

**North Dakota Public Service Commission
TransCanada Keystone Pipeline, LP
Case No. PU-06-421
Late Filed Exhibits**

**September 26, 2007
Page 1 of 1**

Late Filed Exhibit T-35 - Supplemental

Supplemental Data Request:

Provide all correspondence/contacts with all state agencies in Sections 69-06-04-01(3) and 69-06-01-05 ND Administrative Code.

Supplemental Response:

In addition to the prior response that was provided with various attachments on September 19, 2007, additional correspondence was located regarding contacts from the Parks and Recreation Department, Land Department and Agriculture Commissioner as well as the local county weed control boards. A copy of such correspondence is attached. Please note that the Parks and Recreation Department material was already included as part of the Application, namely within Appendix A.

January 24, 2006

ENSR
1601 Prospect Parkway
Fort Collins, CO 80525
tel 970.493.8878
fax 970.493.0213
email cjohnson@ensr.aecom.com
web www.transcanada.com

Chris Dirk
Planning & Natural Resources Division
North Dakota Parks and Recreation Department
1600 E. Century Avenue, Suite 3
Bismarck, ND 58503-0649

Dear Ms. Dirk:

TransCanada is planning to construct and operate a 1,830-mile-long interstate crude oil transmission system from an oil supply hub near Hardisty, Alberta, Canada to destinations in the Midwestern United States (U.S). ENSR Corporation (ENSR) has been retained by TransCanada to prepare an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) for the proposed Keystone Pipeline Project (Project) within the U.S. In the U.S., the proposed Project would consist of approximately 1,070 miles of new pipeline constructed from the U.S.-Canada border in Pembina County, North Dakota to terminals and refineries in Salisbury (Chariton County), Missouri, Wood River (Madison County), and Patoka (Marion County), Illinois. TransCanada would construct the new pipeline within a temporary 110-foot-wide construction right-of-way (ROW). After construction and reclamation, the ROW would revert to a 60-foot-wide permanent ROW. TransCanada proposes to begin construction in the spring of 2008, with the system in-service by the end of 2009.

The Project also will require the construction of pump stations, valves, meters, and other ancillary facilities. The hydraulic characteristics of the pipeline will determine pump station and valve locations. The Project will meet all federal, state and local regulatory requirements and will implement an Integrity Management Program to help ensure public safety and to protect the environment. Flow meters and delivery metering stations will measure the amount of product transported and delivered to terminals. Electrical powerlines and facility upgrades will be required in some locations to provide power for the new pump stations and motor operated valves (MOVs) located along the pipeline route. Local power providers will be responsible for obtaining the necessary approvals and authorizations for any such construction.

National Environmental Policy Act Process

The Department of State governs the issuance of Presidential Permits for crude oil pipelines across U.S. borders and will be the federal lead for the NEPA process. In evaluating the Presidential Permit application (including an EA), the Department of State will solicit the views of other federal agencies, including the Department of Interior. Based on public and agency input, the Department of State will review the EA to determine whether a Finding of No Significant Impact (FONSI) is appropriate or whether an Environmental Impact Statement must be prepared with respect to potential significant environmental impacts within the U.S. In addition to the NEPA



Chris Dirk
January 24, 2006
Page 2

process, the Department of State must comply with other requirements and regulations, including the Endangered Species Act.

Information Request

Enclosed is an overview map of the entire proposed route that traverses parts of North Dakota, South Dakota, Nebraska, Kansas, Missouri, and Illinois. In North Dakota, the Project will cross portions of Cavalier, Pembina, Walsh, Nelson, Steele, Barnes, Ransom, and Sargent counties (see attached Overview Map and CD with the Electronic Centerline).

In order to address potential impacts to aquatic and terrestrial plant and animal species, we are requesting occurrence data for:

- Federally listed, proposed, and candidate species;
- Designated critical habitat of federally listed species;
- State listed or state sensitive species; and
- Unique ecosystems or sensitive communities.

Because of the mobility of wildlife species, ENSR would like to request sensitive wildlife information 5 miles beyond the Project boundary. We also would like to request sensitive plant data 3 miles beyond the Project boundary. If applicable, please send electronic files for our environmental analysis to: cjohnson@ensr.aecom.com.

ENSR also is contacting the U.S. Fish and Wildlife Service and North Dakota Game and Fish Department to request sensitive species information and to obtain input regarding the proposed Project route in North Dakota. If you have any questions regarding this request, please call me at (970) 493-8878. You also may direct project-related questions to the ENSR project manager, Scott Ellis, at the same number. Thank you in advance for your prompt response to this request.

Sincerely,

Charles Johnson
Senior Wildlife Biologist

CJ/

Ref: 10623-004

Enc. Overview Project Map
CD



John Hoeven, Governor
Douglass A. Prchal, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@state.nd.us
www.NDparks.com

February 8, 2006

Charles Johnson
ENSR
1601 Prospect Parkway
Fort Collins, CO 80525

Re: ND Natural Heritage Data for the TransCanada Crude Oil Transmission System

Dear Mr. Johnson:

As requested, the North Dakota Parks and Recreation Department has compiled the animal species of concern within five miles of the project area and plant species of concern and significant ecological community occurrences found within three miles of the project area. The occurrences are saved as shapefiles and can be found on the enclosed compact disc. Also included on the cd is a copy of the ND Natural Heritage plant species of concern list, animal species of concern list, and the ND Natural Heritage Methodology and Guide to Biological and Conservation Data.

It is our policy to require the recipient of an electronic data transfer and/or spatial data transfer to sign an agreement for the release of data. Please read through the attached agreement and send a signed version to our office. Upon receipt the NDNHI coordinator will also sign the agreement. A copy of this finalized version will be sent to your office for your records. A standard fee of \$60 has been assessed for the delivery of digital and/or spatial information. Please find an invoice attached.

If you have any further questions or requests feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Chris Dirk".

Chris Dirk
North Dakota Parks and Recreation Department
(701) 328-5360
cdirk@nd.gov

R.USNDNHI*1623

.....
Play in our backyard!

NORTH DAKOTA NATURAL HERITAGE PROGRAM

Agreement for the Release of Data

To

Charles Johnson
ENSR
1601 Prospect Parkway
Fort Collins, CO 80525

The North Dakota Natural Heritage Inventory (NDNHI), administered by the North Dakota Parks and Recreation Department (Department) will provide spatial information representing occurrences of North Dakota animal species of concern within 5 miles of the project area and plant species of concern and significant ecological communities within 3 miles of the project area. The data includes but is not limited to element occurrence code, global scientific name, global common name, state scientific name, state common name, latitude, longitude, precision of location, county name, township, range, section, site name, managed area name, state rank, global rank, federal status, EO rank, element occurrence data, general description, and last observation.

The NDNHI, for management and conservation reasons, considers this information confidential and sensitive due to the species' vulnerability to intentional or unintentional disturbance. The information in the form in which it is compiled and provided is the property of the Department, and its dissemination is subject to policies and procedures intended to protect its security and thereby the well being of the subject animals and plants.

ENSR (Recipient) requesting access to the North Dakota Natural Heritage biological and conservation database digital data (Biotics) hereby agrees to abide by the terms specified below. This agreement is necessary because of the cumulative nature of the NDNHI inventory. Recipient agrees to the following:

1. The Recipient understands that this agreement and any written documentation that accompanies the digital element occurrence data are an integral part of the data. Failure to use this written material in conjunction with the digital data constitutes misuse of the data.
2. The Recipient understands that digital data provided under this agreement are not a legal substitute for the Biotics database which is maintained by the NDNHI. Should any discrepancy exist between the digital data and the Biotics database, the Biotics database is the correct source of information.
3. The Recipient understands that the databases which make up the Biotics database are continually growing as new habitats and occurrences of rare species and communities are discovered and that the digital data provided under this agreement may therefore become obsolete. The NDNHI add, delete and change records on a daily basis. Consequently, the NDNHI advises that the recipient plan to update the data set on an annual to bi-annual basis. It is the Recipient's responsibility to use a current copy of the Biotics database for analysis or other work. The NDNHI agrees to supply data update service for digital data. The data shall consist of one bi-annual update of licensed digital data unless otherwise specified.
4. The Recipient understands that these digital data cannot be relied on as a definitive statement of the location of rare species or significant natural communities.
5. The Recipient agrees not to release copies of the data outside agency unless required by law.
6. The Recipient understands that as a professional courtesy, the acknowledgment of the NDNHI should be noted as a source for the information, whenever use of the data occurs in reports, papers, publications, or in maps that incorporate Biotics graphic elements.

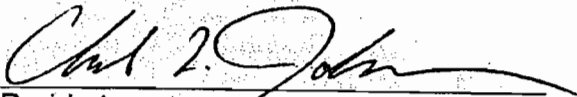
7. The Recipient agrees with the attached "North Dakota Natural Heritage Inventory Biotics Data Disclaimer".

8. The Recipient understands that the NDNHI data require a certain degree of biological expertise for proper analysis, interpretation and application. To as much degree as possible, given limited staff and time, the NDNHI is available by phone or letter to advise in the technical aspects of the data. The NDNHI can also arrange a Natural Heritage Inventory data use training and orientation. The Recipient understands that it is their responsibility to insure the data obtained from the NDNHI are not misapplied.

9. The Recipient understands that the term of this agreement shall expire within two years at time of signatures unless the Recipient fails to comply with any of the terms and conditions provided herein at which time the agreement will be terminated.

ND Natural Heritage Inventory Coordinator

Date



Recipient

2/14/06
Date

ENSR

Agency, Company, Organization

North Dakota Natural Heritage Inventory Biotics Data Disclaimer

The quantity and quality of data collected by the North Dakota Natural Heritage Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many natural areas in North Dakota have never been thoroughly surveyed, and new species are still being discovered. For these reasons, the Natural Heritage Inventory cannot provide a definite statement on the presence, absence, or condition of biological elements in any part of North Dakota. Natural Heritage data summarize the existing information known at the time of the request. Our data are continually upgraded and information is continually being added to the database. This data should never be regarded as final statements on the elements or areas that are being considered, nor should they be substituted for on-site surveys.

**ND Parks and
Recreation Department**

ND Natural Heritage Inventory
1600 East Century Ave., Suite 3
Bismarck, ND 58503-0649
(701) 328-5370 FAX: (701) 328-5363

INVOICE

INVOICE NO: 0054
DATE: 2/8/2006

To: Charles Johnson
ENSR
1601 Prospect Parkway
Fort Collins, CO 80525

CONTACT	REFERENCE NO.	DATE SHIPPED	SHIPPED VIA	F.O.B. POINT	TERMS
K.Duttenhefner	R.USNDNHI*1623	2/8/2006			

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	Computer data search, data retrieval .	\$ 60.00	\$ 60.00
SUBTOTAL			\$ 60.00
SALES TAX			
SHIPPING & HANDLING			
TOTAL DUE			\$ 60.00

Make all checks payable to: ND Parks and Recreation Department
If you have any questions concerning this invoice, call: Kathy Duttenhefner, (701) 328-5370

THANK YOU FOR YOUR INTEREST IN RARE SPECIES CONSERVATION.

Johnson, Charlie

From: Johnson, Charlie
Sent: Tuesday, February 14, 2006 1:11 PM
To: Tillquist, Heidi
Cc: Ellis, Scott; Caddis, Karen; Walsh, James; 'T. Michael Phelan'
Subject: ND NHP DATA

ND NHP data provided an excel spread sheet containing SOC species for ND. Merlyn also has shapefile data for occurrences along the route in ND. Please be advised, the ND-NHP and IL-NHP data is considered extremely sensitive and is not to leave ENSR, based on a signed contract between ENSR and these NHPs. I am assuming we should treat all NHP data this way.

HT and SE - the ND-NHP invoiced us for \$60.00. I will take care of this.

Charles Johnson
Senior Wildlife Biologist
ENSR Corporation
1601 Prospect Parkway
Fort Collins, CO 80525
Phone (970) 493-8878
Fax (970) 493-0213

1707 North 9th Street
PO Box 5523
Bismarck, ND 58506-5523
Phone: (701) 328-2800
Fax: (701) 328-3650



www.land.state.nd.us
www.nd.gov

Gary D. Preszler, Commissioner

June 11, 2007

TODD D KRANDA ATTORNEY
KELSCH KELSCH RUFF & KRANDA
103 COLLINS AVENUE
MANDAN ND 58554-7266

Re: TransCanada – Keystone Pipeline Project, Case #PU-06-421 (#11815)

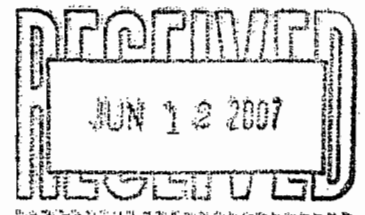
Dear Mr. Kranda:

In regards to the above described project, at the present time there are no North Dakota School Trust Lands crossed by the pipeline. Therefore, the North Dakota State Land Department has no comment concerning the project. Thank you.

Sincerely,

Michael L. Haupt
Range Specialist

MLH/bkp
g:\support\lrs\lrs - bp\hptlrs bp.doc



Roger Johnson
Agriculture Commissioner
www.agdepartment.com



Phone (701) 328-2231
Toll Free (800) 242-7535
Fax (701) 328-4567

600 E. Boulevard Ave., Dept. 602
Bismarck, ND 58505-0020

June 11, 2007

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.

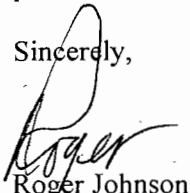
According to North Dakota Century Code (NDCC) 63-01.1-01, every person in charge of or in possession of land in this state, whether as landowner, lessee, renter, or tenant, shall control or eradicate noxious weeds on those lands. Your April 2007 project application to the North Dakota Public Service 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.

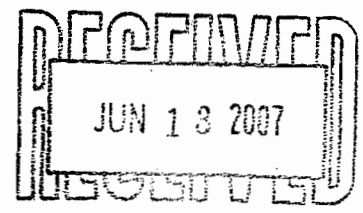
Sincerely,


Roger Johnson
Agriculture Commissioner



RJ: kj

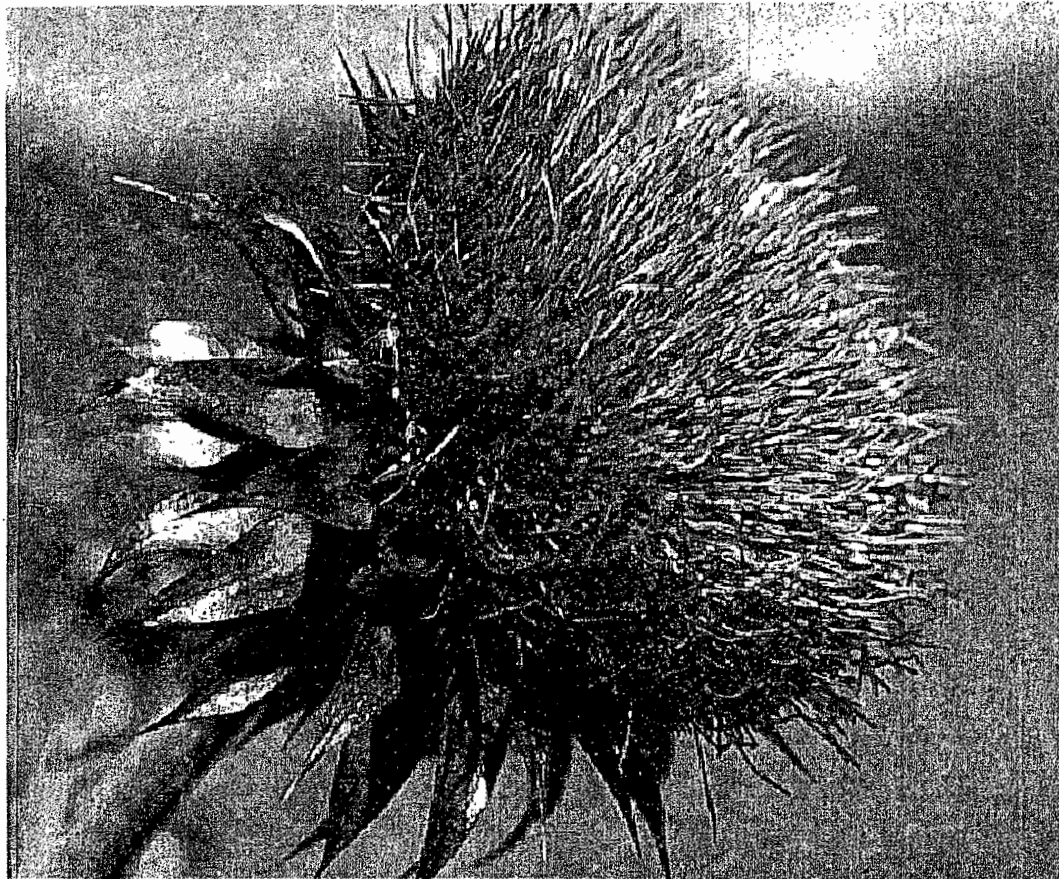
Enclosure





For more information about the control
and eradication of noxious weeds, please contact:

THE NORTH DAKOTA
DEPARTMENT OF AGRICULTURE
600 E. Boulevard Ave., Dept. 602
Bismarck, North Dakota 58505-0020
Phone: (701) 328-2231
Fax: (701) 328-4567
www.agdepartment.com



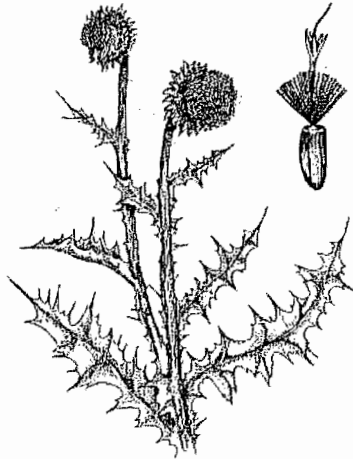
NORTH DAKOTA'S NOXIOUS WEED LAW AND REGULATIONS

NORTH DAKOTA DEPARTMENT OF AGRICULTURE
ROGER JOHNSON, COMMISSIONER

On the cover: **Musk thistle** (*Carduus nutans* L.)

One of North Dakota's 12 noxious weeds, musk thistle often grows more than six feet tall and can be recognized by its showy, red-purple flowers and very spiny leaves and stem. The large disk-shaped terminal flower heads droop when mature giving this plant its other common name, nodding thistle. Musk thistle flowers from July to late September.

Native to western Europe, musk thistle was introduced into the U.S. in the 1800s and is now found in all but five states. Musk thistle infests more than 120,000 acres in North Dakota, where it is usually found in dry areas or sandy and rocky soils in the northern half of the state. North Dakota has two subspecies of musk thistle that differ in flower head size and pubescence.



Animals, especially horses, eat the flower heads of musk thistle, but the plant is otherwise unpalatable to wildlife and livestock, who avoid heavily infested areas. An aggressive plant, musk thistle competes with native plants and grasses.

Musk thistle typically produces more than 10,000 seeds and may produce 120,000 seeds per plant. Because the plant reproduces only by seed, preventing seed production is key to controlling the weed.

Mechanical, biological and chemical methods are all used to control musk thistle. Integrated control strategies are recommended.

Cover photo credit: Dr. Rod Lym, Chair
Department of Soil Science
North Dakota State University, Fargo, ND

— *A Message from the Commissioner* —

Although noxious weeds cause millions of dollars in damage to crops and forage in North Dakota every year, they are not just a “farm problem.” Noxious weeds are an increasingly serious problem for everyone by adversely affecting rural and urban land values, tax revenues, recreational opportunities and wildlife habitat.

The North Dakota Department of Agriculture publishes this edition of Noxious Weed Law to help county weed boards, weed officers, landowners, public land managers and others understand the legal basis for the efforts to control or eradicate noxious weeds.



We can win the war on noxious weeds only if landowners and local, state and federal government agencies cooperate fully. This booklet will help us do just that!

Sincerely,

Roger Johnson
Agriculture Commissioner

NORTH DAKOTA CENTURY CODE

NOXIOUS WEED CONTROL

CHAPTER 63-01.1

63-01.1-01. Control and eradication of noxious weeds.

Every person in charge of or in possession of land in this state, whether as landowner, lessee, renter, or tenant, under statutory authority or otherwise, shall control or eradicate noxious weeds on those lands.

63-01.1-02. Definitions. As used in this chapter:

1. "Board member area" means a geographical area within the county from which a member of the weed board is appointed.
2. "City weed control officer" means an individual designated by a city weed board to be responsible for the operation and enforcement of this chapter within the city.
3. "Commissioner" means the agriculture commissioner or the commissioner's designee.
4. "Control" means to prevent the spread of any noxious weed by seed or any other propagating part or to suppress, eradicate, prevent, or retard the spread of a pest.
5. "Control authority" means the commissioner, a county weed board, a county weed control officer, a city weed board, or a city weed control officer.
6. "County weed control officer" means an individual designated by the county weed board to be responsible for the operation and enforcement of this chapter within each county.
7. "Eradicate" means to destroy a plant or a pest so that it is not viable.
8. "Highway, street, or road" means a public way for purposes of vehicular travel, including the entire area within the right of way. A highway in a rural area may be called a "road" and a highway in an urban area may be called a "street".
9. "Landowner" means any owner of federal, state, municipal, or private land, under statutory authority or otherwise. The term does not include a lessee, renter, tenant, operator, or an owner of any easement or right of way.

This book contains the North Dakota Noxious Weeds Law, as passed by the State Legislature, together with pertinent rules and regulations developed by the North Dakota Department of Agriculture and other state agencies.

This book is for reference only. For purposes of legal citation, please refer to appropriate sections of the North Dakota Century Code and the North Dakota Administrative Code.

10. "Noxious weed" means a plant propagated by either seed or vegetative parts and which is determined by the commissioner after consulting with the North Dakota state university extension service or which is determined by a county weed board after consulting with the county extension agent to be injurious to public health, crops, livestock, land, or other property.
11. "Operator" means the person responsible for farming operations or other operations being performed on the land, whether for self-benefit, or for the benefit of the landowner or another.
12. "Pest" means any pest defined in section 4-33-01 and a prairie dog.
13. "Township road" means an improved public road that is not located in an incorporated city and not designated as part of a county, state, or federal-aid road system, but constructed, maintained, graded, and drained by the township, or county in the case of an unorganized township. A township road includes a street in an unincorporated townsite; does not have to be surfaced; does not include a sodded road; and includes a section line if that section line is graded, drained, and a maintained road.

63-01.1-03. State weed control authority - Agriculture commissioner - Duties.

The commissioner shall:

1. Enforce this chapter;
2. Cooperate with other weed control authorities and law enforcement officers;
3. Determine which weeds are noxious after consulting with the North Dakota state university extension service;
4. Compile and keep a list of noxious weeds;
5. Establish procedures and prepare and supply all notices, posters, forms, and other documents needed in carrying out this chapter;
6. Prepare all notices and posters featuring the noxious weed list, rules, dates for controlling noxious weeds, and other compliance requirements, for printing in official newspapers or for posting at least annually;
7. Encourage the North Dakota state university extension service to disseminate information and to conduct educational campaigns with respect to the control and eradication of noxious weeds and pests;
8. Except as otherwise provided, forward all written complaints to the proper weed control authority;

9. Call an annual meeting of all weed control officers, either statewide or by areas, to review the intent, operation, procedures, and accomplishments under this chapter and invite all weed control authority members to attend; and
10. Encourage the cooperation of federal and state agencies in furthering this chapter.

63-01.1-03.1. County weed board - Jurisdiction.

The jurisdiction of each county weed board extends to all land within the county but does not include any land within the corporate limits of a city if that city has its own noxious weed control program under this chapter.

63-01.1-03.2. State weed control authority - Agriculture commissioner - Powers.

The commissioner may require operational reports and program reports from weed control authorities regarding both noxious weed control and pest control.

63-01.1-04. County weed board - Members - Terms - Compensation.

1. Each board of county commissioners shall establish county weed board member areas. Each county weed board member area must be contiguous.
2. The board of county commissioners shall appoint a county weed board consisting of five or seven members. Members shall serve for a term of four years or until their successors are appointed and qualified. The terms must be staggered so that no more than two expire each year. Any qualified elector residing in the board member area is eligible to represent that area on the board. In each county encompassing a city with a population of five thousand or more, one board member must be appointed from within the corporate limits of that city unless the city has established its own noxious weed control program under this chapter.
3. A board member shall assume office at the first regular meeting of the county weed board following that member's appointment.
4. The board of county commissioners shall remove a member of the county weed board for repeated unexcused failures to attend meetings, for refusal to act as a board member, or for incapacity. If a vacancy occurs on a county weed board, the board of county commissioners, at its next regular meeting, shall appoint an individual who possesses the necessary qualifications to fill the unexpired term.
5. The county weed board shall elect from its members a chairman and a vice chairman and shall appoint a secretary and a treasurer. The secretary and treasurer need not be members of the county weed board.

6. The board of county commissioners may set rates of compensation for board members. Board members are entitled to reimbursement for actual and necessary expenses and a mileage allowance at the rate established for state employees.

63-01.1-04.1. County weed board - Duties.

1. Each county weed board shall designate a county weed control officer who shall cooperate with the board and be responsible for the operation and enforcement of this chapter within the county. The county weed control officer may be a member of the county weed board. An individual may serve as a weed control officer for more than one weed board. Employment is for a tenure and at rates of compensation and reimbursement for travel expenses as the county weed board may prescribe and is without regard to any provisions of law relating to age or dual compensation. A county weed board shall certify the designation of a county weed control officer to the commissioner.
2. Each county weed board shall cooperate with all other control authorities.
3. Each county weed board shall implement and pursue a program for the control of noxious weeds.
4. Each county weed board shall fix the time and place of regular meetings. Each board shall meet at least once each year. All meetings are open to the public. Each board shall keep minutes of its meetings and a complete record of all official acts.
5. Each county weed board shall conduct at least one annual inspection to determine the progress of noxious weed control activities within the county.
6. Each county weed board shall control and disburse all moneys received by the county, for noxious weed control, from any source.
7. Each county weed board shall provide technical assistance to any city that has a population of three thousand or more and which establishes its own noxious weed control program under this chapter.

63-01.1-04.3. County weed board - Powers.

A county weed board may:

1. Authorize the county weed control officer to cooperate with local law enforcement personnel in stopping and inspecting vehicles suspected of transporting noxious weed-infested materials.
2. Expend funds from all available sources if a control authority determines that the extent of noxious weed infestation on certain land is so severe that eradi-

cation would place an extreme financial burden on the person otherwise liable for the expense.

3. Employ additional personnel to assist with noxious weed control and eradication efforts.

63-01.1-04.4. County weed board - Development of county weed list.

A county weed board may develop and compile its own list of noxious weeds, provided the list includes all weeds determined to be noxious by the commissioner. The commissioner, after consulting with the county weed board and the North Dakota state university extension service, may require that a county weed board remove a noxious weed from its list.

63-01.1-05. Duties of county weed control officer.

The county weed control officer shall:

1. Cooperate with all weed control authorities, county extension agents, land users, and others to further this chapter.
2. Become acquainted with the location of noxious weeds on all land within the county.
3. Encourage noxious weed control or eradication by all landowners and land occupants within the county.
4. Investigate all complaints regarding noxious weeds received by any control authority.
5. Take enforcement action when necessary.
6. Post or publish in official newspapers any notices the commissioner determines necessary to further noxious weed control or eradication under this chapter.
7. Prepare reports as requested by the commissioner.
8. Attend area or statewide meetings called by the commissioner to further noxious weed control or eradication under this chapter.

63-01.1-05.1. Certification of county and city weed control officers - Extension service.

1. The commissioner, after consultation with the director of the agricultural experiment station and the director of the North Dakota state university extension service, or their designees, shall adopt rules governing certification categories for county and city weed control officers. Before assuming any duties, each county and city weed control officer must be certified under rules adopted by the commissioner.

2. The North Dakota state university extension service shall establish a program to provide educational instruction to county and city weed control officers.

63-01.1-06. Funding of county programs.

1.
 - a. The board of county commissioners may pay expenses from the county general fund to further the county noxious weed control program under this chapter, including to provide noxious weed control or eradication along public highways in the county.
 - b. The county weed board may certify annually to the board of county commissioners a tax, not to exceed two mills on the taxable valuation of all taxable property in the county, to carry out this chapter.
 - c. The board of county commissioners by majority vote may certify up to two additional mills on the taxable valuation of all taxable property in the county, except property within the corporate limits of a city that establishes a program under this chapter.
 - d. The board of county commissioners shall levy the tax.
 - e. The county treasurer shall hold all taxes levied and collected in a separate fund known as the noxious weed control or eradication fund. Moneys in the fund must be used to pay the salaries and expenses of the county weed board and the county weed control officer, the expenses of noxious weed control or eradication along public highways in the county, and any other expenses incurred in the operation of a county noxious weed control or eradication program. The tax may be levied in excess of the mill levy limit prescribed by law for general purposes.
2. The commissioner shall allocate the county share of any legislative appropriation for noxious weed control or eradication to the county weed boards pursuant to a formula adopted by the commissioner, after consultation with county weed boards. A county weed board may not receive more than one-half of the board's actual cost-share expenditures for noxious weed control or eradication from any legislative appropriation, unless the commissioner in consultation with the county weed board determines a noxious weed is seriously endangering areas of a county or the state.
3. To be eligible to receive landowner assistance cost-share dollars a county must levy at least three mills for noxious weed control or eradication. The request for cost-share dollars must be initiated by a county weed board by submitting a voucher and documentation. Upon approval of the voucher and documentation by the commissioner, the office of management and budget shall make the payment out of funds appropriated for the control or eradication of noxious weeds.

4. If a program for the control or eradication of noxious weeds involves landowner participation, the landowner must contribute an amount equal to at least twenty percent of the total cost.

63-01.1-07.1. City weed board members - Terms - Compensation.

1. If the governing body of a city elects to establish a noxious weed control program for the city, the governing body shall appoint a city weed board consisting of five or seven members. Members shall serve for a term of four years or until their successors are appointed and qualified. The terms must be staggered so that no more than two expire each year. Any qualified elector residing within the city is eligible to serve on the board.
2. A board member shall assume office at the first regular meeting of the city weed board following that member's appointment.
3. The governing body of the city shall remove a member of the city weed board for repeated unexcused failures to attend meetings, for refusal to act as a board member, or for incapacity. If a vacancy occurs on a city weed board, the governing body of the city, at its next regular meeting, shall appoint an individual who possesses the necessary qualifications to fill the unexpired term.
4. The city weed board shall elect from its members a chairman and a vice chairman and shall appoint a secretary and a treasurer. The secretary and treasurer need not be members of the city weed board.
5. The governing body of the city may set rates of compensation for city weed board members. City weed board members are entitled to reimbursement for actual and necessary expenses and a mileage allowance at the rate established for city employees.

63-01.1-07.2. City weed board - Duties.

1. Each city weed board shall designate a city weed control officer who shall cooperate with the board and be responsible for the operation and enforcement of this chapter within the city. The city weed control officer may be a member of the city weed board. An individual may serve as a weed control officer for more than one weed board. Employment is for a tenure and at rates of compensation and reimbursement for travel expenses as the city weed board may prescribe and is without regard to any provision of law relating to dual compensation. A city weed board shall certify the designation of a city weed control officer to the commissioner.
2. Each city weed board shall cooperate with all other control authorities.
3. Each city weed board shall implement and pursue an effective program for the control of noxious weeds.

4. Each city weed board shall fix the time and place of regular meetings. Each board shall meet at least once each year. All meetings are open to the public. Each board shall keep minutes of its meetings and a complete record of all official acts.
5. Each city weed board shall conduct at least one annual inspection to determine the progress of weed control activities within the city.
6. Each city weed board shall control and disburse all moneys received by the city from any source for noxious weed control.

63-01.1-07.3. City weed board - Powers.

A city weed board may:

1. Authorize the city weed control officer to cooperate with local law enforcement personnel in stopping and inspecting vehicles suspected of transporting noxious weed-infested materials.
2. Expend funds from all available sources if a control authority determines that the extent of noxious weed infestation on certain land is so severe that eradication would place an extreme financial burden on the person otherwise liable for the expense.
3. Employ additional personnel to assist with noxious weed control and eradication efforts.

63-01.1-07.4. City weed board - Development of city weed list.

A city weed board may develop and compile its own list of noxious weeds, provided the list includes all weeds determined to be noxious by the commissioner. The commissioner, after consulting with the city weed board and the North Dakota state university extension service, may require that a city weed board remove a noxious weed from its list.

63-01.1-07.5. Duties of city weed control officer.

The city weed control officer shall:

1. Cooperate with all weed control authorities, county extension agents, land users, and others to further this chapter.
2. Become acquainted with the location of noxious weeds on all land within the city.
3. Encourage noxious weed control or eradication by all landowners and land occupants within the city.
4. Investigate all complaints received by any control authority regarding noxious weeds within the city.

5. Take enforcement action when necessary.
6. Post or publish in the official newspaper of the city any notices the commissioner deems necessary to further noxious weed control or eradication under this chapter.
7. Prepare reports as requested by the commissioner.
8. Attend area or statewide meetings called by the commissioner to further noxious weed control or eradication under this chapter.

63-01.1-07.6. Funding of city programs.

1. a. The governing body of the city may pay expenses from the city general fund to further the city's noxious weed control program under this chapter, including to provide noxious weed control along public highways in the city.
- b. The city weed board may certify annually to the governing body of the city a tax, not to exceed two mills on the taxable valuation of all taxable property in the city, to further its noxious weed control program under this chapter.
- c. The governing body of the city may by majority vote certify up to two additional mills on the taxable valuation of all taxable property in the city to further its noxious weed control program under this chapter.
- d. The governing body of the city shall levy the tax.
- e. The city treasurer shall hold all taxes levied and collected under this section in a separate fund known as the noxious weed control or eradication fund. Money in the fund must be used to pay the salaries and expenses of the city weed board and the city weed control officer, the expenses of noxious weed control along public highways in the city, and any other expenses incurred in the operation of a city noxious weed control program. The tax may be levied in excess of the mill levy limit prescribed by law for general purposes.
2. The commissioner shall allocate any legislative appropriation for noxious weed control or eradication to the city weed boards, pursuant to a formula adopted by the commissioner, after consultation with city weed boards. A city weed board may not receive more than one-half of the city's actual cost-share expenditures for noxious weed control or eradication from any legislative appropriation, unless the commissioner in consultation with the city weed board determines a noxious weed is seriously endangering areas of a city.
3. To be eligible to receive state cost-share dollars, a city must levy at least three mills for noxious weed control or eradication. The request for cost-share dollars must be initiated by a city weed board by submitting a voucher and documentation to the commissioner. Upon approval of the voucher and documen-

tation by the commissioner, the office of management and budget shall make the payment out of funds appropriated for the control or eradication of noxious weeds.

4. If a program for the control or eradication of noxious weeds involves landowner participation, the landowner must contribute an amount equal to at least twenty percent of the total cost.

63-01.1-08. Entry upon land for noxious weed control or eradication purposes - Notices - Landowner rights - Remedial requirements - Liens - Penalty.

1. Any control authority or its agent may enter upon land within its jurisdiction to perform duties and to exercise powers under this chapter, including the taking of specimens of weeds or other materials, without the consent of the landowner, lessee, renter, tenant, or operator, and without being subject to any action for trespass or damages, including damages for destruction of growing crops, if reasonable care is exercised.
2. If any land within a city that has a noxious weed control or eradication program is found to be infested with noxious weeds by any control authority, the city weed control officer may serve upon the landowner written notice either personally or by certified mail, requiring the landowner to control or eradicate the noxious weeds within the time period prescribed by the city weed control officer. The landowner may request additional time from the city weed board. The notice must state that the landowner may be subject to the penalties provided in section 63-01.1-15 if the landowner fails to comply. The notice must specify minimal remedial requirements. A copy of the notice may be sent by certified mail to any tenant, lessee, or operator of the land. If the city weed board will control or eradicate the noxious weeds upon failure of the landowner to do so, the notice must include a statement of costs. If the landowner does not control or eradicate the noxious weeds within the time specified, the city weed control officer may cause the noxious weeds to be controlled or eradicated and the expenses charged against the land of the landowner. These expenses are part of the taxes to be levied against the land for the ensuing year and must be collected in the same manner as other real estate taxes. If the city weed board intends to control or eradicate the noxious weeds, the notice must include a statement informing the landowner that the landowner may request that the city weed board not control or eradicate the noxious weeds. If the landowner requests that the city weed board not control or eradicate the noxious weeds, the board may not control or eradicate the noxious weeds until control or eradication is authorized by a majority vote of the city governing body.

3. If any other land is found to be infested with noxious weeds by any control authority, the county weed control officer may serve upon the landowner written notice either personally or by certified mail, requiring the landowner to control or eradicate the noxious weeds within the time period prescribed by the county weed control officer. The landowner may request additional time from the county weed board. The notice must state that the landowner may be subject to the penalties provided in section 63-01.1-15 if the landowner fails to comply. The notice must specify minimal remedial requirements. A copy of the notice may be sent by certified mail to any tenant, lessee, or operator of the land. If the county weed board will control or eradicate the noxious weeds upon failure of the landowner to control or eradicate the noxious weeds, the notice must include a statement of costs. If the landowner does not control or eradicate the noxious weeds within the time specified, the county weed control officer may cause the noxious weeds to be controlled or eradicated and the expenses charged against the land of the landowner. These expenses are part of the taxes to be levied against the land for the ensuing year and must be collected in the same manner as other real estate taxes. If the county weed board intends to control or eradicate the noxious weeds, the notice must include a statement informing the landowner that the landowner may request that the county weed board not control or eradicate the noxious weeds. If the landowner requests that the county weed board not control or eradicate the noxious weeds, the board may not control or eradicate the noxious weeds until control or eradication is authorized by a majority vote of the board.

63-01.1-09. County weed board to control or eradicate noxious weeds along county and township roads and highways.

The county weed board shall control or eradicate noxious weeds along county and township roads and highways and the expense incurred for noxious weed control or eradication must be paid from funds as provided in section 63-01.1-06.

63-01.1-10.1. Control of noxious weeds within cities.

The governing body of any city having a population of three thousand or more may act as a control authority and may establish and administer a program for the control or eradication of noxious weeds within the jurisdictional limits of the city. If a program is not established, the county weed board shall administer a program for the city.

63-01.1-12. Preventing dissemination of noxious weeds.

1. To prevent the dissemination of noxious weeds by machinery, trucks, harvesting, or other farm equipment, and to prevent the dissemination of noxious

weeds during transportation of plants, forage, screenings, dirt, and other articles, the commissioner shall publish a list of the possible methods by which noxious weeds or their propagating parts can be disseminated.

2. All operators of tillage, seeding, and harvesting equipment shall clean their equipment to prevent the spread of noxious weeds by seed or other propagating parts prior to moving their equipment on public highways, airways, waterways, or by any other means of conveyance, public or otherwise. Trucks or trailers transporting grain screenings must be constructed and covered to prevent noxious weed seed dissemination. Scattering and dumping on land or in water any material containing noxious weed seeds or propagating parts is prohibited unless the material has been processed or treated, or unless it is buried deeply enough to destroy the seeds and other propagating parts.

63-01.1-12.1. Quarantine period - Materials or farm products and area defined.

1. If a control authority determines that an area is infested with noxious weeds and if materials or farm products from that area are liable to spread noxious weeds into other areas to the injury of others, the commissioner shall declare a quarantine against the area to prevent the transfer of materials or farm products from the quarantined area. If noxious weeds are likely to be introduced into this state by the importation of materials or farm products, the commissioner shall declare a quarantine against the importation of those materials or farm products.
2. The commissioner shall declare a quarantine when requested to do so through a resolution adopted by a two-thirds majority of the weed board having jurisdiction over the area in which the quarantine is to be declared.
3. For the purposes of this section:
 - a. "Area" means a geographical section of land identified by the commissioner and may include cities and counties or any portion of a city or county.
 - b. "Farm products" means crops, crop products, plants or portions of plants, but does not include livestock.
 - c. "Materials" means gravel or other substances that can be transported over a highway, street, or road.

63-01.1-12.2. Weed-free certification - Gravel and sand pits and hay land.

1. The commissioner, after consulting with the North Dakota state university extension service, may adopt rules for certifying that gravel, scoria, or sand

surface mining operations and land producing hay for sale or for resale are not contaminated with weeds. The rules must identify the extent to which weeds are allowed with certification.

2. The weed board, after consulting with the North Dakota state university extension service, may certify gravel, scoria, or sand surface mining operations and land producing hay for sale or for resale as not contaminated with weeds.
3. The commissioner shall adopt a schedule of fees that weed boards and the North Dakota state university extension service may charge for inspecting, testing, analyzing, and certifying gravel, scoria, or sand surface mining operations and hay land.
4. Certification of gravel, scoria, sand surface mining operations, or hay land is not a warranty of any kind as to the quality of the gravel, sand, or hay produced from an inspected and certified location. The only representation made is that land from which sand and gravel is surface mined or land producing hay for sale or resale has been inspected for weed contamination under rules adopted by the commissioner.

63-01.1-13. Publicly owned land - Noxious weed control or eradication.

1. The commissioner shall attempt to arrange a noxious weed control or eradication program with all state and federal agencies owning, controlling, or having jurisdiction over land within the state.
2. Weed control officers shall attempt to arrange a noxious weed control or eradication program with political subdivisions owning or controlling public land within each weed control officer's jurisdiction.
3. Each state agency shall provide for the control or eradication of noxious weeds on any land within its jurisdiction. If a state agency fails to control or eradicate noxious weeds on land under its jurisdiction, the weed board for the county in which all or a portion of the land is located, upon approval of the commissioner, may enter upon the land to control or eradicate the noxious weeds. The state agency shall reimburse the county weed board for expenses incurred in the control or eradication of the noxious weeds within thirty days after the agency receives the bill.
4. Each federal agency shall develop a management plan for controlling or eradicating noxious weeds on land under the agency's jurisdiction. If a federal agency does not control or eradicate the noxious weeds and does not develop a management plan for controlling or eradicating the noxious weeds, the weed control office shall notify the agency as provided in section 63-01.1-08. The federal agency shall provide a report to the control authorities detailing the

methods used by the federal agency and showing cause why the federal agency is not controlling or eradicating the noxious weeds. The commissioner may specify the forms on which the federal agency report must be submitted.

5. Upon being notified by a weed board of the federal agency's failure to control or eradicate noxious weeds, the commissioner may hold a public hearing to determine the reason for the failure.

63-01.1-14. Noxious weed control enforcement responsibilities of other agencies.

The state highway patrol, county sheriffs, and the truck regulatory division, when requested to do so by a weed control authority, shall cooperate with a weed control authority and may enforce subsection 2 of section 63-01.1-12 if machinery, commodities, or articles being moved on state and federal highways or on county or township roads are contributing to the dissemination of noxious weeds.

63-01.1-15. Penalties.

1. A custom or commercial operator of tillage, seeding, and harvesting equipment who violates subsection 2 of section 63-01.1-12 is guilty of a class B misdemeanor. A control authority may institute necessary criminal actions under this subsection.
2. Persons failing to comply with the rules and notice provisions of this chapter are subject to a civil penalty not to exceed eighty dollars per day for each day of violation, subject to a maximum penalty of four thousand dollars per year. The accumulated penalties under this section are a lien against the property of the landowner from the day the notice is delivered to the landowner under section 63-01.1-08.
3. All penalties collected pursuant to this section must be deposited with the treasurer of the political subdivision and credited to the weed control and eradication fund in the political subdivision in which the penalty originated.
4. The penalty may be adjudicated by a court or by a county or a city weed board after a hearing.
5. An aggrieved landowner may appeal the imposition of a penalty by a county weed board to the board of county commissioners and may appeal the imposition of a penalty by a city weed board to the governing body of the city.

63-01.1-18. Investigation by agriculture commissioner - Conflict of interest.

If an individual who provided written notice of an alleged failure to eradicate or

control noxious weeds believes that the matter has not been addressed satisfactorily by the weed board within twenty-one days from the date of the complaint, the individual may provide written notification to the local governing authority. If the individual who provided notice of an alleged failure to eradicate or control noxious weeds believes that the matter has not been addressed satisfactorily by the local governing authority within twenty-one days from the date of the notice to the local governing authority, the individual may provide written notification to the agriculture commissioner. Upon receiving such notification, the agriculture commissioner shall investigate the matter. If the commissioner determines that a weed board has not addressed the matter satisfactorily within the twenty-one day period, the commissioner may act to enforce this chapter. A weed board may request that the agriculture commissioner investigate any complaint received by the board if the board determines that its ability to enforce this chapter is compromised because of a conflict of interest.

63-01.1-19. County weed board - Pest control - Authorization.

1. The board of county commissioners, in consultation with the county weed board, may authorize the county weed board to control or eradicate pests on public lands within the county and to cooperate with landowners for the purpose of controlling or eradicating pests on private land within the county.
2. A county weed board that has been authorized to control or eradicate pests under this section may:
 - a. Expend funds made available from state or federal sources for pest control or eradication purposes;
 - b. Direct the county weed control officer to encourage landowners and occupants in the county to control or eradicate pests; and
 - c. Employ additional personnel to assist with pest control and eradication efforts under this section.

63-01.1-20. County weed control officer - Pest control or eradication.

If a county weed board is authorized to control or eradicate pests under section 63-01.1-19, the county weed control officer shall:

1. Cooperate with all control authorities, county extension agents, landowners, and others to further pest control or eradication under this chapter.
2. Become acquainted with the location of pests on all land within the county.
3. Encourage pest control or eradication by all landowners and land occupants within the county.

4. Investigate all complaints regarding pests received by any control authority.
5. Post or publish in official newspapers any notices the commissioner determines necessary to further pest control or eradication under this chapter.
6. Prepare reports as requested by the commissioner.
7. Attend area or statewide meetings called by the commissioner to further pest control or eradication under this chapter.

63-01.1-21. County weed board - Pest control or eradication - Roads and highways.

The county weed board shall control or eradicate pests along county and township roads and highways within the county and any expenses incurred in the control or eradication must be paid from funds as provided in section 63-01.1-06.

63-01.1-22. City weed board - Pest control - Authorization.

1. The governing body of a city, in consultation with the city weed board, may authorize the city weed board to control or eradicate pests on land within the corporate boundaries of the city and to cooperate with landowners for the purpose of controlling or eradicating pests on private land within the city.
2. A city weed board that has been authorized to control or eradicate pests under this section may:
 - a. Expend funds made available from state or federal sources for pest control or eradication purposes;
 - b. Direct the city weed control officer to encourage landowners and occupants in the city to control or eradicate pests; and
 - c. Employ additional personnel to assist with pest control and eradication efforts under this section.

63-01.1-23. City weed control officer - Pest control or eradication.

If a city weed board is authorized to control or eradicate pests under section 63-01.1-22, the city weed control officer shall:

1. Cooperate with all control authorities, county extension agents, landowners, and others to further pest control or eradication under this chapter.
2. Become acquainted with the location of pests on all land within the city.
3. Encourage pest control or eradication by all landowners and land occupants within the city.

4. Investigate all complaints regarding pests received by any control authority.
5. Post or publish in the official newspaper of the city any notices the commissioner determines necessary to further pest control or eradication under this chapter.
6. Prepare reports as requested by the commissioner.
7. Attend area or statewide meetings called by the commissioner to further pest control or eradication under this chapter.

63-01.1-24. City weed board - Pest control or eradication - Roads and highways.

The city weed board shall control or eradicate pests along streets, roads, and highways within the city and any expenses incurred in the control or eradication must be paid from funds as provided in section 63-01.1-07.6.

63-01.1-25. Publicly owned land - Pest control or eradication.

1. The commissioner shall attempt to arrange a pest control or eradication program with all state and federal agencies owning, controlling, or having jurisdiction over land within the state.
2. Except as provided in subsection 3, a county weed control officer shall attempt to arrange a pest control or eradication program with all political subdivisions owning or controlling public land within the county weed control officer's jurisdiction.
3. If a city has a pest control or eradication program, the city weed control officer shall attempt to arrange a pest control or eradication program with all political subdivisions owning or controlling public land within the corporate limits of the city.
4. Each state agency shall provide for the control or eradication of pests on any land within the agency's jurisdiction. If a state agency fails to control or eradicate pests on land under its jurisdiction, the weed board having jurisdiction over the area in which all or a portion of the land is located, upon approval of the commissioner, may enter upon the land to control or eradicate the pests. The state agency shall reimburse the weed board for expenses incurred in the control or eradication of pests within thirty days after the agency receives the bill.
5. Each federal agency shall develop a management plan for controlling or eradicating pests on land within the agency's jurisdiction. If a federal agency does not control or eradicate pests and does not develop a management plan for controlling or eradicating pests, the weed control officer shall notify the agency

as provided in section 63-01.1-08. The federal agency shall provide a report to the control authority detailing the methods used by the federal agency and showing cause why the federal agency is not controlling or eradicating the pests. The commissioner may specify the forms on which the federal agency report must be submitted.

6. Upon being notified by a weed board of a federal agency's failure to control or eradicate pests, the commissioner may hold a public hearing to determine the reason for the agency's failure.

Editor's Note: The following sections from Title 57 of the North Dakota Century Code relate to weed control:

Chapter 57-01 Tax Commissioner

57-15-06.7. Additional levies - Exceptions to tax levy limitations in counties.

The tax levy limitations specified in section 57-15-06 do not apply to the following mill levies, which are expressed in mills per dollar of taxable valuation of property in the county:

24. A county levying a tax for the destruction of weeds along highways as provided in section 57-15-56 may levy a tax not exceeding two mills.

57-15-54. Destruction of weeds along highways - Elections to be held on questions - tax levy.

Upon resolution by the board of county commissioners, or upon petition by ten percent of the number of qualified electors residing in the county or a county commissioner district who voted for governor at the last general election, the board of county commissioners shall submit the questions of a tax levy to cover all costs of cutting or otherwise destroying all weeds, plants or grass growing along all county or township roads in the county or county commissioner district to the qualified electors of the county or county commissioner district at the next countywide general or special election. If a majority of the qualified electors voting thereon approve, a tax must be levied not exceeding the limitation in subsection 24 of section 57-15-06.7.

Regulations

Chapter 7-06-01

7-06-01-01 Weed control officer's certification

A weed control officer shall be certified upon completion of certification in two categories under the North Dakota Century Code chapter 4-35. The two categories are agricultural pest control and right of way. A temporary certification may be issued for a period of one year to a weed control officer.

History: Amended effective February 1, 1982.
General Authority: NDCC 28-32-02, 63-01.1-03.
Law Implemented: NDCC 63-01.1-05.1.

7-06-01-02. Noxious weeds listed.

Weeds declared noxious shall be confined to weeds that are difficult to control, easily spread, and injurious to public health, crops, livestock, land, or other property. The following weeds have been declared noxious for the purpose of North Dakota Century Code chapter 63-0 1. 1:

1. Absinth wormwood (*Artemisia absinthium* L.)
2. Canada thistle (*Cirsium arvense* (L.) Scop.)
3. Dalamatian toadflax (*Linaria genistifolia* spp. *dalmatica*)
4. Diffuse knapweed (*Centaurea diffusa* Lam.)
5. Field bindweed (*Convolvulus arvensis* L.)
6. Leafy spurge (*Euphorbia esula* L.)
7. Musk thistle (*Carduus nutans* L.)
8. Purple loosestrife (*Lythrum salicaria* L., *Lythrum virgatum* L. and all cultivars)
9. Russian knapweed (*Centaurea repens* L.)
10. Saltcedar (*Tamarisk* spp.)
11. Spotted knapweed (*Centaurea maculosa* Lam.)
12. Yellow starthistle (*Centaurea solstitialis* L.)

History: Amended effective June 1, 1985; February 1, 2000.
General Authority: NDCC 28-32-02, 63-0 1. 1-03
Law Implemented: NDCC 63-01.1-03

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June 12, 2007

CAVALIER COUNTY
SHAUNA BERG, WEED OFFICER
901 3RD ST - STE 15
LANDGON ND 58249

Re: TransCanada Keystone Pipeline Project
PSC Case No. PU-06-421
Our File No. 11815

Dear Ms. Berg:

I am the local attorney representing TransCanada Keystone Pipeline, L.P. You may be aware of and may have already heard about the proposed TransCanada Keystone Pipeline Project. The Keystone Pipeline has a proposed route that would cross through several counties in North Dakota which are shown on the attached map for your reference.

I was asked to contact you by Agriculture Commissioner Roger Johnson in order to provide a direct contact for you if there are any questions or concerns that you might have regarding the Keystone Pipeline project.

Commissioner Johnson and his staff have been involved in meetings and discussions with myself and other representatives from TransCanada regarding the Keystone Pipeline project as it relates to agricultural issues, including weed control.

If you have any technical questions regarding this project, you may contact Denny Needham, Keystone's Land Manager, or Phil Phillips, Keystone's Senior Land Agent, who are both located at 7509 NW Tiffany Springs Parkway, Northpointe Circle II, Suite 200, Kansas City, MO 64153, (877) 880-4881, or if they are both unavailable, please feel free to contact me at the address shown above.

Sincerely,


Todd D. Kranda

TK:ls

Enc

c: TransCanada Keystone Pipeline



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June 12, 2007

PEMBINA COUNTY
KADIE HERSETH WEED OFFICER
1194 140TH AVE
DRAYTON ND 58225

Re: TransCanada Keystone Pipeline Project
PSC Case No. PU-06-421
Our File No. 11815

Dear Ms. Herseth:

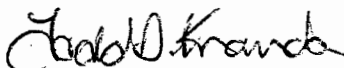
I am the local attorney representing TransCanada Keystone Pipeline, L.P. You may be aware of and may have already heard about the proposed TransCanada Keystone Pipeline Project. The Keystone Pipeline has a proposed route that would cross through several counties in North Dakota which are shown on the attached map for your reference.

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Sincerely,


Todd D. Kranda

TK:ls
Enc

c: TransCanada Keystone Pipeline



Kelsch Kelsch Ruff & Kranda

C.F. Kelsch
1890-1987

Attorneys at Law
Mandan, North Dakota

William C. Kelsch
Retired

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1-888-663-9818
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Website www.kelschlaw.com

*Also Licensed in Minnesota

June 12, 2007

WALSH COUNTY
BRENT NELSON WEED OFFICER
638 COOPER AVE.

GRAFTON ND 58237

Re: TransCanada Keystone Pipeline Project
PSC Case No. PU-06-421
Our File No. 11815

Dear Mr. Nelson:

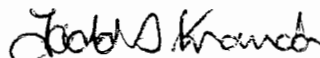
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June 12, 2007

NELSON COUNTY
RICHARD URVAND
PO BOX 407

MCVILLE ND 58254-0407

Re: TransCanada Keystone Pipeline Project
PSC Case No. PU-06-421
Our File No. 11815

Dear Mr. Urvand:

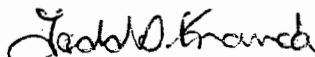
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June 12, 2007

GRIGGS COUNTY
JOHN SWENSON WEED OFFICER
PO BOX 511

COOPERSTOWN ND 58425

Re: TransCanada Keystone Pipeline Project
PSC Case No. PU-06-421
Our File No. 11815

Dear
Mr. Swenson:

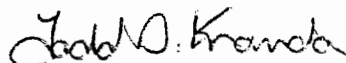
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June 12, 2007

BARNES COUNTY
JAMES MCALLISTER WEED OFFICER
1525 12TH ST NW
VALLEY CITY ND 58072

Re: TransCanada Keystone Pipeline Project
PSC Case No. PU-06-421
Our File No. 11815

Dear Mr. McAllister:

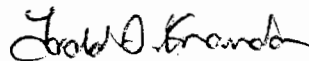
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June 12, 2007

RANSOM COUNTY
MONTY HAUGEN WEED OFFICER
7450 141ST AVE SE

MILNOR ND 58060

Re: TransCanada Keystone Pipeline Project
PSC Case No. PU-06-421
Our File No. 11815

Dear Mr. Haugen:

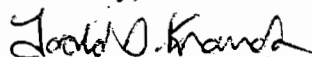
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June 12, 2007

SARGENT COUNTY
RICHARD ANDERSON WEED OFFICER
14069 91ST ST SE
RUTLAND ND 58067

Re: TransCanada Keystone Pipeline Project
PSC Case No. PU-06-421
Our File No. 11815

Dear Mr. Anderson:

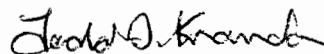
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