MINNEHAHA CREEK
WATERSHED DISTRICT
QUALITY OF WATER, QUALITY OF LIFE

Meeting: Board of Managers
Meeting date: 4/13/2023
Agenda Item #: 11.1
Item type: Permit Consideration

Title:	Permit 23-011: CenterPoint Energy 1360 Morningview Drive Permit and Variance Application Review
Prepared by:	Name: Maria Friedges, Permitting Technician Phone: 952-641-4587 mfriedges@minnehahacreek.org

Purpose:

Present staff review of the CenterPoint Energy Morningview Drive Project for the Board of Managers consideration of permit and review the proposed variance form as a condition of permit approval.

Recommendation:

Approval of MCWD permit application on the following conditions:

Conditions for permit issuance:

1. Reimbursement of District fees for public notice, engineering, and legal review
2. Board of Managers approval of requested variance from Section 3(g) of the waterbody crossings and structures rule requirement

Summary:

CenterPoint Energy (Applicant) has applied for a Minnehaha Creek Watershed District (MCWD) permit for the installation of a new natural gas distribution line via horizontal directional drilling in the Morningview Drive neighborhood of Minnetrista (Project). There is an existing distribution line along the road right of way of this neighborhood that serves 80 households. The Applicant is replacing and abandoning this distribution line in conjunction with a City of Minnetrista road reconstruction project. Upon notification of City road reconstruction projects, the Applicant reviews the City's plans and prepares to relocate existing infrastructure so they are not located beneath the proposed road for future maintenance. The majority of the Applicant's work will be done within the public right of way. Distribution lines are to be contained within the public right of way or within a utility easement to reduce future conflicts with future road reconstruction. The only work done on private property will be for the installation of a new property service line at 1360 Morningview Drive. The Applicant will need to access the property to connect the new service line to the property meter.

The Project triggers MCWD's Erosion Control and Waterbody Crossings and Structures rules. The Project meets the requirements for all applicable rules, with the exception of one requirement of the Waterbody Crossings and Structures rule. The Applicant has requested a variance from the required 100 feet minimum setback from the streambank for pilot, entrance, and exit holes, as shown in Attachment 2. The Board of Managers delegation of permitting authority to the administrator specifies that when a variance is requested, the Board will retain authority for both the permit decision and the variance request.

Background:

The Applicant is proposing to improve natural gas service in the area by replacing approximately 6,521 linear feet of 2-inch-diameter plastic natural gas distribution pipeline and associated service lines where necessary along Eastview

Avenue, Morningview Drive, Morningview Court, Westview Drive, and Westwood Avenue. In addition, the Applicant will abandon 6,274 feet of natural gas pipeline of varying diameters within the same project location. The primary method of construction will be horizontal directional bore, with additional excavations to connect existing property service lines and to disconnect the existing infrastructure that is proposed to be abandoned as part of the project. The existing infrastructure will be disconnected from the main natural gas pipeline along County Road 110 N.

A first-order stream is identified on the property of 1360 Morningview Drive on the Hennepin County Natural Resources Map and MCWD internal GIS map. As explained by the Minnesota Department of Natural Resources (DNR), "most streams begin as springs or boggy seeps of groundwater. Some flow from lakes without an outlet. These fledgling streams are labeled *first order*. When a first order stream meets another first order stream, the resulting flow is a *second order* stream." The stream starts on the property of 1392 Westview Drive and outlets approximately 834 feet downstream into Jennings Bay. Because the stream outlets directly to Jennings Bay, it is considered a first order stream. The stream is not a public water and has no ecologic or conveyance values. The Waterbody Crossings and Structures rule requires that a minimum clearance of three feet below the bed of a waterbody and a minimum setback of 100 feet from any stream bank for pilot, entrance, and exit holes for projects involving horizontal directional drilling be provided. The rule analysis summarizes the applicable rules being met, as well as the application of the Waterbody Crossings and Structures rule and the variance request from the Applicant.

District Rule Analysis:

Erosion Control Rule:

The District's erosion control rule requires a sediment and erosion control plan for sites that disturb greater than 5,000 square feet of land or excavate, fill, or stockpile 50 cubic yards of material. The project is proposing approximately 492 cubic yards of excavation; therefore, the rule is triggered.

Per sections 5(a) and 5(b) of the rule, an erosion and sediment control (ESC) plan is required. The Applicant has submitted an ESC plan that has been reviewed by staff, who have determined that the plan includes the required existing and proposed site conditions as well as sediment control and temporary and permanent soil stabilization measures. The Applicant will perform the work in accordance with the submitted ESC plan (Attachment 3).

Section 6 of the rule does not apply, soils engineering and a geotechnical report were not requested.

Section 7 of the rule does not apply, no additional information was requested.

Section 8 of the rule does not apply as the proposed work area is less than one acre.

In summary, the project meets the requirements of the Erosion Control rule.

Waterbody Crossings and Structures Rule:

The District Waterbody Crossings & Structures rule applies to any project that proposes to place a road, highway, utility, bridge, boardwalk, or associated structure in contact with the bed or bank of any waterbody, including a utility that passes underneath the bed. The proposed natural gas distribution pipeline will include a pipe (2" plastic) under a stream that outlets to the bank of Lake Minnetonka, specifically Jennings Bay. At 1360 Morningview Drive, there are two bore pits proposed within 100 feet of the stream top of bank. The first bore pit is to route the proposed distribution pipeline within the road right-of-way and to tie in and route the new service line for this property. The bore pit size will be six feet by five feet by five feet and will result in 150 square feet of temporary disturbance. The second bore pit will be on the south side of the home at 1360 Morningview Drive to connect a new service line to the property meter. This bore pit is to be four feet by four feet by four feet and will result in 46 square feet of temporary disturbance. Neither bore pit/tie-in site will not come in contact with the bed or bank of the waterbody. The Applicant has submitted a plan that shows a minimum clearance of three feet between the utility and the bed of the waterbody.

Per section 3(a), structures in public waters shall meet a demonstrated public benefit and meet a specific need for all other projects. The stream is not a public water; the proposed distribution pipeline and service line meets the specific need to connect residents to gas service; therefore, the project is in conformance with this section of the rule.

Section 3(b) of the rule does not apply, as the hydraulic capacity of the stream will not be changed by this project.

Section 3(c) of the rule does not apply, as the navigational capacity of the stream will not change from existing to proposed conditions.

Section 3(d) of the rule does not apply, as the subsurface utility will not impede aquatic or upland wildlife passage.

Per section 3(e), the placement of the distribution line will not adversely affect water quality. The project proposes temporary disturbance but the Applicant has included an erosion control plan and stabilization plan to ensure that water quality is not affected.

Per section 3(f), the Applicant has submitted design alternatives to show the proposed plan meets the minimum impact solution with respect to all other reasonable alternatives. One alternative submitted is a no-build scenario. This option necessarily would minimize impact but would result in gas system issues, customer connection issues, and public safety concerns. The project is being proposed as a result of a linear project by the City and the relocation of facilities is to reduce impacts with future road reconstruction. A no-build scenario would result in utility conflicts and impacts caused by the City project. Additionally, a no-build scenario does not meet the project goals. The second alternative submitted is to install the natural gas pipeline via an open-trench method. This open trench installation method would result in higher levels of soil disturbance adjacent to waterbodies near the project area. A third alternative is to alternatively route the new natural gas distribution line. This alternative route is not feasible due to the existing natural gas service infrastructure network in the area and the City of Minnetrista road reconstruction project.

The Applicant is relocating its infrastructure in conjunction with the City project. Routing the distribution line in a different location would interfere with the City project and the placement of other public utilities. Alternatively routing the proposed distribution line would also conflict with the placement of existing infrastructure, which is to be abandoned as part of the project. Based on the three alternatives submitted for the project, MCWD staff concur that the applicant has demonstrated that the proposed plan represents the minimal impact solution.

Per section 3(g), the proposed work shall provide for a minimum clearance of three feet below the bed of a waterbody, and a minimum setback of 100 feet from any stream bank for pilot, entrance, and exit holes, for projects involving horizontal directional drilling. The plans and specifications specify the required three feet minimum clearance below the bed of the waterbody, and 33 out of 35 bore pit/tie-in sites are set back at least 100 feet from the stream bank. Within the project area where the stream is located, there are five bore pit/tie-in sites; three out of five bore pits are set back at least 100 feet from the stream bank. The Applicant has submitted a plan that demonstrates two bore pit/tie-in sites within 100 feet of the stream top of bank. The minimum setback of 100 feet is not being met due to the alignment of the proposed road, the existing natural gas pipeline infrastructure, and existing natural gas service lines to private properties. The Applicant has requested a variance to section 3(g) of the Waterbody Crossings and Structures rule, which has been analyzed under the *'Variance'* heading below.

Section 3(h) of the rule does not apply; this is not a sanitary service project.

In summary, upon satisfaction of the recommended conditions, the project meets the requirements of the Waterbody Crossings and Structures rule, apart from section 3(g), as noted above, for which the Applicant has requested a variance.

<u>Variance</u>

The applicant is requesting a variance from section 3(g) of the Waterbody Crossings and Structures rule, which requires a minimum setback of 100 feet from any stream bank for pilot, entrance, and exit holes for projects involving horizontal directional drilling. The variance request states that the Applicant is unable to provide the required setback at two bore/tie-in sites at 1360 Morningview Drive. The Applicant is proposing to use these bore pit/tie-in sites to connect the property's natural gas service line to their main distribution pipeline.

The District's Variances and Exceptions rule states that the Board of Managers may grant a variance from a provision of the rules if the Board determines that the request meets five criteria. Each criterion is reviewed briefly, as follows:

1. Criterion 1: Because of special conditions inherent to the property that do not apply generally to other land or structures in the District, strict compliance with a provision of the District rule will cause undue hardship to the applicant;
    a. The Applicant has submitted a variance application (Attachment 2), citing the alignment and positions of the bore pit/tie-in sites as a special condition inherent to the property and an existing condition that was not created by the Applicant. To be less than 100 feet at these tie-in locations is industry standard in order to tie into the distribution line and connect to the customer service line. Industry standard means distribution lines are to be located within the public right of way or a utility easement and service lines to private property are to be installed so they do not cross another property. The Applicant is not a property owner and must work in alignment with property boundaries and right-of-way as they exist.

2. Criterion 2: The hardship was not created by the applicant, its owner or representative, or a contractor. Economic hardship is not grounds for issuing a variance;
    a. The Applicant is proposing to install the new natural gas distribution pipeline via horizontal directional boring and have entrance and exit holes on either side of the stream to pass below the stream. The Applicant is not able to move the proposed location of the natural gas distribution pipeline or service line due to the location of existing CenterPoint Energy infrastructure and the meter location on the property home and because the Applicant needs to stay within the road right-of-way or easements for installation.

3. Criterion 3: Granting the variance will not serve merely as a convenience to the applicant;
    a. The Applicant is providing a service to the property owners in this neighborhood and not installing this natural gas distribution line would cause public safety concerns as well as a hardship to the Applicant and property owner.

4. Criterion 4: There is no feasible and prudent alternative to the proposed activity requiring the variance;
    a. The Applicant has explored alternative options for this location, none of which are feasible or minimal impact options for the project at 1360 Morningview Drive. The Applicant is relocating its infrastructure in conjunction with the City's project. Moving the proposed bore pit for the distribution line further south would interfere with the City's placement of the road, other public utilities, and existing infrastructure. Moving the bore pit to the northeast would cause the new property service line to be installed through a neighboring property. Service lines for a private property are not to cross another private property.

5. Criterion 5: Granting the variance will not impair or be contrary to the intent of the rules.
    a. The Applicant will not work within the bed or bank of the stream and will provide a clearance of three feet beneath the bed of the stream. The Applicant has submitted plans (Attachment 3) that cite where the distribution line is to be installed and the positions of the bore pit/tie-in sites in relation to the stream. The proposed bore pit/tie-in locations at 1360 Morningview Drive are setback as far as possible to prevent work from being done near the stream, prevent destabilization of the bank, sedimentation into the stream, and permanent impacts. The proposed bore pit for the new distribution line is approximately 30 feet from the stream top of bank and the proposed bore pit to connect the new service line to the property meter is approximately 24 feet from the top of bank. The Applicant has provided an ESC plan that shows additional erosion and sedimentation control measures will be taken at both bore pit locations for temporary disturbance to ensure that the stream will not be impacted by the bore pit locations.

Based on staff and District Engineer analysis of the submittals provided by the Applicant, there is a sound technical basis to find that the proposed bore pit/tie-in sites cannot feasibly be moved back further from the stream top of bank.

Staff concurs in the factual statements and technical justifications stated above in the variance application.

Conclusion:

CenterPoint Energy has applied for an MCWD permit for the Erosion Control and Waterbody Crossings and Structures rules and has requested a variance to the minimum setback requirement of the Waterbody Crossings and Structures rule for a bore pit/tie-in site. Staff recommends permit approval with the recommended conditions and, with respect to the variance request, concurs in the factual statements and technical justifications that the Applicant presents.

Supporting documents (list attachments):

1. Application Form
2. Variance Request
3. Site Plans

Print Form

WATER RESOURCE PERMIT APPLICATION FORM

Use this form to notify/apply to the Minnehaha Creek Watershed District (MCWD) of a proposed project or work which may fall within their jurisdiction. Fill out this form completely and submit with your site plan, maps, etc. to the MCWD at:
15320 Minnetonka Blvd. Minnetonka, MN 55345.
Keep a copy for your records.

YOU MUST OBTAIN ALL REQUIRED AUTHORIZATIONS BEFORE BEGINNING WORK.

1. Name of each property owner: CenterPoint Energy, Colton Peshek
Mailing Address: 700 West Linden Avenue City: Minneapolis State: MN Zip: 55403
Email Address: colton.peshek@centerpointenergy.com Phone: 612.321.5447 Fax:

2. Property Owner Representative Information (not required) (licensed contractor, architect, engineer, etc…)
Business Name: Merjent, Inc Representative Name: Melissa Lieder
Business Address: 1 Main Street SE, Suite 300 City: Minneapolis State: MN Zip: 55414
Email Address: melissa.lieder@merjent.com Phone: 612-643-5258 Fax:

3. Project Address: MorningView Dr City: Minnetrista
State: MN Zip: 55364 Qtr Section(s): Section(s): 12 Township(s): 117N Range(s): 24W
Lot: Block: Subdivision: PID:

4. Size of project parcel (square feet or acres): n/a
Area of disturbance (square feet): 3,200 square feet Volume of excavation/fill (cubic yards): 492 cubic yards
Area of existing impervious surface: n/a Area of proposed impervious surface: n/a
Length of shoreline affected (feet): n/a Waterbody (& bay if applicable): n/a

5. Type of permit being applied for (Check all that apply):

- ☑ EROSION CONTROL
- ☐ FLOODPLAIN ALTERATION
- ☐ WETLAND PROTECTION
- ☐ DREDGING
- ☐ SHORELINE/STREAMBANK STABILIZATION
- ☑ WATERBODY CROSSINGS/STRUCTURES
- ☐ STORMWATER MANAGEMENT
- ☐ APPROPRIATIONS
- ☐ ILLICIT DISCHARGE

6. Project purpose (Check all that apply):

- ☐ SINGLE FAMILY HOME
- ☐ ROAD CONSTRUCTION
- ☑ UTILITIES
- ☐ DREDGING
- ☐ SHORELINE/STREAMBANK STABILIZATION
- ☐ MULTI FAMILY RESIDENTIAL (apartments)
- ☐ COMMERCIAL or INSTITUTIONAL
- ☐ SUBDIVISIONS (include number of lots)
- ☐ LANDSCAPING (pools, berms, etc.)
- ☐ OTHER (DESCRIBE):

7. NPDES/SDS General Stormwater Permit Number (if applicable): Not Applicable

8. Waterbody receiving runoff from site: Lake Minnetonka

9. Project Timeline: Start Date: 4/3/2023 Completion Date: 12/31/2023

Permits have been applied for: City ☐ County ☐ MN Pollution Control Agency ☐ DNR ☐ COE ☐
Permits have been received: City ☐ County ☐ MN Pollution Control Agency ☐ DNR ☐ COE ☐

By signing below, I hereby request a permit to authorize the activities described herein. I certify that I am familiar with MCWD Rules and that the proposed activity will be conducted in compliance with these Rules. I am familiar with the information contained in this application and, to the best of my knowledge and belief, all information is true, complete and accurate. I understand that proceeding with work before all required authorizations are obtained may be subject to federal, state and/or local administrative, civil and/or criminal penalties.

Colton Peshek
Signature of Each Property Owner

1/11/2023
Date

merjent

p 612.746.3660 ▪ f 612.746.3679 ▪ www.merjent.com

1 Main Street SE ▪ Suite 300 ▪ Minneapolis, Minnesota ▪ 55414

January 11, 2023

Minnehaha Creek Watershed District
Attn: Permitting Department
15320 Minnetonka Blvd.
Minnetonka, MN 55345

Submitted via MCWD Permit Portal

Re: CenterPoint Energy: MorningView Dr (WO# 104993979)
Minnetrista, Hennepin County, Minnesota
Application for Authorization under the Erosion and Sediment Control and Waterbody Crossing/Structures Rules

Dear Permitting Staff:

Merjent, Inc. (Merjent), on behalf of CenterPoint Energy (CenterPoint), is submitting the attached application materials associated with CenterPoint's MorningView Dr Project (Project), located in Minnetrista, Hennepin County, Minnesota. CenterPoint is proposing to improve natural gas service in the area by replacing approximately 6,521 linear feet of 2-inch-diameter plastic natural gas distribution pipeline and associated service lines where necessary, along Eastview Avenue, MorningView Drive, MorningView Court, Westview Drive, and Westwood Avenue. In addition, CenterPoint will abandon 6,274 feet of natural gas pipeline of varying diameters within the same Project location. The primary method of construction will be directional bore, with additional excavations for tie-ins, and cut and cap activities. CenterPoint is applying for a Minnehaha Creek Watershed District (MCWD) Permit under the Erosion and Sediment Control and Waterbody Crossing/Structures Rules. See attached application materials for specific location information and Project maps.

The Project will consist of approximately 492 cubic yards of excavation and 3,200 square feet (0.07 acre) of temporary ground disturbance. In addition, the project will cross two desktop determined unnamed tributaries to Lake Minnetonka. Temporary workspaces associated with the bore pit locations will be situated on either side of the crossings in an upland roadside right-of-way and no construction activities will occur within the beds or banks of the waterbodies. Perimeter sediment controls (curlex logs or equivalent) will be installed down-gradient of all temporary stockpiles and displaced bore pit material. Where disturbance may occur in grassed or vegetated right-of-way, seed and mulch or erosion control blanket will be installed for the purpose of achieving permanent vegetative stabilization upon completion of CenterPoint's work. Since CenterPoint's area of disturbance is under 0.25 acre, no inspections are required. All project workspaces will be returned to pre-construction grade and condition upon finalization of construction activities.

CenterPoint has considered all possible alternatives; however, alternative routing is not feasible due to the existing natural gas service infrastructure network in the area. The first alternative would be a no-build scenario which would result in gas system issues, customer connection issues, and public safety concerns. The second alternative would be the open trench method

which would temporarily disturb the waterbody. The installation of pipeline as proposed is the safest method to both public safety and the environment. Construction is currently scheduled to begin April 3, 2023, or upon receipt of permit issuance.

If you have questions or require additional information, please contact me at 612-643-5258 or by email at melissa.lieder@merjent.com. Please provide a copy of the issued permits electronically via email. Merjent and CenterPoint appreciate your time and look forward to receiving your response.

Sincerely,

Melissa Lieder

Melissa Lieder
Senior Environmental Analyst
Merjent, Inc.

Enclosures: Water Resource Permit Application Form
Project Location Figures
BMP Typicals
Application Fee *(to be paid via the permit portal)*

cc: Paul Jacks, CenterPoint
Colton Peshek, CenterPoint
Mark Sutton, Merjent

REQUEST FOR VARIANCE AND STATEMENT OF HARDSHIP

MINNEHAHA CREEK WATERSHED DISTRICT (MCWD)
15320 MINNETONKA BLVD. **Phone: 952-471-0590**
MINNETONKA, MN 55345 **Fax: 952-471-0682**

A request for a Variance must be accompanied by a MCWD Water Resources Application

Project Details:

Project address: Westwood Dr and MorningView Dr City: Minnetrista State: MN Zip: 55364

County: Hennepin Property ID number (PID): Road rights-of-way

The Board of Managers may hear requests for variances from strict compliance with provisions of the District Rules in instances where strict enforcement of the rules would cause an undue hardship because of circumstances unique to the property under consideration. The Board of Managers may grant variances where it is demonstrated that such action will remain in spirit and with the intent of these rules. An applicant granted a variance form full compliance with a requirement of the rules would be required to meet the requirement to the greatest degree feasible short of full compliance. A variance must be approved by a two-thirds majority of managers voting.

To grant a variance, the Board of Managers must determine, based on a showing by the applicant:

- That because of special conditions inherent to the property, which do not apply generally to other land or structures in the District, strict compliance with a provision of a District rule will cause undue hardship to the applicant or property owner;
- That the hardship was not created by the landowner, the landowner's agent or representative, or a contractor. Economic hardship is not grounds for issuing a variance.
- That granting such variance will not merely serve as a convenience to the applicant.
- That there is no feasible and prudent alternative to the proposed activity requiring the variance.
- That granting the variance will not impair or be contrary to the intent of these rules.

A variance will remain valid only as long as the underlying permit remains valid.

A violation of any condition of approval of a permit subject to a variance shall constitute grounds for termination of the variance.

Variance Requested From MCWD Rule(s):

- ☐ Erosion Control
- ☐ Floodplain Alteration
- ☐ Wetland Protection
- ☐ Shoreline & Streambank Stabilization
- ☒ Waterbody Crossings & Structures
- ☐ Stormwater Management
- ☐ Appropriations
- ☐ Illicit Discharge

Provision(s) and Requirement(s) of the Rule(s):

Waterbody Crossings and Structures Rule 3.g.
"A minimum setback of 100 feet from any stream bank for pilot, entrance, and exit holes, for projects involving horizontal directional drilling"

Requested Variance:

Two bore pits for project will be less than 100 feet from the stream bank. Refer to page 3 of the attached site plan.

Please complete the below narrative to be used as the variance justification that will be considered by the Board of Managers. Please note that economic hardship is not grounds for issuing a variance.

Describe the special conditions inherent to the property and how strict compliance with the rule will cause an undue hardship.

Please refer to variance supplement.

Describe how the special condition was not created by the applicant, the representative, or a contractor.

Refer to variance supplement

Provide a minimum of two alternatives that were considered and why they were rejected to demonstrate that there is no feasible and prudent alternative to the proposed activity requiring the variance.

Refer to variance supplement

Referring to the Policy of the Rule(s), describe how the intent of the rule(s) will be met.

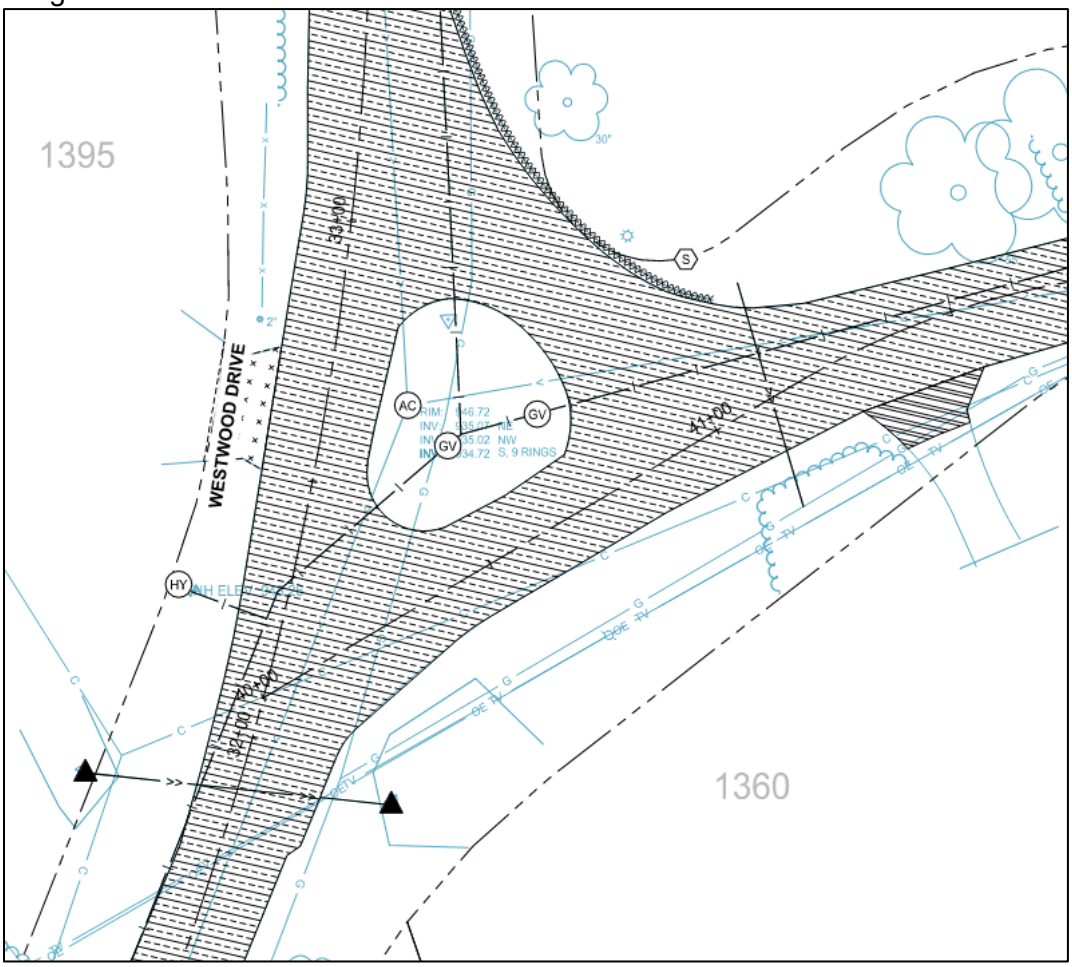
Refer to variance supplement

Describe the special conditions inherent to the property and how strict compliance with the rule will cause an undue hardship.

CenterPoint Energy (CenterPoint) must relocate their existing natural gas pipeline for the City of Minnetrista Road project. The City has already obtained their own separate Minnehaha Creek Watershed District (MCWD) permit (23-028) for their work. The City project involves tearing up the road, removal of all sanitary sewer and watermain, installation of new sanitary sewer and watermain, installation of new storm sewer drainage, and making a pseudo roundabout (refer to image 1 below, attached CPD Engineering Overlay Figure, and MCWD permit 23-028 for more details on city project).

Following Minnesota Chapter 7819, Public Rights-Of-Way Standards, CenterPoint must relocate their distribution line along road rights-of-way (ROW), outside of privately owned property, and outside of paved roads. CenterPoint's utility line is not allowed to be in the middle of the City of Minnetrista's proposed pseudo roundabout for safety and maintenance issues.

Image 1

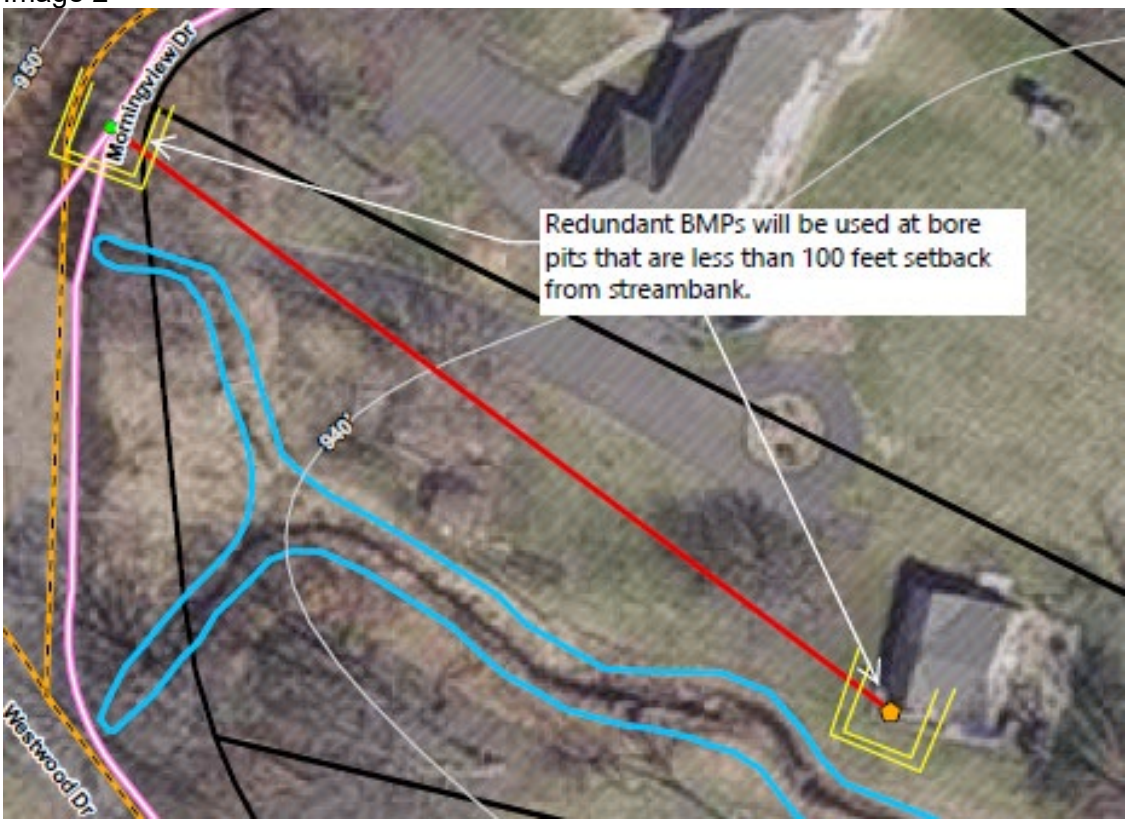


Two bore pits are proposed within 100 feet of the waterbody cannot be relocated due to engineering constraints. To obtain the 3-foot clearance depth below the culverted

waterbody, CenterPoint needs to install a new service line to a building. At the point of crossings, the waterbodies crossed are culverted waterbodies. In addition, service lines to homes need to be installed on that private property (parcel). A service line cannot be relocated onto another private property. As such, two bore pits will be located within the 100 ft setback from the stream bank (refer to Image 2 below and site plan). One bore pit is located along the road ROW and one will be located at the meter along the building. CenterPoint will utilize the one bore pit along the road ROW for two activities to reduce disturbance:

1. Tie-in and connect the gas distribution line (pink lines in image below).
2. Connect new service line (red line) to distribution line (pink lines).

Image 2



Describe how the special condition was not created by the applicant, the representative, or a contractor.

CenterPoint must relocate their existing natural gas pipeline for the City of Minnetrista Project. This procedure is following Minnesota Chapter 7819, Public Rights-Of-Way Standards. Due to items previously noted above, two bore pit locations will need to be setback less than 100 feet from the stream bank.

Provide a minimum of two alternatives that were considered and why they were rejected to demonstrate that there is no feasible and prudent alternative to the proposed activity requiring the variance.

CenterPoint has considered all possible alternatives; however, alternative routing is not feasible due to the existing natural gas service infrastructure network in the area, property parcel boundaries, and the City of Minnetrista road reconstruction. The first alternative would be a no-build scenario which would result in gas system issues, customer connection issues, and public safety concerns. The second alternative would be an open-trench installation method. This open trench installation method would result in higher levels of soil disturbance adjacent to waterbodies near the Project area. Therefore, the installation of pipeline as proposed is the safest method for both public safety and the environment.

Referring to the Policy of the Rule(s), describe how the intent of the rule(s) will be met.

1.a. CenterPoint will not work within the bed or bank of the crossed waterbodies. CenterPoint will complete their activities using the low-impact directional bore method. At each bore pit best management practices (BMPs) will be utilized. At bore pits within 100 feet of the waterbodies, redundant BMPs (i.e., two rows of BMPs) will be utilized. Based on site conditions, CenterPoint will utilize appropriate BMPs for each location. BMPs that may be utilized are referenced in the attached document titled "*Description of Best Management Practices and Applicability*."

1.b. CenterPoint's construction activities will be temporary, and all workspaces will be returned to pre-construction conditions.

1.c. CenterPoint's activities will be conducted using the directional bore method allowing wildlife passage and habitat improvement.

CenterPoint Energy Gas Operations
Description of Best Management Practices and Applicability

BMP Type	BMP Name	Use	Application	Example Photo
Sediment Control Temporary	Drop-in Inlet Protection (Dandy Bags)	Used to filter stormwater flowing to a storm drain downslope of construction activities. Inlet protection is a required under stormwater regulations. This is a supplemental sediment control. Primary sediment controls should be installed at the construction site upslope of the receiving drain.	Inlet protection must have an overflow outlet and shall be installed per manufacturers specifications. Check and clean debris/sediment out daily. Inlet protections reduces the capacity of the storm sewer and may need to be pulled during large storm events.	
Sediment Control Temporary	Filter Logs	Used as an alternative perimeter control to silt fence. Most frequently used as perimeter control adjacent to curbs, smaller spoil piles, as a ditch check, or as a redundant best management practice. Only those filled with compost and using a biodegradable netting are considered biodegradable. All other types have to be removed upon achieving final stabilization.	Fiber logs are used as sediment and stormwater velocity control devices. They are typically made from tubes of plastic netting or biodegradable burlap material filled with woodchips, straw, rice straw, coconut fiber, or compost. Fiber logs come in a variety of sizes from 9 to 20 inches in diameter and in different lengths. Must be installed to manufacturers specifications. Good alternative to silt fence and straw bales for use as perimeter control or ditch check; however, the appropriate diameter log is critical. This product can be reused over several projects, except when used in areas of invasive/noxious species.	
Sediment Control Temporary	Road Cleaning	Used in conjunction with stabilization of construction entrances. All sediment tracked from project onto public roadways should be cleaned on a daily basis. Sediment removal may be done manual or using a wet street sweeper.	Where excessive tracking occurs on roadways or sidewalks, evaluate additional BMPs to reduce tracking. Cleanup should occur at the end of every day.	

BMP Type	BMP Name	Use	Application	
Sediment Control Temporary	Sandbags	Used for short-term perimeter controls (24 hours) or as ditch check. Do not use as perimeter control if adjacent to a sensitive feature or to protect storm sewer inlets.	As a barrier, they can slow stormwater flow offsite and provide some filtration of stormwater. Do not use sandbags in streets if prohibited by road authority.	
Sediment Control Temporary	Silt Fence	Used as a perimeter control, inlet protection, or slope breaker and occasional ditch check. Used as perimeter control along project workspaces and spoil piles or to divert water around the site. Must be removed upon final stabilization.	Most common BMP; typically used as a perimeter control but may be used as a ditch check or slope breaker in areas of low flow. Must be installed per manufacturers specifications including but not limited to: fabric shall be trenched-in properly, with locally approved stakes (wood or metal). Stakes will be on the downslope side of the fence. Proper maintenance is key for this BMP.	
Sediment Control Temporary	Straw/Hay Bales	Used as ditch checks and occasionally perimeter controls. May also be used in dewatering structures. Do not use on hard surfaces or in wetlands. Weed free bales may be broken up and used as mulch on ROW in lieu of removal. Use may be prohibited in some cities or counties.	Must be staked and trenched in properly to be effective. Use weed-free straw/hay. Replace saturated bales to ensure stormwater flow through the bale.	
Sediment Control Temporary	Super Silt Fence	Used in areas of extreme erosion potential, to protect sensitive resources, or to contain spoil piles where staking of silt fence is not possible (e.g., road surfaces).	Silt fence reinforced with chain-link or concrete jersey barriers wrapped in geotextile fabric. Avoid tearing fabric when moving jersey barriers.	

BMP Type	BMP Name	Use	Application	
Erosion Control Temporary/ Permanent	Erosion Control Blanket	Used to stabilize soil as a temporary or permanent erosion control. Should be used with seed for final stabilization. Use on excavated areas, steep slopes, or approaches to stormwater conveyances (e.g., ditches, waterbody banks, upland borders with wetlands). Use the appropriate blanket for the land use post construction (i.e, do not use a blanket with netting of 12 months in an area that will be mowed in 3 months)	Seedbed preparation should be completed before application. Blankets should be installed per manufacturers specifications. Installation includes installing blanket with the flow of water, overlapping the edges, trenching in the upslope edge, and using the appropriate staples and spacing. At wetlands and waterbodies, a netless erosion control blanket should be used.	
Erosion Control Temporary/ Permanent	Hydromulch & Hydroseed	Used to apply mulch and seed for temporary and permanent soil stabilization. Used in steeper slopes or areas where rapid stabilization is needed. Do not apply in areas of heavy foot traffic. Must be applied directly to bare soils and never in frozen conditions or over snow, unless otherwise specified by the manufacturer.	Hyrdomulch and hydroseeding are used to prevent erosion and encourage revegetation. Both are usually made from a slurry of water, wood or cellulose fibers, and a tackifier agent, and are differentiated by the inclusion of seed and fertilizer. Typical application rate is 2.5 tons/acre depending on the material being applied. All applications should follow manufacturer's specifications.	
Erosion Control Temporary/ Permanent	Mulch	Used as a temporary or permanent soil stabilization measure. If used for permanent stabilization it must be applied with a perennial seed mix. Mulch may be used in front of sediment controls to reduce flow velocity and capture sediments in areas of high discharge, or in between redundant BMPs. It should not be applied in wetlands.	Mulch typically used is weed-free straw or hay. Mulch must be crimped in to keep it in place. Typical application rate is 2 tons/acre or 90 percent ground coverage.	

BMP Type	BMP Name	Use	Application	
Erosion Control Temporary	Plastic Sheeting	Used for temporary cover for very short-term projects (24 to 48 hours) or soil piles left overnight.	Sandbags should be used to weigh the plastic in place and prevent sediment loss. Do not use dirt clods to secure bottom. If using for potential contaminated soils cover, use compost logs with the plastic cover.	
Erosion Control Permanent	Retain Existing Vegetation	Project phasing is a recognized erosion control that includes limiting vegetation removal to trenchline only, where possible. Minimizes erosion onsite and the need for sediment controls. Where existing vegetation was retained, limit final grading to those areas where vegetation was removed.	Where possible, retain a buffer of existing vegetation upslope of sediment controls. This will reduce runoff velocity, capture sediment, and reduce repair/maintenance to sediment controls.	
Erosion Control Temporary/ Permanent	Seeding	Used to reestablish vegetative cover on disturbed soils and as an erosion control measure on soil piles. Requirements for seed installation vary by state and seed mixes may be determined by road authority. Consider soil characteristics when selecting a seed mix. In droughty or arid areas, site may be stabilized using mulch/erosion control blankets. Good temporary erosion control for spoil piles.	Temporary/permanent stabilization measure that should be combined with mulch, erosion control blanket, or hydromulch. Apply where permit requires stabilization of spoil piles or disturbed areas no longer under construction (14-day, 7-day, or 24-hour application timelines). Prepare seedbed with adequate topsoil and amendments (unless prohibited by permits). Permanent seeding required for all projects unless covering with sod, gravel, or other road material. Water regularly following application of permanent seeding measures.	

BMP Type	BMP Name	Use	Application	Example Photo
Erosion Control Permanent	Sod	Used for final soil stabilization in lieu of seeding. Typically used in residential areas, grassy public areas, or areas requiring immediate stabilization.	Sod installation should include proper staking, overlapping edges, and thorough watering. Must be watered for 30 days or until rooted.	
Erosion & Sediment Control Temporary	Staging	Staging can include the intentional placement of spoil piles where stormwater flow is directed to the excavation or minimizing impacts in areas where the work is not to occur immediately. Minimizes or eliminates the need for perimeter control on smaller scale projects.	Store spoil piles upslope of excavation area and away from waterbodies, wetlands, and stormwater conveyances. Install sediment controls prior to initiating ground disturbing activities. Avoid working over previously stabilized areas where possible.	
Erosion & Sediment Control Temporary/ Permanent	Slope Breakers	Used to reduce runoff velocity, divert water off the construction right-of-way, and prevent sediment deposition into sensitive resources. Temporary slope breakers can be constructed of soil berms, silt fence, straw bales, or sandbags (see BMPs above). Permanent slope breakers can be constructed of soil, stone, or similar materials.	Install on slopes greater than 5 percent using the spacing guidance below. Direct the outflow of each slope breaker off the construction right-of-way to a well-vegetated area or energy dissipation device. Outfalls cannot be directed into wetlands, waterbodies, or other sensitive areas. **Slope (%) — Spacing (feet)** 5 - 15 — 300 >15 - 30 — 200 >30 — 100	

BMP Type	BMP Name	Use	Application	Example Photo
Resource Protection	Waste Management	Maintain a clean construction site. Waste materials should be contained and picked up daily. Any sediment controls left onsite after final stabilization are considered construction waste and should be removed. Do not store chemicals or refuel vehicles near wetlands or other water resources. Applicable for all projects.	All spills should be cleaned up immediately (follow CenterPoint's Spill Plan). Water from concrete washouts or wet-concrete cuts must be contained and disposed of properly. Any waste materials from construction should be removed from the site. Sediment controls should be removed after final stabilization is achieved.	

Key Compliance Points for Construction Stormwater

1. **BMPs must be used on all projects regardless of their size.**
2. A construction stormwater permit and SWPPP is required for all projects with 1 acre or more of ground disturbance or part of a Common Plan of Development and a copy of these documents must be kept onsite during construction.
3. BMPs should be installed as directed in the Pocket Buddy text and specifically to protect sensitive resources on and off site, minimize erosion onsite and prevent sediment flow offsite.
4. Vehicle travel or construction activities are not authorized within wetlands/waterbodies unless a permit for that specific activity has been provided with construction documents.
5. Changes in the project footprint or construction methods must be communicated to the Project Designer and Regional Environmental Specialist immediately before proceeding.
6. Final restoration measures should be initiated immediately in portions of the site where construction activities have permanently ceased. Temporary stabilization is required where construction has ceased and will not resume for the period of time specified in applicable permits.
7. Return the on-site SWPPP and all original documents (i.e., inspection reports, site photos) to the Regional Environmental Specialist upon final stabilization and the completion of construction activities.

Environmental Services Contact Information

Chris LaNasa	612-321-5448 (Office)	Hugh Santos, Jr.	318-429-2532 (Office)
Lead Environmental Specialist (MN)	612-916-9213 (Cell)	Sr. Regional Environmental Specialist (LA, MS)	318-510-5119 (Cell)
Justin Suchecki	713-207-5681 (Office)	Mark Wannemueller	812-491-4601 (Office)
Lead Environmental Specialist (TX)	832-470-3098 (Cell)	Sr. Regional Environmental Specialist (IN, OH)	812-228-9541 (Cell)

EROSION and SEDIMENT CONTROL PLAN

Perimeter sediment controls will be installed down-gradient of temporary stockpiles, displaced trench material, and bore pits.

All associated equipment will be clean of soil or sediment before leaving off site. Street sweeping will be performed routinely as needed to remove tracked sediment.

Seed and erosion control blanket will be installed wherever soil disturbance occurs in a grassed or vegetated right-of-way. These stabilization BMPs will be implemented upon restoration of the R.O.W., and in no case later than 14 days after completion of construction activity.

All curb & gutter catch basins receiving stormwater runoff from the project area will have inlet protection coverage installed and maintained.

Post-construction conditions will result in no change to the preconstruction conditions. Drainage patterns, contours, and vegetation will not be altered from pre-existing conditions.

Marina Dr

County Hwy 110 N

Eastview Ave

Morningview Ter

Morningview Ct

960'

970'

980'

990'

1000'

1010'

Canada
ND
Minnesota
MI
WI
SD
IA

The site inspector and/or contractor are responsible for incorporating additional BMPs as site conditions dictate.

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CenterPoint Energy

For Environmental Review Purposes Only

Site Plan

MorningView Dr Project (WO# 104993979)

CenterPoint Energy

Minnetrista, Hennepin County, Minnesota

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- Proposed Abandonment
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- 10' Contour
- CPD Overlap Area
- NWI Wetland
- Hennepin County Parcel Boundary

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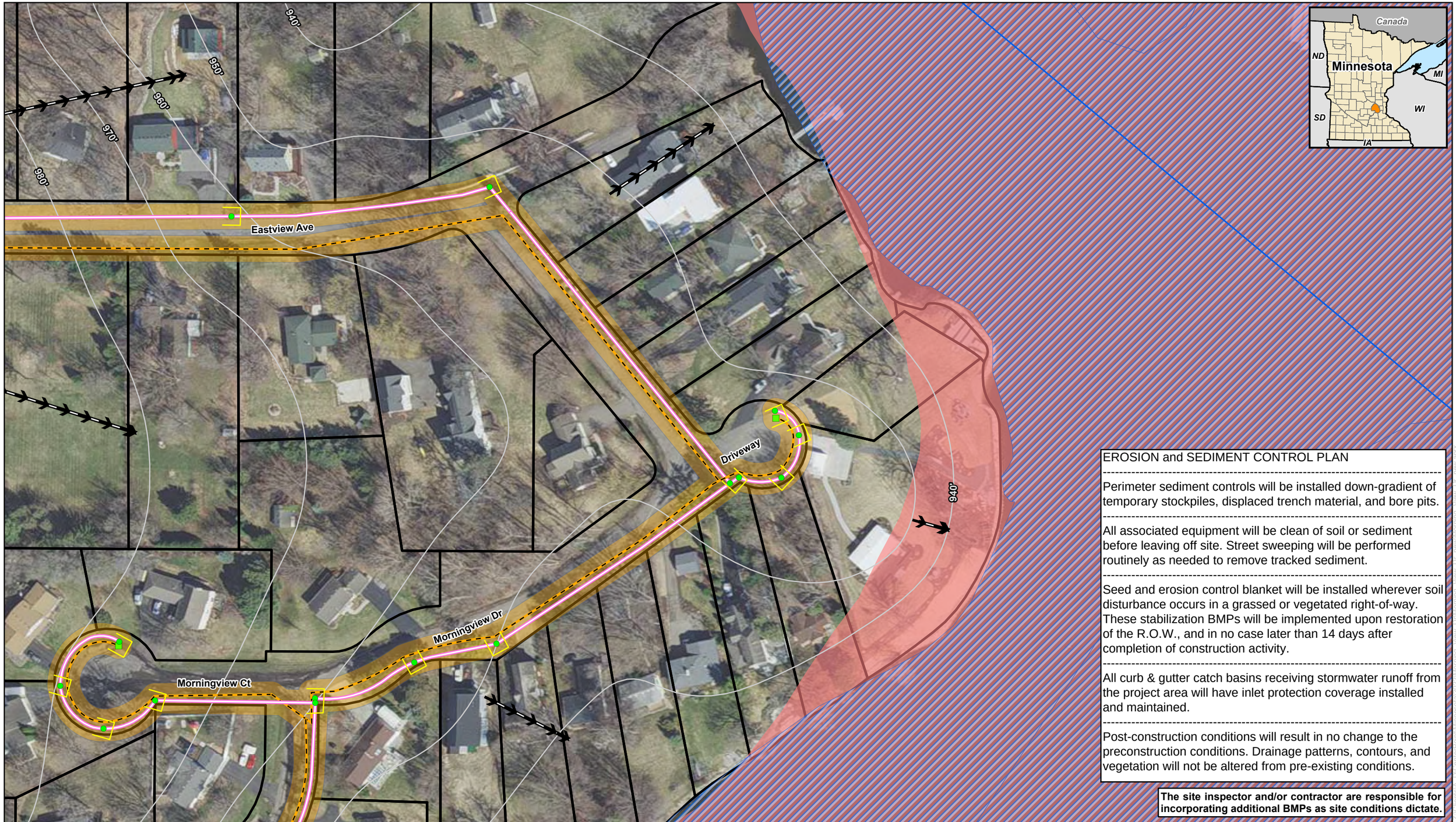

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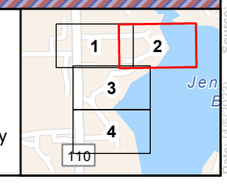

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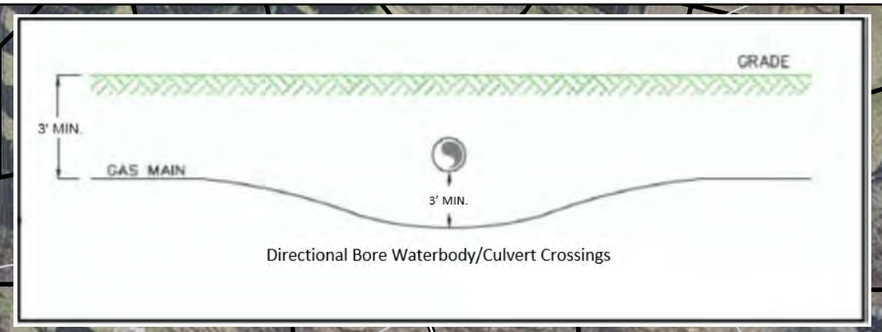
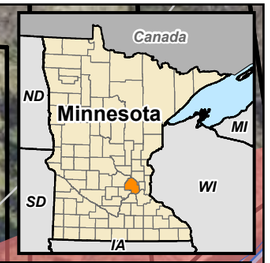


Directional Bore Waterbody/Culvert Crossings



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Redundant BMPs will be used at bore pits that are less than 100 feet setback from streambank.

Bore pit size 6'x5'x5'

1. Waterbodies will be crossed via the bore method.
2. No disturbance to the bed/banks of the waterbodies will occur.
3. Pipeline will be installed with a minimum 3-feet below the waterbodies beds.

Bore pit size against house at meter location 4'x4'x4'

The site inspector and/or contractor are responsible for incorporating additional BMPs as site conditions dictate.

0 50 100 Feet

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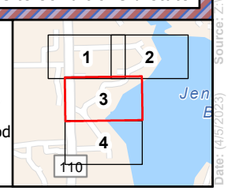

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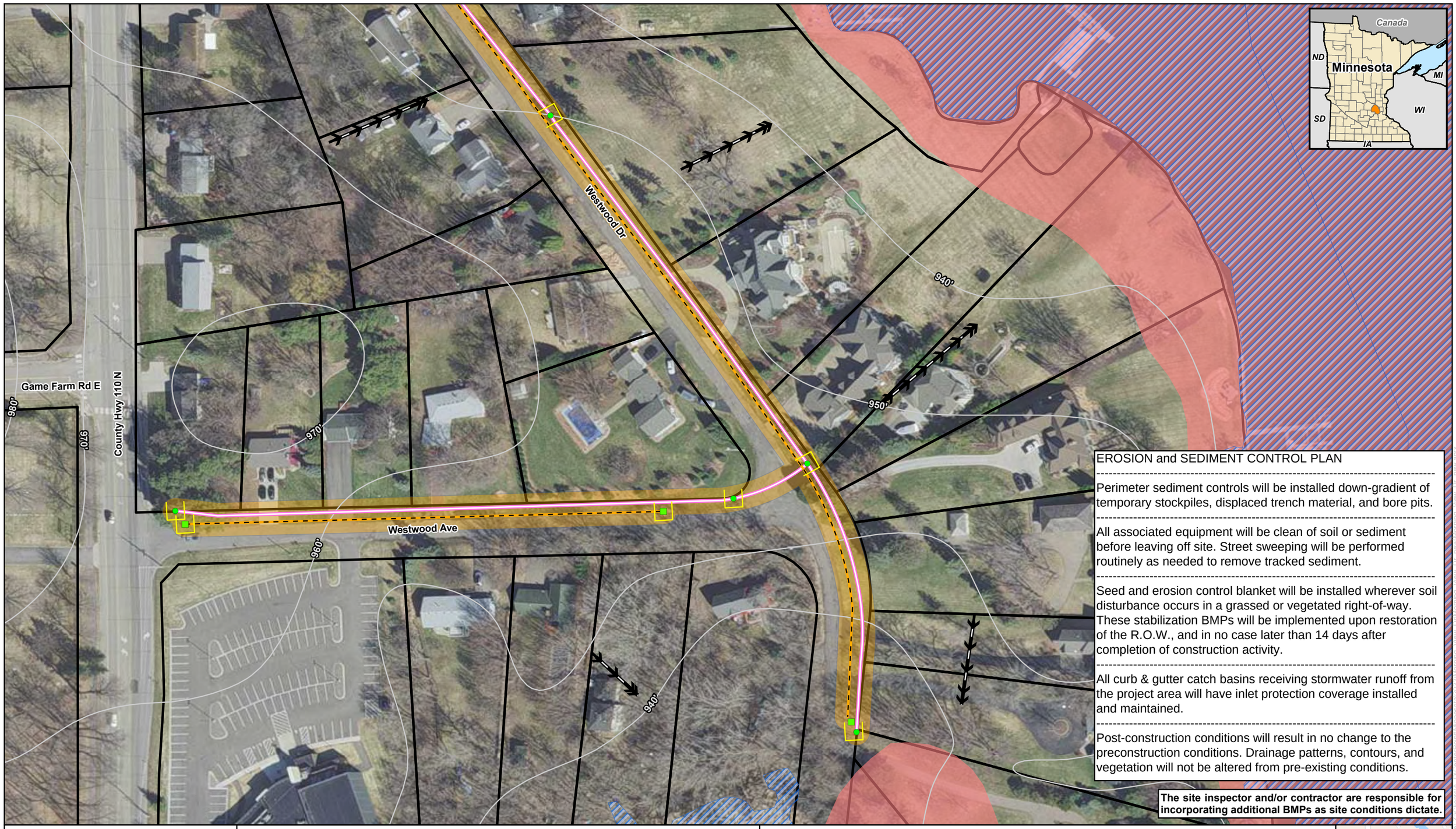

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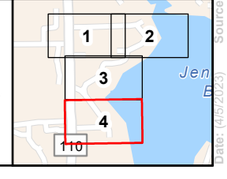

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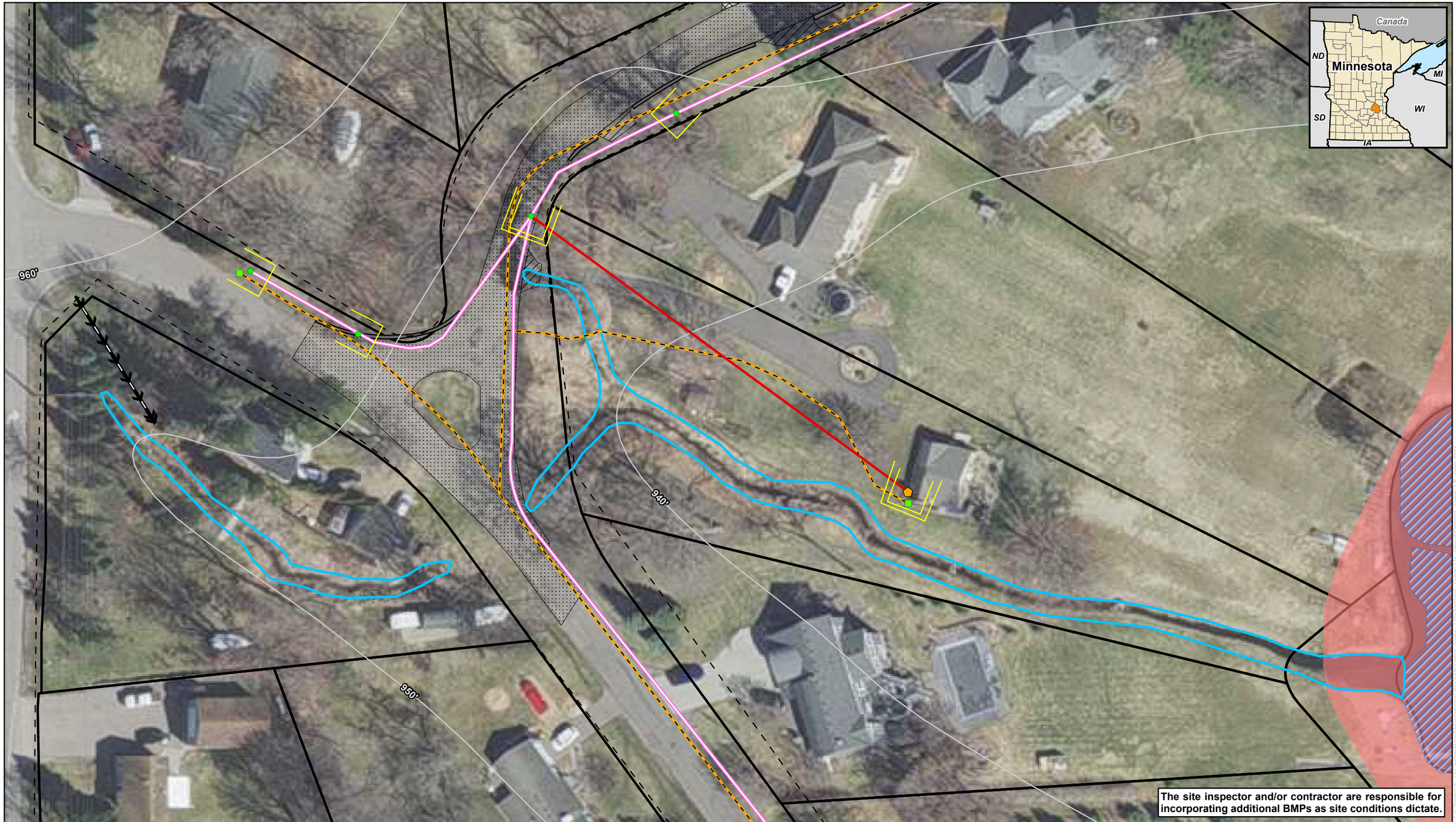

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CPD Engineering Overlay

MorningView Dr Project (WO# 104993979)

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Minneapolis, Hennepin County, Minnesota

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- CPD- Remove B|TUM|NOUS Driveway
- CPD- Remove B|TUM|NOUS Pavement
- CPD- Remove Concrete Driveway
- CPD- Remove Gravel
- CPD Approximate Construction Limits
- Hennepin County Parcel Boundary

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