



NORTH DAKOTA
DEPARTMENT of HEALTH

ENVIRONMENTAL HEALTH SECTION
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September 25, 2007

SUSAN WEFALD
ND PUBLIC SERVICE COMMISSION
12TH FLOOR – CAPITOL BLDG.
BISMARCK ND 58505

Dear Commissioner Wefald:

On September 6, 2007, I testified at the public hearing for the TransCanada Keystone Pipeline siting application.

The reason for my being subpoenaed was to testify about the permitting process for Section 401 of the Clean Water Act. The Department of Health will not initiate a detailed review until we receive a completed Section 404 application from the U.S. Army Corps of Engineers.

On September 19, 2007, I conducted a cursory field review of the proposed pipeline crossing site on the Sheyenne River.

The site could be characterized as an intact riparian zone. Mature trees form a near canopy over the river providing substantial shade. The banks were steep and heavily vegetated. It appeared that the river contained diverse habitat in the form of snags and rocks with a riffle area downstream.

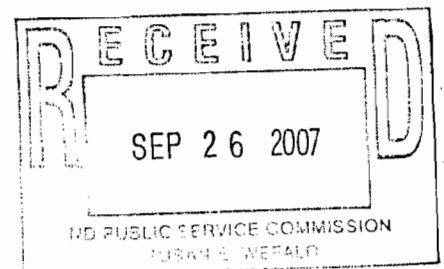
In my opinion, it would be extremely difficult if not impossible to restore this area if any of the trenching methods were implemented. The riverine and riparian zone for 300 feet upstream and downstream look similar to the Keystone preferred crossing site. At this time the crossing method appears to be much more important than the selected site.

Upon receipt of the complete Section 404 application, this Department will begin its formal review of the project.

If you have any questions, I can be reached at 328-5237.

Sincerely,

Michael T. Sauer
Senior Environmental Scientist
Division of Water Quality



MTS:dlp

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