as the construction process moves continuously along the right-of-way.

39. A hydrostatic test of the pipeline is required prior to its being placed in service. Xcel will fill the pipeline with water and pressure test the pipeline to 1.5 times the design pressure (650 psig) and maintain that pressure for at least eight hours prior to discharge of the water. During the testing, Xcel will screen water intakes to prevent entrapment of fish and debris and will neither withdraw nor discharge water during critical fish spawning periods. No chemicals will be added to the hydrostatic test water. The water will be tested during withdrawal, after the pipeline is filled, and during discharge. The hydrostatic test water will be discharged into a holding tank with a progressive weir arrangement to trap rust, mill scale or other undesirable items. The discharge rate would be regulated and splash plates or other similar devices installed to disperse the discharge in order to prevent erosion, stream scour, suspension of sediments, or excessive stream flow. An appropriation permit for the hydrostatic test water will be obtained from the Minnesota DNR and a discharge permit from the Minnesota Pollution Control Agency is required to return the water to its source. Impacts from this testing should be minimal and short term.

**Criterion C. Impact on lands of historical, archaeological and cultural significance.**

40. The Minnesota Historical Society/State Historic Preservation Office (SHPO) was contacted to review the route pursuant to the Minnesota Historical Sites Act and the Field Archaeology Act. The pipeline will not adversely affect near by archaeological or cultural resources. While no impacts on such resources are anticipated, the pipeline routing permit addresses preservation of archeological sites should any be discovered during construction.

**Criterion D. Impact on economies within the route, including agricultural, commercial or industrial, forestry, recreational and mining operations.**

41. The land crossed by the pipeline is primarily zoned as open space which is primarily park and recreation areas, including Lilydale Regional Park and the Mississippi National River and Recreation Area.
42. Approximately 17 acres of park and open lands will be temporarily disturbed during construction of the pipeline.
43. Construction activities will temporarily utilize lands within the construction work areas. After construction is completed, activities will be allowed to resume in the pipeline right-of-way. Landowners will be compensated for losses and other damages caused by construction activities.
44. To minimize soil compaction, right-of-way stripping, or other appropriate techniques will be implemented.

45. Xcel will implement double ditching as a means to minimize mixing of topsoil and subsoil during excavation of the trench for the pipe. Double ditching is a technique whereby the topsoil and the sub soils are placed in separate areas. Double ditching is a requirement in the pipeline routing permit. Other techniques can be investigated with the landowner at the time construction is to take place.
46. Under some wet weather conditions, construction will have to be temporarily delayed until weather permits.
47. Pipeline routing permit conditions and construction specifications specifically address soil compaction, erosion control and right-of-way restoration. In addition, Xcel will work with state, regional county and local units of government to discuss any particular concerns they may have.
48. During construction of the pipeline, workers from pipeline contractors, local laborers, equipment contractors, suppliers and regional testing firms will be involved with the project. In addition, construction inspectors as well as county inspectors will be employed during the project. During the period of right-of-way preparation, construction, testing and restoration, these workers will contribute to the local economy.

**Criterion E. Impact on pipeline cost and accessibility.**

49. Xcel Energy has estimated that the pipeline will cost approximately \$6.9 million to construct on the proposed route.
50. The location of the proposed pipeline will not limit accessibility during the construction phase.

**Criterion F. Impact on use of existing rights-of-way and right-of-way sharing or paralleling.**

51. Construction of the pipeline will generally require a 65-foot-wide construction right-of-way when trenching to allow for temporary storage of topsoil and spoil to accommodate safe operation of construction equipment. During construction, Xcel will acquire nearby temporary storage areas for pipe, materials, construction staging, equipment storage, and parking. At this time those areas have not been identified. Use of temporary storage areas outside the right-of-way is not regulated by the permit.
52. Additional temporary work space adjacent to the construction right-of-way may be necessary during construction in areas such as steep slopes and staging areas for stream, wetland and road crossing, for safety reasons, to provide an area for prefabrication of sections of pipeline or storage of spoil material and directional drilling. In all cases, the size of extra work space will be kept to the minimum required to safely conduct work. Temporary right-of-way will revert to landowners upon completion of construction.
53. Typically, public roads will be used to gain access to the construction right-of-way. In areas where public roads are limited, and to minimize repeated travel on portions of the right-of-way, existing privately owned roads might be used to provide access to the construction right-of-way. Use of private access roads and construction of any new

access roads would require obtaining landowner permission. No private or new access roads have been identified at this time.

54. Traffic flows will temporarily increase during the construction period due to materials, equipment and laborer movements where roadways are crossed. Xcel will implement measures to minimize disruption to traffic and to protect the public. Access to the right-of-way will be properly coordinated with county and city officials and affected property owners.
55. Damage to surfaced roadways resulting from the crossing of construction equipment will be minimized by the use of protective planking or other appropriate material. Any road damages will be repaired to the satisfaction of the landowner or appropriate permitting authority.

**Criterion G. Impact on natural resources and features.**

56. The impacts of the pipeline on water crossings will be minimized as the water crossings will be either bored or constructed in compliance with MDNR requirements for crossing public lands and waters. The Xcel restoration plan and other permit requirements will minimize impacts.
57. On open lands, park lands and ditch crossings, grasses and other vegetation will be removed, but reseeded of any disrupted areas along the route is part of the Xcel restoration plan and will be coordinated with other permitting authorities.
58. Wildlife species will be temporarily disrupted and may relocate to adjacent areas and reroute their travel in the area during construction of the pipeline.
59. Immediately following construction, disturbed areas will be restored to original contours and reseeded in consultation with other permitting authorities. Once vegetation is reestablished, there should be no further disturbance.
60. Where clearing is required on the right-of-way, soil from tree or shrub roots will be retained on the right-of-way. Rock, roots and stumps that are uprooted and other trench debris will be properly disposed of.
61. Exposed soils are also subject to wind and water erosion. However, the potential for erosion is not excessive due to the low relief of the area crossed and the fact that the trench will be open only for a relatively short time. Xcel will specify the special placement of berms or other specific erosion control measures and practices in areas where the potential for erosion exists.

**Criterion 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 4415.0185 for pipeline right-of-way preparation, construction, cleanup and restoration practices.**

62. Human and environmental impacts will occur as a result of pipeline construction. Many of the impacts associated with pipeline construction will cause only a temporary disturbance or disruption. Many of the impacts will be mitigated through compliance

with regulatory control, strict adherence to the construction specifications, and compliance with the pipeline routing permit conditions. Permits from other federal and state agencies and units of government are also designed to reduce or mitigate the impact of pipeline construction.

63. Following completion of construction operations, the right-of-way and all premises on which construction activities were conducted will be cleaned up. This will include removal of debris, fence repair, removal of temporary road and ditch crossings, additional grading to correct for soil settling and seeding of the right-of-way as required by PUC permit conditions and other federal, state agency and local permits.

**Criterion I. Impact on cumulative potential effects of related or anticipated future pipeline construction.**

64. There is no evidence in the record to indicate that cumulative adverse effects will occur that cannot be mitigated by compliance with appropriate permitting requirements and conditions. Compliance with applicable permits, regulations and agreements and strict adherence to the construction specifications will reduce the adverse effects of the project.
65. The capacity of the proposed pipeline is believed to be adequate to serve the foreseeable future needs of the High Bridge power plant in St. Paul, Minnesota. Any future project expansion will require review pursuant to the applicable statutes and rules.

**Criterion J. Impact on relevant policies, rules, and regulations of the state and federal agencies and local government land use laws including ordinances adopted under Minnesota Statutes, section 299J.05, relating to the location, design, construction, or operation of the proposed pipeline and associated facilities.**

66. There is no evidence in the record indicating that the proposed pipeline would be inconsistent with any relevant policies, rules and regulations of any known state or federal agencies or local land use laws.
67. Xcel provided in the Application a list of the known permits that must be obtained.
68. All appropriate permits will be acquired prior to undertaking the activity for which a permit is required. Xcel Energy must comply with the terms and conditions of all necessary permits.
69. Minnesota Rules 4415.0200 and the pipeline routing permit provide a procedure to report complaints concerning violation of the pipeline routing rule requirements and pipeline routing permit conditions.
70. Minnesota Rules 4415.0205 provides procedures for permit modification or suspension for violation of the terms and conditions of a pipeline routing permit or of Minnesota Rules 4415.0010 to 4415.0215.

Based on the foregoing Findings of Fact, the DOC EFP staff proposes that the Commission make the following:

## CONCLUSIONS

1. The Minnesota Public Utilities Commission has fulfilled all relevant procedural requirements of law or rule applicable to the consideration of an application for a partial exemption from pipeline route selection procedures, and has the authority to grant a partial exemption from pipeline route selection procedures and to issue a pipeline routing permit.
2. Xcel Energy has complied with the procedural requirements for a partial exemption from pipeline route selection procedures as set forth in Minnesota Rules 4415.0035, including publication of notice in a newspaper in the counties where the pipeline will be located.
3. Minnesota Rules 4415.0040 provide a standard and criteria for a partial exemption from pipeline route selection procedures. The Commission has considered the potential impacts of the proposed natural gas pipeline in each of the areas specified in the rule, including the natural environment and human settlement. The Commission concludes that with implementation of proper construction practices and mitigation measures, and compliance with appropriate permit conditions, and negotiation of specific accommodations with individual landowners, such a pipeline will not have a significant impact on humans or the environment and that a partial exemption from full routing procedures can be granted.
4. The Xcel Energy proposed route crosses through land that is primarily zoned as open space, comprised of park and recreation area on existing rights-of-way. The primary impact of concern is the impact of the pipeline on park and recreational lands. Xcel Energy will directionally drill approximately 1.4 miles of the 2.5 mile line route. Winter construction where necessary will further minimize many of the impacts associated with pipeline construction will allow this pipeline to be constructed in the most expeditious and economic manner while protecting the environmental features along the proposed route..
5. Based on its consideration of the criteria for granting a routing permit for a new natural gas pipeline, the Commission concludes that a pipeline routing permit for construction of a natural gas pipeline approximately 2.5 miles along the following route (as shown on Attachment 2 of the Pipeline Route Permit) and as described below will minimize human and environmental impacts:

From the south terminus of the project at the Mendota Regulator Station, the pipeline will be directionally-drilled northward to a point approximately 400 feet northeast of the Pool and Yacht Club in Lilydale. The elevation change from the Mendota Regulator Station to the exit point near the yacht club is over 100 feet, which will necessitate a deep, curving pathway for the drill shaft. An alternative approach may be selected by Xcel if warranted, which would utilize an open trench following Lilydale Road's curving alignment down the bluff, a bore section under the BNSF railroad tracks, and then open trenching northeast up to the existing electric transmission line easement.

From the Pool and Yacht Club in Lilydale, the pipeline will be constructed with open trenching for approximately 5,900 feet, running northeast along Lilydale Road/Water Street to a gravel parking lot west of Pickerel Lake in Lilydale Regional Part. Two remaining directional drill sections will both originate from a point approximately 1,300 feet northeast of the northeast corner of Pickerel Lake. One section will be drilled due north under the Mississippi River, exiting near the north side of the existing coal pile on the High Bridge plant site. The pipeline under the river is to be installed approximately 30 feet below the river bed. The final drilled section will head southwest under the northern edge of Pickerel Lake, exiting at the northeast end of the gravel parking lot at the lake's edge.

6. "Route" has been defined in Minn. Rules 4415.0010, subp. 32, to include "a variable width from the minimum required for the pipeline right-of-way up to 1.25 miles." In other pipeline routing permits issued by the EQB (Board), the Board has more specifically limited the width of the route when an existing right-of-way is being used. In this instance Xcel is using its existing gas and electric line rights-of-way for most of the length of the 2.5 mile long pipeline. Pipeline routing permits are subject to reasonable conditions imposed by the PUC. Conditions are intended to protect the environment and landowners from adverse effects from construction of the pipeline.
7. The Commission concludes that it makes sense to limit the maximum width of the route to no more than 500 feet, or 250 feet on either side of the proposed centerline. Designating a route with a width of up to 500 feet will still give Xcel Energy the flexibility to adjust the designated route to accommodate requests by individual landowners to avoid certain areas and to minimize the impact of construction on all features crossed by the project.
8. The Commission further concludes that a pipeline routing permit for the new pipeline should be conditioned in a number of respects, including applicable conditions specified in Minn. Rule 4415.0195 and as proposed by the Department and as agreed to by the applicant.
9. Any Finding of Fact more properly considered a Conclusion, or any Conclusion more properly considered a Finding of Fact, is hereby expressly adopted as such.