



US Army Corps of Engineers

Omaha District

PUBLIC NOTICE

Application No:	NWO-2007-1325-BIS
Applicant:	Dakota Gasification Company
Waterway:	Lake Sakakawea
Activity:	New CO ₂ pipeline
Issue Date:	May 11, 2007
Expiration Date:	June 1, 2007

21 Day Notice

North Dakota Regulatory Office

1513 South 12th Street

Bismarck ND 58504

NOTICE OF PENDING PERMIT EVALUATION

Introduction. The District Engineer, U.S. Army Engineer District, Omaha, Nebraska is evaluating a Department of the Army (DA) permit application from **Dakota Gasification Company** for the proposed construction of a new 14-inch diameter steel CO₂ pipeline across Lake Sakakawea. This application is being evaluated under Section 10 of the Rivers and Harbors Act [33 USC 403] and Section 404 of the Clean Water Act [33 USC 1251, *et seq.*]. Section 10 regulates activities in, or affecting, navigable waterways. Section 404 regulates the discharge of dredge or fill material in the Nation's waters. In conjunction with this proposal, fill material would be discharged into jurisdictional waters of the United States.

- **PUBLIC NOTICE.** The purpose of this public notice is to inform the public; Indian Tribes; Federal, State and local agencies/officials; and other interested parties of a **21-day comment period** in which written comments in conjunction with **Dakota Gasification Company's pipeline** project may be submitted to the Army Corps of Engineers. Solicitation of comments regarding impacts to endangered species, historic properties, water quality, general environmental concerns and other public interest factors are discussed on **pages 3 and 4**. Written comments must be postmarked by **June 1, 2007**, prior to closure of the public notice administrative record.
- **PUBLIC HEARING.** Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. The District Engineer shall determine whether a hearing is necessary to obtain additional public interest information. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

Background Information. Dakota Gasification Company (DGC) owns and operates a pipeline which delivers carbon dioxide (CO₂) from the Great Plains Synfuels Plant located near Beulah, North Dakota to the U.S./Canadian border where it interconnects with the Souris Valley Pipeline. The CO₂ is used in Canada for enhanced oil recovery (EOR). The pipeline traverses approximately 167 miles in North Dakota and 38 miles in Saskatchewan, Canada. The entire pipeline is constructed of steel. The initial pipeline lake crossing (1999) was trenched with a minimum cover of four feet to elevation 1805 feet msl. Below elevation 1805, the pipeline was laid on the lake bottom. Since then the lake level has gone down approximately 30 feet. To reduce risks associated with the integrity of the pipeline lake crossing, DGC is proposing to relocate the CO₂ pipeline 100 feet west of the existing pipeline and provide a minimum four foot of cover. Once the new pipeline is in place, the abandoned pipeline will be removed from the lake.

The Corps' Section 10/404 regulatory authority on Lake Sakakawea includes the land below elevation 1850 feet mean sea level (msl). This is considered the full pool elevation.

Project Proposal

DETAILS. A DA permit application was received on **April 27, 2007** from Dakota Gasification Company. The application was considered complete on **May 8, 2007**.

PROJECT PURPOSE. The overall project purpose is to install a pipeline crossing Lake Sakakawea.

PROJECT LOCATION. The project is located in Lake Sakakawea, Missouri River, within Sections 21, 22, 27 and 34, Township 154 North, Range 95 West, Williams and McKenzie Counties, North Dakota. Also referenced as approximate Missouri River mile 1501.0.

PROJECT DESCRIPTION. The applicant proposes to install approximately 11,400 linear feet of new pipeline across Lake Sakakawea. The pipeline would be installed using the “lay barge” method of construction, where all pipe laying operations are conducted from a barge. A trench would be excavated to provide six feet of cover in 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. This is based on a four-foot wide trench bottom, 2.5:1 side slopes, eight-foot trench depth, and a length of 11,000 feet. *The excavated material would be placed on the west (up-stream) side of the trench. Once the pipes are in place on the trench bottom, the excavated material will be returned to the trench in “plugs” spaced approximately 250 feet apart. The plugs are for the purpose of fixing the pipes in proper orientation to prevent movement or displacement during subsequent backfilling operations. The trench would then be backfilled using the excavated spoil material. Once the new pipeline is backfilled, the abandoned portion of the pipeline (11,400 feet) would be pulled from the lake utilizing a 100-ton winch. All pipe and field joints would be coated with fusion bonded epoxy, abrasion resistant epoxy, and a two-inch concrete jacket weight coating.*

PROJECT's LIFE CYCLE. The project is designed to be permanent.

CONSTRUCTION METHODS. Heavy equipment to be used in the excavation activities for the lake crossing would consist of barge-mounted dragline, tow boat, anchor/fuel barge, and a hydrographic survey boat. Other construction related equipment that is needed to transport, offload, position, and handle pipe would include bulldozers, track excavators, motor graders and miscellaneous service vehicles.

ANTICIPATED EFFECTS

- ANTICIPATED ENVIRONMENTAL IMPACTS.
 - Wetlands and Other Waters of the United States. The project area would impact an approximate 26-acre area, resulting from the excavation and discharge of approximately 78,000 cubic yards of material from and in Lake Sakakawea.
 - Woodlands. No woodlands would be impacted.
 - Grasslands. No grasslands would be impacted.

MITIGATION. No mitigation was proposed.

ALTERNATIVES. No alternatives were proposed.

National Environmental Policy Act of 1969 [NEPA] (42 USC 4321 *et seq.*; Public Law 91-190) **NEPA Statement:** NEPA is the Nation's basic charter for protection of the environment. NEPA is to provide decision-makers and the public full disclosure of the environmental consequences of taking an action so they can make informed decisions. NEPA itself does not impose substantive duties mandating particular results, but prescribes the necessary process for preventing uninformed agency action.

National Historic Preservation Act of 1966 [NHPA] (80 Stat 915; 16 USC 470a, *et seq.*) and amendments, including the 1992 amendments (PL 89-665 and PL 96-515). **Cultural Resources Statement:** The Omaha District will comply with the NHPA and amendments and the procedures set forth in 33 CFR, Appendix C. We will evaluate input by Indian Tribes, the North Dakota State Historic Preservation Officer, and any interested parties in response to this public notice. Class I and Class III cultural resource survey and report have been completed. The report(s) identified one cultural resource site located within the area of potential effect of this proposed project.

Section 404(b)(1) Guidelines [Guidelines] (40 CFR 230 Subpart B): These Guidelines are the substantive environmental criteria used in evaluating the discharges of dredged or fill material in waters of the United States under Section 404 of the Clean Water Act and are applicable to all 404 permit decisions. The purpose of these Guidelines is to restore and maintain the chemical, physical, and biological integrity of United States waters through the control of discharges of dredged or fill material. Fundamental to the Guidelines is an understanding that dredge or fill material should not be discharged into such waters unless it is demonstrated that such discharges would not have unacceptable adverse impacts either individually or in combination with existing and/or probable impacts of other activities affecting the environment.

Section 401 of the Clean Water Act [Water Quality Certification] (33 USC Section 1341) **Water Quality Certification Statement:** The North Dakota Department of Health, Division of Water Quality, 918 East Divide Avenue, 4th Floor, Bismarck, North Dakota 58501-1947 will review the proposed project for certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the project undertaken by the applicant will not result in a violation of applicable water quality standards. Although water quality certification is a prerequisite for issuance of a DA permit, certification alone does not guarantee a DA permit will be issued for the project.

Endangered Species Act of 1973 [ESA] (16 USC 1531, *et seq.*) **ESA Statement:** Pursuant to the Endangered Species Act, the proposed project is being reviewed for impacts to threatened and/or endangered species and their critical habitat. The Corps has determined that the proposed work is not likely to adversely affect threatened or endangered species and not likely to adversely modify designated critical habitat for the piping plover.

Public Interest Review [33 CFR 325.3(c)(1)]: The public interest review procedures call for weighing the benefits that reasonably may be expected to accrue. These are balanced against its reasonably foreseeable detriments and results in reaching a determination that expresses the public interest. Public interest factors include all factors which may be, or may become, relevant to this project, such as conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The decision whether to issue a permit is based on an evaluation of those factors and the probable impact, including cumulative impacts, and reflects the national concern for both the protection and utilization of important natural resources.

The 404(b)(1) Guidelines and the Public Interest Review are both administrative processes required as part of the Regulatory Program, but they are independent of each other. A project must be in compliance with the Guidelines and must not be contrary to the public interest in order to be permitted by the Army Corps of Engineers.

Anyone whose interests may be affected by Dakota Gasification Company's pipeline proposal is invited to submit favorable or unfavorable written comments to the U.S. Army Corps of Engineers [Omaha District] **North Dakota Regulatory Office, 1513 South 12th Street, Bismarck, North Dakota 58504.** Comments must be submitted on or before the date on the front of this notice to be considered in subsequent actions on this application. For additional information, you may contact **Daniel E. Cimarosti**, North Dakota State Program Manager [Daniel.E.Cimarosti@usace.army.mil] or **Jason Renschler**, Project Manager [Jason.J.Renschler@usace.army.mil] or telephone (701) 255-0015.

ATTACHMENT – (1 total)