

UNCLASSIFIED RELEASED IN PART

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L-106

Schnitker, John P

**From:** Pfeifer, Seth  
**Sent:** Thursday, November 03, 2011 11:04 AM  
**To:** 'Anthony.J.Hofmann@usace.army.mil'; 'Christopher.W.Sallese@usace.army.mil';  
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**Cc:** Clune, Daniel A; Schnitker, John P; Benes, Keith J; Yuan, Alexander W; Sibley, George N  
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Smith@usace.army.mil; Michael.G.Ensch@usace.army.mil; Schmauder, Craig R SES CIV  
USA OGC; Lee, Let Mon Mr CIV USA ASA CW  
**Subject:** Requesting Deferral of USACE Permit for Keystone XL  
**Classification:** UNCLASSIFIED

Dear USACE Commanders,

This e-mail is being sent on behalf of Alexander Yuan, the NEPA Coordinator at the U.S. Department of State for the proposed Keystone XL pipeline project. In light of the tight deadline, we are sending this to you in an e-mail rather than a formal letter. Please direct further correspondence regarding this issue to Alexander Yuan ([yuanaw@state.gov](mailto:yuanaw@state.gov)).

It has recently been brought to our attention that TransCanada has sought your permission to commence certain activities under U.S. Army Corps of Engineers Nationwide Permit #12 in connection with its proposed Keystone XL pipeline. The Department of State currently has pending before it an application from TransCanada for a Presidential permit to allow the Keystone XL pipeline to cross the US-Canada border.

The NEPA review for this project has not been completed through issuance of a Record of Decision consistent with 40 CFR 1505.2 and no decision has yet been made pursuant to Section 1 of Executive Order 13337 (April 30, 2004) as to whether the project will serve the national interest. Consequently, there may be concerns regarding the overall public interest that the proposed pipeline raises, which cannot be adequately addressed until the Presidential permit process has been completed. In light of these CONSIDERATIONS, the Department of State requests that THE ARMY CORPS OF ENGINEERS CONSIDER DEFERRING any and all verifications Under Nationwide Permit #12 that would allow work to proceed for the Keystone XL Pipeline until a final decision is made on the pending Presidential permit.

Thank you.

Best regards,

Alexander Yuan  
U.S. Department of State  
Office of Environmental Policy (OES/ENV)

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: ADOLPH H EISNER  
DATE/CASE ID: 28 FEB 2012 201100399

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