



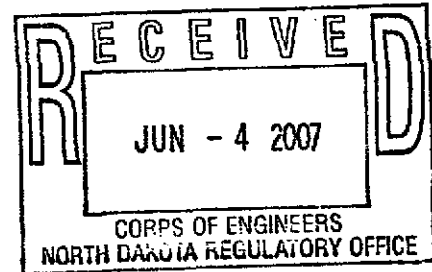
"VARIETY IN HUNTING AND FISHING"

**NORTH DAKOTA GAME AND FISH DEPARTMENT**

100 NORTH BISMARCK EXPRESSWAY BISMARCK, NORTH DAKOTA 58501-5095 PHONE 701-328-6300 FAX 701-328-6352

May 30, 2007

Jason Renschler  
Corps of Engineers  
1513 South 12 Street  
Bismarck, North Dakota 58504-6640



Dear Mr. Renschler:

Re: Dakota Gasification Company's New CO2 Pipeline  
Application No.: NOW-2007-1325-BIS

The North Dakota Game and Fish Department has received notification of the Dakota Gasification Company's proposal to construct a new 14 inch diameter steel CO2 pipeline across Lake Sakakawea. The proposed project consists of installing approximately 11,400 linear feet of new pipeline across Lake Sakakawea 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 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 up-stream side of the trench. Once the pipes are in place the excavated material will be returned to the trench. The abandoned portion of the pipeline would be pulled from the lake utilizing a 100-ton winch. The proposed project is located in Lake Sakakawea within Sections 21, 22, 27 and 34, Township 154 North, Range 95 West in Williams and McKenzie Counties, North Dakota.

In order to help protect the state's resources, the North Dakota Legislature enacted an aquatic nuisance species (ANS) law in 2005, with penalties, to prevent the importation and spread of ANS into or within North Dakota. The Department has developed a statewide management plan for aquatic nuisance species (ND-Plan) which has been approved by the Governor of North Dakota and the federal government (i.e., the U.S. Fish and Wildlife Service). The ND-Plan recognizes that preventative efforts need to be implemented in all ANS pathways including but not limited to construction and equipment used in aquatic situations. On two separate instances in 2004 and 2005, Department personnel witnessed barges on the Red River of the North that had not been inspected prior to being placed in the river. In one case, a tug boat contained remnants of saltwater clams that had been brought into North Dakota from some other location. In order to prevent this from

happening in the future and to implement specific strategies of the plan, the Department requests the following verbage be incorporated as a condition of this project:

“Aquatic nuisance species (ANS) are a major concern of the North Dakota Game and Fish Department (the Department). The contractor, including any and all subcontractors or others involved in this project, are required to take appropriate and reasonable precautions to prevent the introduction of ANS into the state’s waters or the movement of ANS within North Dakota or between North Dakota waters. These ANS precautions extend to any and all vehicles, vessels, trailers, pumps and such equipment that will be used in the waters of the state. The contractor will provide the Department a reasonable opportunity to inspect any and all vehicles, vessels, pumps and equipment that will be used in the waters of the state prior to those items being launched or placed in the waters of the state”.

Lynn Schlueter, Special Project Biologist for the Department, should be contacted at our Devils Lake Office (701-662-3617) for equipment inspections or any additional information regarding ANS.

In addition, the Department suggests implementing the following recommendations to minimize impacts to fish and wildlife resources:

1. Efforts should be made to prevent the destruction of woody vegetation, and any unavoidable losses of trees and shrubs should be replaced with similar species on a 2:1 basis.
2. Erosion control measures should be implemented to minimize the opportunity for sediments to enter the waterway.
3. The active work area shall be confined by silt curtains while work is being conducted within Lake Sakakawea.
4. We request the work not take place within the river from April 15 to June 1 to protect the fisheries resource.
5. Any disruption or displacement of the streambed and banks other than the planned alterations must be restored to pre-project conditions.

Sincerely,



Michael G. McKenna

Chief

Conservation & Communication Division

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