



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday, February 21, 2024

### Agenda Item

#### Item 6. D. – CenterPoint Pipeline Abandonment (LMRWD No. 2023-026)

#### Prepared By

Linda Loomis, Administrator

#### Summary

The Board was informed of this project in January and no action was recommended at that time, information was only to make the Board aware of the project.

CenterPoint Energy has now applied for a permit for the project, which will abandon a pipeline in place, under Black Dog Lake, the Minnesota River, and adjacent wetlands. Young Environmental Consulting Group has reviewed the application on behalf of the LMRWD and recommends conditional approval, subject to the following conditions:

- Name and contact information for all contractors undertaking land-disturbing activities.
- Documentation of approval from the City of Burnsville, including WCA Exemption, Right-of-Way Permit, and the Conditional Use Permit.
- Documentation of right-of-way permit from the City of Bloomington.
- Documentation of approval from the USFWS.
- Documentation of approval from the Minnesota Department of Natural Resources (MnDNR), including the Water Appropriations Permit and Utility License Abandonment Authorization Request.

#### Attachments

Technical Memorandum - CenterPoint Pipeline Abandonment (LMRWD No. 2023-026) dated February 14, 2024

Technical Memorandum – CenterPoint Pipeline Abandonment (LMRWD No. 2023-026) dated January 3, 2024

#### Recommended Action

Motion to conditionally approve a permit for CenterPoint Pipeline Abandonment (LMRWD No. 2023-026) subject to the above conditions.

# Technical Memorandum

**To:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District (LMRWD)

**From:** Erica Bock, Water Resources Scientist  
Hannah LeClaire, PE, Project Manager

**Date:** February 14, 2024

**Re:** CenterPoint Pipeline Abandonment (LMRWD No. 2023-026)

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CenterPoint Energy has applied for an individual project permit from the Lower Minnesota River Watershed District (LMRWD) for work within the Federal Emergency Management Agency (FEMA) 100-year floodplain of the Minnesota River and shoreland of Black Dog Lake to abandon its existing 16-inch diameter (natural gas) steel transmission line located between 1400 Black Dog Road East, Burnsville, MN, and Portland and 102nd Street, Bloomington, MN (Figure 1). The applicant's engineer, ERM, submitted the permit application, associated application exhibits, and site plans for the project.

The proposed project consists of abandoning approximately 8,886 feet of its existing Portland Line steel natural gas transmission line. The existing 16-inch-diameter transmission line will be filled with a grout slurry to prevent buoyancy and abandoned beneath Black Dog Lake, the Minnesota River, and within the boundaries of the Minnesota Valley National Wildlife Refuge. The grout slurry will contain primarily benign concrete or similar materials. The project anticipates disturbing 0.08 acres, which includes six excavations to complete the abandonment procedures. All excavation locations will be backfilled and returned to existing contours. The project is located within the Black Dog Lake High Value Resource Area (HVRA), Steep Slopes Overlay District (SSOD), and Minnesota River floodplain in both Hennepin and Dakota counties and the cities of Burnsville and Bloomington. While the project does go through the SSOD, there are no excavation locations within the SSOD. The applicant proposes to begin pipeline abandonment in June 2024, and it is anticipated that it will take several weeks to complete.

The City of Bloomington and the City of Burnsville have their municipal permit for Rule B – Erosion and Sediment Control and Rule F – Steep Slopes. Therefore, the project will require an LMRWD Individual Permit for Rule C – Floodplain and Drainage Alteration.

## Summary

**Project Name:** CenterPoint Pipeline Abandonment

**Purpose:** Abandonment of natural gas pipeline within the SSOD, HVRA, floodway, and floodplain

<b><u>Project Size:</u></b>	<b>Area Disturbed</b>	<b>Temporary Excavation</b>
	0.08 acres	93.6 cubic yards

**Location:** 1400 Black Dog Road      Portland and 102nd Street  
Burnsville, MN 55337      Bloomington, MN 55420

**LMRWD Rules:** Rule C – Floodplain and Drainage Alteration

**Recommended Board Action:** Conditional Approval

## Discussion

The LMRWD received the following documents for review:

- Burnsville Conditional Use Permit Amendment, by CenterPoint Energy; dated November 28, 2023; received December 21, 2023.
- LMRWD individual permit application; received January 5, 2024.
- Permit Narrative Cover Letter, by CenterPoint Energy; dated January 5, 2024; received January 5, 2024.
- Project Narrative; received January 5, 2024.
- Site Plans, by ERM and CenterPoint Energy; dated November 29, 2023; received January 5, 2024.
- Typical Best Management Practices (BMPs), by CenterPoint Energy; dated February 10, 2023; received January 5, 2024.
- No-rise certification dated November 27, 2023; received January 5, 2024.
- Existing easements received January 5, 2024.
- Timber matting BMP typical section, by US Army Corps of Engineers; received January 24, 2024.
- Groundwater encounter contingency plan, by CenterPoint Energy; received January 24, 2024.
- LMRWD Permit application fee of \$750,; received January 12, 2024.

### Rule C – Floodplain and Drainage Alteration

The LMRWD requires the applicant to provide documentation that the proposed floodplain fill will not cause an increase in the 100-year water surface elevations. The

project is located within the Minnesota River floodplain and floodway, as seen on the FEMA Flood Insurance Rate Map (FIRM) Panel 27037C0070E (effective December 2, 2011) with a 100-year flood elevation of 715.0 feet North American Vertical Datum (NAVD88) at cross-section T.

The project proposes 93.6 cubic yards of temporary excavation. Specifically, the project anticipates 31 cubic yards of excavation in the floodway located near Black Dog Road, with an additional 14 cubic yards of excavation within the floodplain near CenterPoint Energy's Dakota Station Facility. The remaining excavation will be located within CenterPoint Energy's upland easements or within existing road right-of-ways within the City of Bloomington. Final grading proposes to restore the excavation sites to pre-construction contours. CenterPoint will use temporary BMPs to stabilize the area. US Fish and Wildlife Service (USFWS) has historically limited re-seeding activities within wetland areas to encourage growth and establish the natural seedbank within the wetland soils. CenterPoint will consult with the USFWS regarding the potential re-seeding of the wetland areas. The project plans to install a temporary 3,000-square-foot access route (Figure 2), which will be utilized to access the excavation. A typical section of the timber matting used for the access route has been provided. The proposed disturbances will not cause a rise in the 100-year water surface elevation. A no-rise certification signed by a professional engineer has been provided.

An erosion and sediment control plan is required to comply with Rule C. The applicant has submitted an erosion and sediment control plan for the project and provided typical BMPs. The person responsible for erosion and sediment control is noted below:

Colton Peshek  
CenterPoint Energy Senior Environmental Specialist  
612-321-5447  
[Colton.Peshek@centerpointenergy.com](mailto:Colton.Peshek@centerpointenergy.com)

In general, the project complies with Rule C; however, contact information for the contractor is required before a permit can be issued.

#### Additional Considerations

The project proposes excavation within wetlands on the project site. Excavation dewatering may be required in the wetland areas. The applicant submitted a Wetlands Conservation Act (WCA) Utilities Exemption request to the City of Burnsville on January 22, 2024. All discharge plans must be routed through sediment bags and weed-free haybale structures to areas where there is no standing water to prevent sediment introduction into the adjacent wetlands. In addition, the applicant provided a groundwater contingency plan (Attachment 1).

A previous nearby CenterPoint project, 2022 MBL Nicollet River Crossing (LMRWD No. 2022-002), experienced groundwater flows during trenching activities. The contractor backfilled the trench with native soils and compacted the material to prevent further seepage. There was no further evidence of groundwater seepage.

The 2022 MBL Nicollet River Crossing project also identified threatened and endangered species. ERM provided a threatened and endangered species review as part of the application material, which provided information on potential impacts and minimization measures.

### **Recommendations**

Based on review of the project, we recommend conditional approval contingent on receipt of the following:

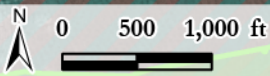
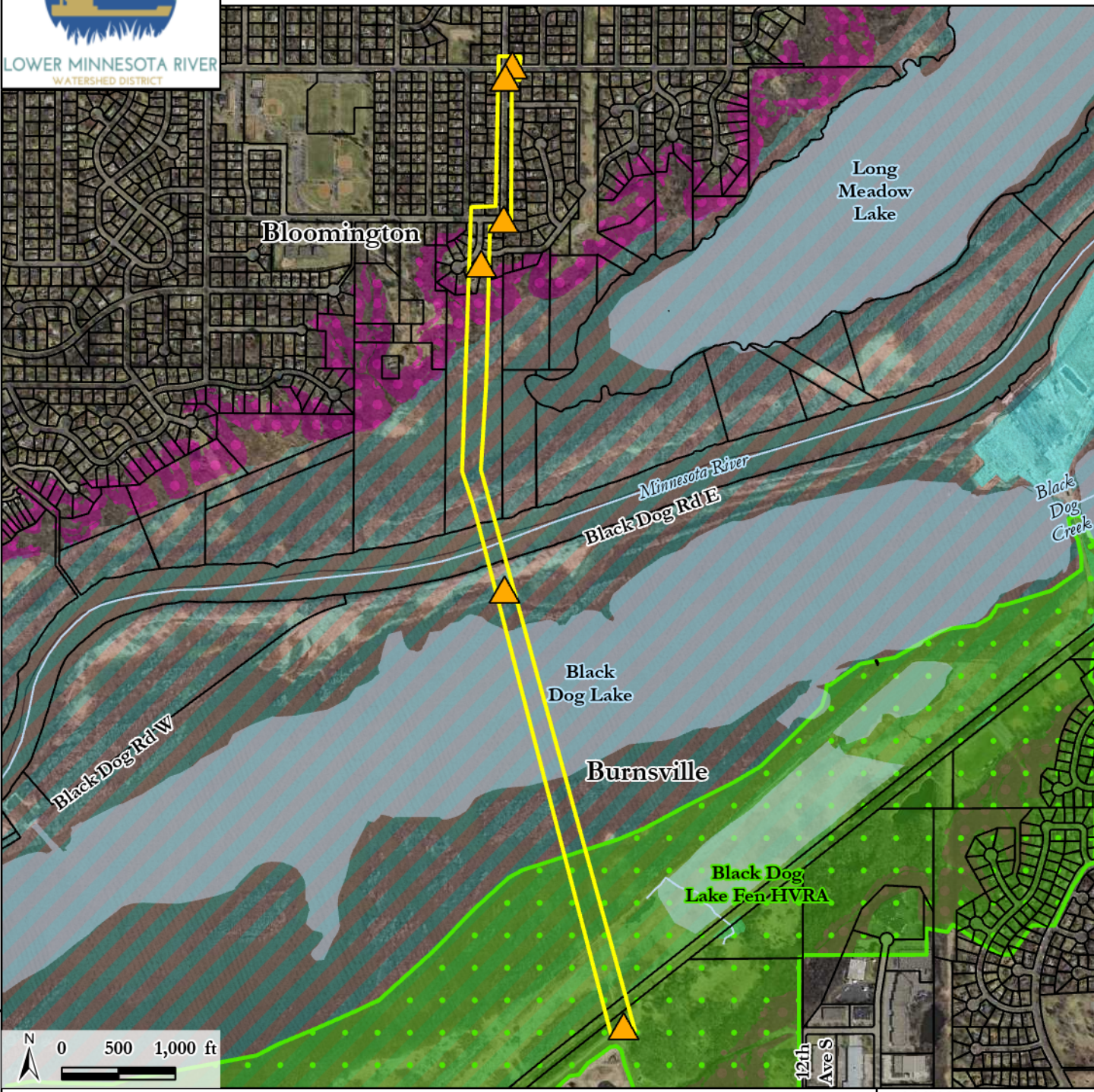
- Name and contact information for all contractors undertaking land-disturbing activities.
- Documentation of approval from the City of Burnsville, including WCA Exemption, Right-of-Way Permit, and the Conditional Use Permit.
- Documentation of right-of-way permit from the City of Bloomington.
- Documentation of approval from the USFWS.
- Documentation of approval from the Minnesota Department of Natural Resources (MnDNR), including the Water Appropriations Permit and Utility License Abandonment Authorization Request.

### **Attachments**

- Figure 1—CenterPoint Energy Pipeline Abandonment Project Location
- Figure 2—CenterPoint Energy Pipeline Abandonment Access Route
- Attachment 1—CenterPoint Groundwater Contingency Plan



Figure I: CenterPoint Pipeline Abandonment Project Location  
LMRWD No. 2023-026



**Legend**

- Project Location
- Excavations
- Parcels
- Public Waters
- Public Waterbodies
- High Value Resource Area
- Steep Slope Overlay District
- 100-yr Floodplain
- Floodway

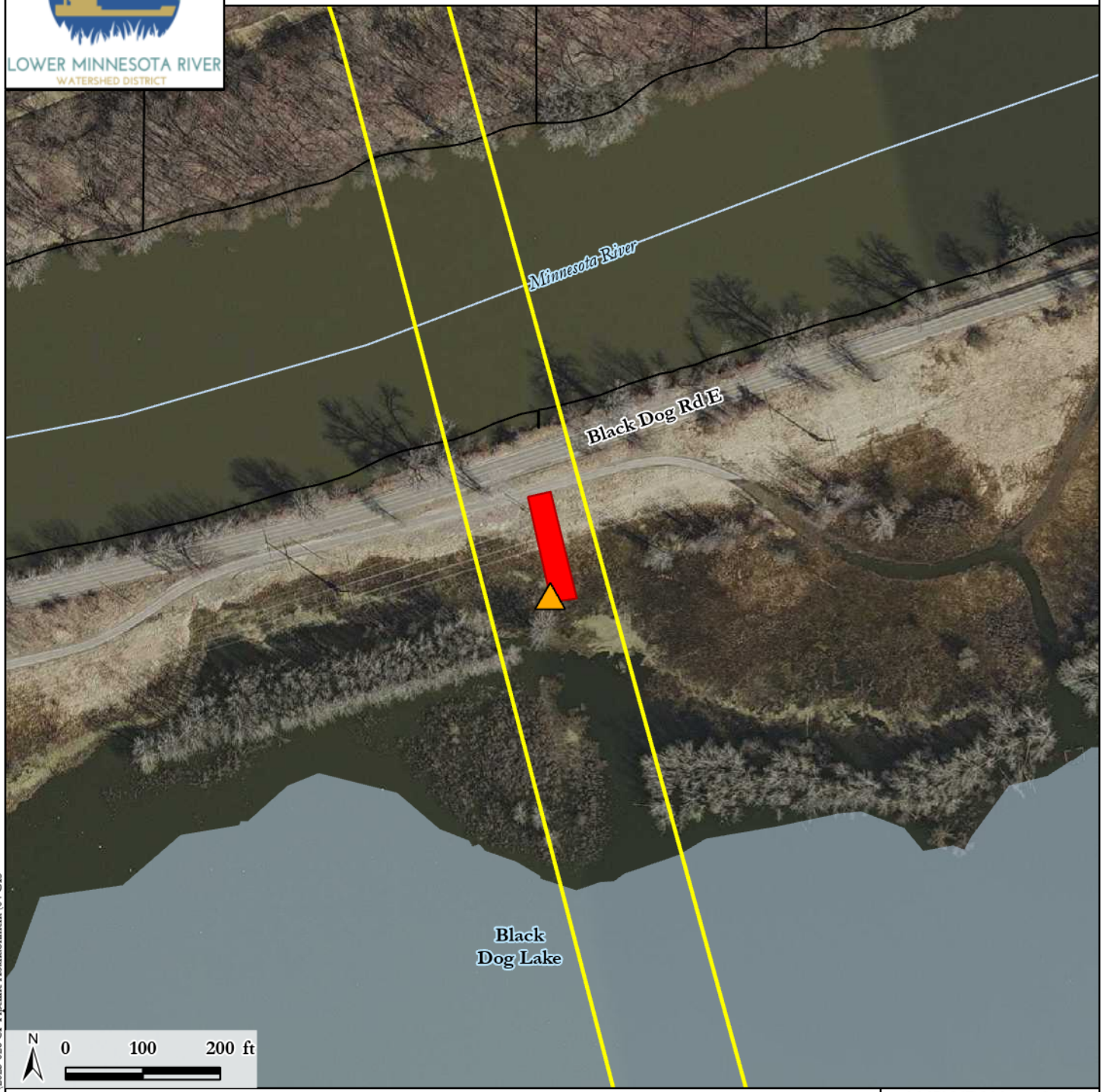
**LMRWD Watershed Location Map**



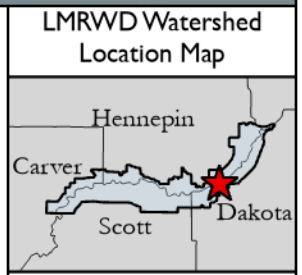
Location: Projects \LMRWD\Project Reviews\02 In Process\2023-026 CP Pipeline



Figure 2: CenterPoint Pipeline Abandonment Access Route  
LMRWD No. 2023-026



- Legend**
- Project Location
  - Excavations
  - Access Route
  - Parcels
  - Public Waters
  - Public Waterbodies



Location: Projects \LMRWD\Project Reviews\02 In Process\2023-026 CP Pipeline Abandonment\04 GIS

**CENTERPOINT ENERGY NATURAL GAS OPERATIONS  
PORTLAND LINE ABANDONMENT PROJECT  
CONTINGENCY PLAN FOR ENCOUNTERING GROUNDWATER**

Historical subsurface disturbances in the project area have not encountered any springs or groundwater flow; however, the CenterPoint Energy-designated Site Inspector will monitor for the presence of shallow groundwater, perched water table, and/or artesian springs during pipeline abandonment activities.

As such, the Site Inspector is to monitor any necessary dewatering activities and complete a dewatering log daily, regardless of if dewatering activities occurred. CenterPoint Energy and its contractor will minimize dewatering to the extent practicable and implement typical dewatering best management practices at discharge points where dewatering is required.

**A Minnesota Department of Natural Resources (DNR) Water Appropriations Permit has been obtained (refer to attached Permit No. [ERM to insert upon receipt]) if dewatering volumes are anticipated to reach or exceed 10,000 gallons per day.**

However, if excessive groundwater flow is encountered during pipeline abandonment activities, the Site Inspector is to implement the following procedure:

1. Notify Environmental Services (Colton Peshek, CenterPoint Energy Senior Environmental Specialist, 612-321-5447 or [Colton.Peshek@centerpointenergy.com](mailto:Colton.Peshek@centerpointenergy.com)) immediately so that notifications can be made to the DNR, City of Burnsville, and Lower Minnesota River Watershed District (LMRWD).
2. The Site Inspector and contractor will stop work and evaluate options for sealing the source of groundwater flow.
3. Additional erosion and sediment control best management practices (i.e., straw/hay bales, silt fence, sediment control logs, etc.) will be implemented as needed around the excavation to prevent sediment transport to the Minnesota River, Black Dog Lake, and associated wetlands during dewatering activities. If the Site Inspector or contractor observes sediment runoff toward the wetlands or waterbodies, contact Colton Peshek immediately.
4. Environmental Services will contact Joe Richter (DNR District Appropriations Hydrologist, 651-259-5877 or [Joe.Richter@state.mn.us](mailto:Joe.Richter@state.mn.us)) to discuss mitigation measures and obtain concurrence prior to initiating actions to minimize potential impact on natural groundwater flow patterns.
5. Environmental Services will provide subsequent notifications to the City of Burnsville and LMRWD as necessary.



# Technical Memorandum

**To:** Marcus Green, Consultant 2, Scientist  
Environmental Resource Management (ERM)

Kevin Trushenski, Community Development Assistant  
City of Burnsville

**CC:** Linda Loomis, Administrator  
Lower Minnesota River Watershed District (LMRWD)

**From:** Erica Bock, Water Resources Scientist  
Della Schall Young, PMP, CPESC, CTF, Principal Scientist

**Date:** January 3, 2024

**Re:** CenterPoint Pipeline Abandonment (LMRWD No. 2023-026)

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The City of Burnsville (City) provided notification of a new Conditional Use Permit (CUP) for CenterPoint Energy to allow work within the Federal Emergency Management Agency (FEMA) Floodplain and Shoreland of the Minnesota River and Black Dog Lake to abandon its existing 16-inch diameter (natural gas) steel transmission line located at 1400 Black Dog Road East and 11500 12th Avenue South, Burnsville, MN (Figure 1). The project's engineer, ERM, provided site plans for review. The City asked for review of the comments and response to Marcus Green, ERM, by January 3, 2024.

The proposed project consists of abandoning approximately 8,886 feet of its existing Portland Line steel natural gas transmission line. The existing 16-inch-diameter transmission line will be filled and abandoned beneath Black Dog Lake, the Minnesota River, and within the boundaries of the Minnesota Valley National Wildlife Refuge. The project anticipates disturbing 0.08 acres, which includes six excavations to complete the abandonment procedures. All the excavation locations will be backfilled. The project is located within the High Value Resource Area (HVRA), Steep Slopes Overlay District (SSOD), and Minnesota River floodplain in both Hennepin and Dakota counties and the cities of Burnsville and Bloomington. The applicant proposes to begin pipeline abandonment in June 2024 and it is anticipated that it will take several weeks to complete.

The City has its municipal permit for Rule B: Erosion and Sediment Control and Rule F: Steep Slopes Overlay District. Therefore, the project will require an LMRWD Individual Permit for Rule C: Floodplain and Drainage Alteration. The purpose of this memo is to summarize the preliminary review that Young Environmental Consulting Group (Young

Environmental) has completed in response to the City’s request for comments on the CenterPoint CUP application and to provide preliminary recommendations to the prospective applicant. This does not address review required across the river in the City of Bloomington.

### Summary

**Project Name:** CenterPoint Pipeline Abandonment

**Purpose:** Abandonment of natural gas pipeline within the SSOD, HVRA, floodway, and floodplain

<b><u>Project Size:</u></b>	<b>Area Disturbed</b>
	0.08 acres

**Location:** 1400 Black Dog Road  
Burnsville, MN 55337

**LMRWD Rules:** Rule C – Floodplain and Drainage Alteration

**Recommended Board Action:** Information Only

### Discussion

The LMRWD received the following documents for review:

- Burnsville Conditional Use Permit Amendment, by CenterPoint Energy; dated November 28, 2023; received December 21, 2023.
- Plans and documentation, by CenterPoint Energy and ERM; dated November 21, 2023; received December 21, 2023.
- Project narrative; received December 21, 2023.
- Site Plan, by CenterPoint Energy; dated October 19, 2023; received December 21, 2023.

#### Rule C – Floodplain and Drainage Alteration

The LMRWD requires the applicant to provide documentation that the proposed floodplain fill will not cause an increase in the 100-year water surface elevations. The project is located within the Minnesota River floodway, as seen on the FEMA Flood Insurance Rate Map (FIRM) Panel 27037C0070E (effective December 2, 2011) with a 100-year flood elevation of 715.0 feet National Geodetic Vertical Datum of 1929 (NGVD 29) at cross-section T.

The project anticipates 31 cubic yards of excavation in the floodway located near Black Dog Road, with an additional 14 cubic yards of excavation within the floodplain near CenterPoint Energy's Dakota Station Facility. CenterPoint plans to install a temporary 3,000-square-foot workspace, which will be utilized to access the excavation. Final grading proposes to restore the excavation sites to pre-construction contours.

To comply with Rule C, the applicant must provide a no-rise certification signed by a professional engineer and supporting calculations to demonstrate that the proposed impacts (although temporary) will not result in a loss of flood conveyance capacity or cause a rise in the 100-year flood elevation of the Minnesota River. We recommend the prospective applicant review [LMRWD Rule C](#), Sections 4.4 and 4.5 for further information regarding compliance.

### *Additional Considerations*

The project proposes excavation within wetlands on the project site. Excavation dewatering may be required in the wetland areas. We request that the applicant provide additional information about whether the project has undergone a Wetland Conservation Act (WCA) review. All discharge plans must be routed to areas where there is no standing water through sediment bags and weed-free hay-bale structures to prevent sediment introduction into the adjacent wetlands.

A previous nearby CenterPoint project, 2022 MBL Nicollet River Crossing (LMRWD No. 2022-002), experienced groundwater flows during trenching activities. The contractor backfilled the trench with native soils and compacted the material to prevent further seepage. There was no further evidence of groundwater seepage. The LMRWD is increasingly concerned about the potential negative impacts of deep excavations on groundwater.

The MBL Nicollet River Crossing project also identified threatened and endangered species. We request that the applicant provide a status update about any reviews or coordination that has been completed to minimize potential disturbances to threatened and endangered species (i.e. a cultural resources review).

Because the project has proposed excavation locations within the City of Bloomington, we request that the applicant provide an update on project coordination that has occurred with the City of Bloomington. The LMRWD will require project approval from both the City of Burnsville and the City of Bloomington before issuing a permit.

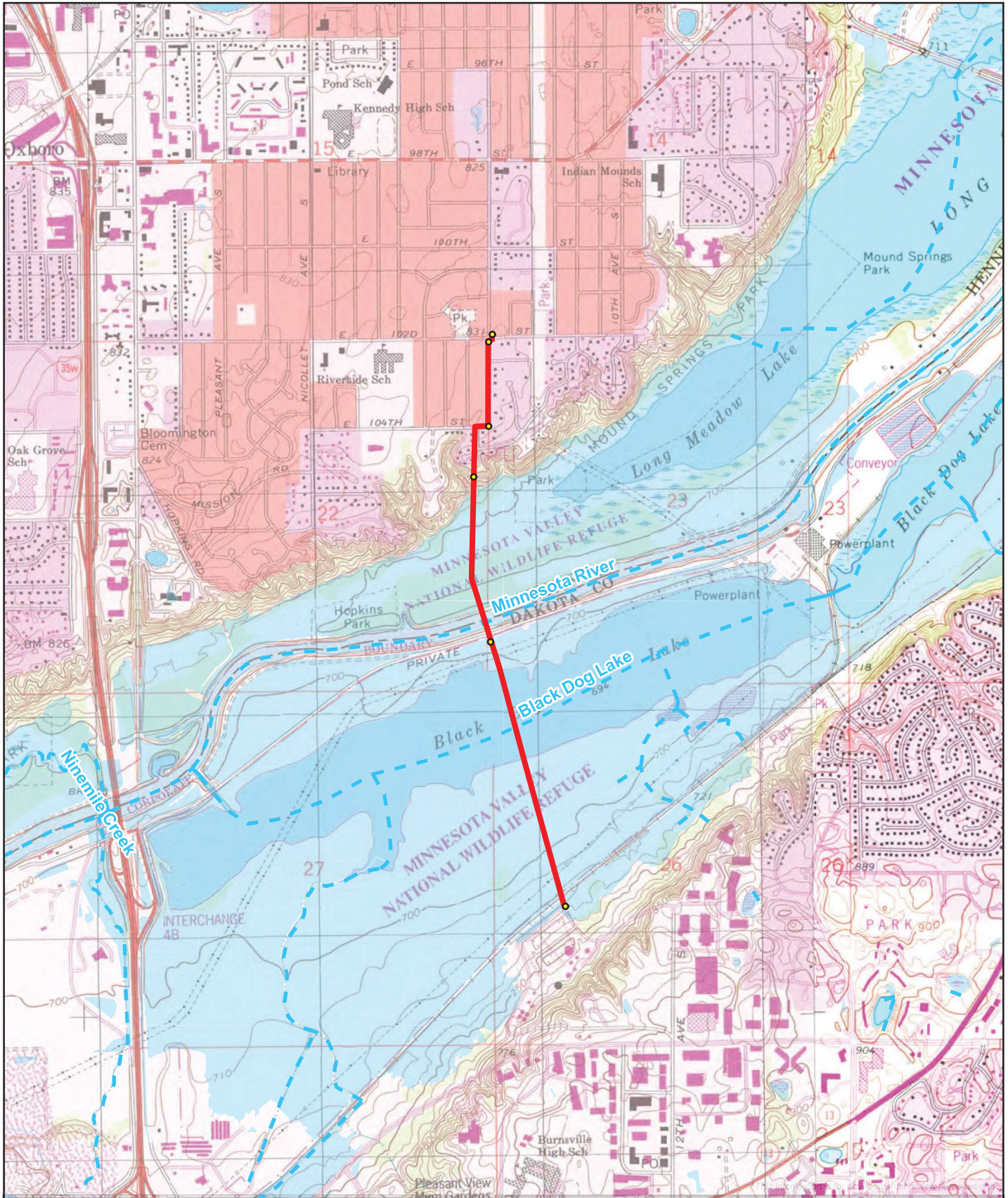
### **Recommendations**

No board action is required at this time. As presented, CenterPoint Energy must obtain an LMRWD Individual Project permit before the start of construction activities for the applicable LMRWD rules. We offer the following summarized comments to the project to help facilitate the permit review process:

- Review LMRWD [Rule C](#), especially the “Criteria” and “Required Information” and “Exhibits” sections to determine the requirements for compliance.
- For compliance with LMRWD Rule C, provide a no-rise certification signed by a professional engineer and calculations to demonstrate that the proposed excavation and access road (although temporary) would not result in a loss of flood conveyance capacity nor cause a rise in the 100-year flood elevation of the Minnesota River.
- The LMRWD will require approval from the City of Burnsville and the City of Bloomington.
- The LMRWD will require a status update on the WCA review information once available.
- The LMRWD will require a status update about any cultural resources review that may have occurred in the project area.
- The LMRWD encourages early coordination for complex projects and suggests scheduling a pre-application meeting to discuss the LMRWD permitting process and requirements.

#### **Attachments**

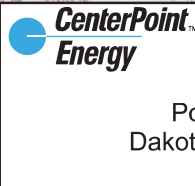
- Figure 1—Project Location



- Excavation Sites
- Proposed Pipeline Abandonment
- NWI Wetlands
- River/Stream

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**Figure 1**  
**Site Location Map**  
 Portland Line Abandonment Project  
 Dakota and Hennepin Counties, Minnesota

