



# United States Department of the Interior

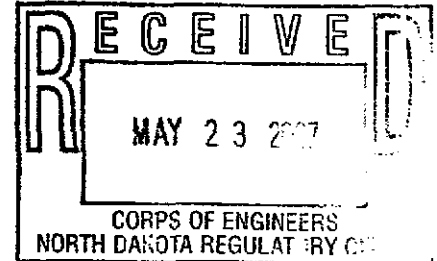
## FISH AND WILDLIFE SERVICE

Ecological Services  
3425 Miriam Avenue  
Bismarck, North Dakota 58501



REVIS CALLER

MAY 21 2007



Mr. Daniel Cimarosti  
North Dakota Regulatory Office  
U.S. Army Corps of Engineers  
1513 South 12<sup>th</sup> Street  
Bismarck, North Dakota 58504

Dear Mr. Cimarosti:

The U.S. Fish and Wildlife Service (Service) has reviewed the Public Notice for Application No. NWO-2007-1325-BIS, dated May 11, 2007. It concerns an application by Dakota Gasification Company (DGC) to construct a new 14-inch diameter steel CO<sub>2</sub> pipeline across Lake Sakakawea. The proposed project is located in T. 154 N., R. 95 W., Sections 21, 22, 27, and 34, Williams and McKenzie Counties, North Dakota. This report is prepared in accordance with the requirements of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) and in accordance with the provisions of the Endangered Species Act (16 U.S.C. 153 et seq.), and is to be used in your review of the proposed construction activity as it relates to the protection of fish and wildlife resources.

If permitted, DGC proposes to install approximately 11,400 linear feet of new 14-inch steel pipeline using the "lay barge" method of construction, where all pipe laying operations are conducted from a barge. The pipeline would be buried to a depth of six feet below the lake bottom. During excavation, the applicant proposes to place 200 feet of silt curtain on each side of the excavation/soil discharge area to minimize the movement of silt. The project would include discharging approximately 78,000 cubic yards of excavated material. Once the new pipeline is backfilled, the abandoned portion of the pipeline would be pulled from the lake utilizing a 100-ton winch.

The Service recommends that all barges and water borne construction equipment be thoroughly cleaned and inspected by North Dakota Game and Fish Department staff biologists prior to being launched to ensure that no invasive/exotic species are accidentally introduced into Lake Sakakawea.

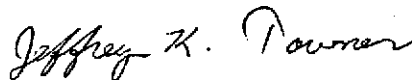
Construction activities should be conducted in a manner that will avoid/minimize impacts to the existing habitat in the project area. The following recommendations are intended to reduce construction related impacts.

- Site spoil disposal area so as to avoid native prairie and woody vegetation.
- Avoid construction in the lake during the fish spawning period (April 15 to June 1).
- Install and maintain erosion control measures, such as silt fences or erosion control blankets, throughout project construction.
- Reseed disturbed areas immediately after construction to reduce erosion.

The Service concurs with the Corps' determination that the project as proposed is not likely to adversely affect threatened or endangered species, or adversely modify designated critical habitat for the threatened piping plover. Under requirements of Section 7 of the Endangered Species Act, further consultation is not necessary. Should project plans change, a reassessment of impacts to threatened or endangered species and designated critical habitat is necessary.

The above comments constitute the report of the U.S. Fish and Wildlife Service on the subject permit application, and serves as notice that we do not object to the issuance of this permit. Thank you for the opportunity to provide comments, and if you have any questions or require additional information, please contact Terry Ellsworth of my staff, or contact me directly, at telephone number (701) 250-4481, or at the letterhead address.

Sincerely,



Jeffrey K. Towner  
Field Supervisor  
North Dakota Field Office

cc: Regional Administrator, EPA, Denver  
(Attn: B. Truskowski)  
Director, ND Game and Fish Department, Bismarck  
(Attn: M. McKenna)  
ND Health Department, Bismarck  
(Attn: M. Sauer)