

Roger Johnson
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Todd D. Kranda
Kelsch, Kelsch, Ruff, & Kranda
P.O. Box 1266
Mandan, ND 58554

Dear Mr. ~~Kranda~~ *Todd*,

Thank you for the opportunity to comment on the proposed TransCanada Keystone Pipeline. My comments are confined to the control of noxious weeds within the construction right-of-way.

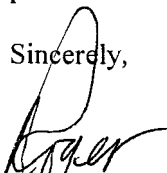
According to North Dakota Century Code (NDCC) 63-01.1-01, every person in charge of or in possession of land in this state, whether as landowner, lessee, renter, or tenant, shall control or eradicate noxious weeds on those lands. Your April 2007 project application to the North Dakota Public Service Commission indicates that pipeline construction will disturb 3,371 acres—including 418 acres of native and modified grasslands. As this project recovers the vegetation in the disturbed areas, please pay special attention to noxious weed control.

The primary jurisdiction regarding noxious weed law resides with the counties. The jurisdiction of each county weed board extends to all land within the county, but it does not include any land within the corporate limits of a city if that city has its own noxious weed control program (NDCC Ch. 63-01.1-03.2). Ken Junkert has emailed you a list of county weed board contact information as per your request. Please contact these weed control officers to discuss weed control issues that may be unique to each county.

Weed boards must conduct at least one annual inspection to determine the progress of noxious weed control activities within the county (NDCC Ch. 63-01.1-04.1(4)). I encourage you to contact each county weed control officer and schedule a time for inspection of the land impacted by pipeline construction. Restoration and management of cover vegetation will require an active management plan. Cooperation with the county weed control boards will ensure that the disturbed land does not create a future noxious weed control concern.

I am enclosing a copy of North Dakota's noxious weed law and regulations. If you have any questions, please contact Ken Junkert of my staff at 701-328-4756. Thank you.

Sincerely,


Roger Johnson
Agriculture Commissioner



RJ: kj

Enclosure