

UNCLASSIFIED

200819913

United States Department of State

Washington, D.C. 20520

L1

December 12, 2008

RELEASED IN FULL

ORIG OUTMEM RECEIPTED TO DOD
EACH ADDRESS RECEIPTED COPY
COPIES TO:

IPS
CODEI
SS
SSS
SP
PA
PA-SM
WHA
EEB
L
OES
INR
cah



UNCLASSIFIED

2008 DEC 12 A 10:25

MR. WILLIAM P. MARRIOTT
Executive Secretary
Office of the Secretary of Defense
Department of Defense

MR. JAMES A. McATAMNEY
*Senior Counsel to the Deputy
Attorney General for National
Security Affairs*
Department of Justice

MR. J. RICHARD HENRY
Director
Executive Secretariat
Department of Transportation

MR. FRED SCHWIEN
Executive Secretary
Department of Homeland
Security

MS. FAY IUDICELLO
Director
*Office of the Executive Secretariat
and Regulatory Affairs*
Department of the Interior

MS. ALICEMARY O. LEACH
Director
Executive Secretariat
Department of Commerce

MR. SCOTT FULTON
*Acting Assistant Administrator for
International Affairs*
Environmental Protection Agency

MR. ERIC NICOLL
Director
*Office of the Executive
Secretariat*
Department of Energy

SUBJECT: Application from Enbridge Energy Limited Partnership for a Presidential permit to construct and operate a crude oil and liquid hydrocarbon pipeline at the U.S.-Canadian border.

Enbridge Energy Limited Partnership (Enbridge) has filed an application for a Presidential permit to construct, connect, operate, and maintain a 36-inch diameter crude oil and liquid hydrocarbon pipeline at the U.S.-Canadian border at Neche, Pembina County, North Dakota, for the purpose of transporting liquid hydrocarbons and other petroleum products between the United States and Canada. Enbridge seeks this authorization in connection with its Alberta Clipper Pipeline Project (Alberta Clipper), which is designed to transport Canadian crude oil from the Western Canadian Sedimentary Basin to existing refinery markets in the

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

- 2 -

Midwest region of the United States. Enbridge is a limited partnership duly organized under the laws of the State of Delaware. Enbridge is a wholly-owned subsidiary of Enbridge Energy Partners, L.P. (Enbridge Partners) which is a Delaware master limited partnership headquartered at 1100 Louisiana Street, Suite 3300, Houston, Texas 77002. An electronic copy of the Alberta Clipper application can be found at <http://albertaclipper.state.gov/clientsite/clipper.nsf?Open>.

Executive Order 13337 of April 30, 2004, delegates to the Secretary of State the President's authority to receive applications for permits for the construction, connection, operation, or maintenance of facilities for the exportation or importation of petroleum, petroleum products, coal, or other fuels at the border of the United States and to issue or deny such Presidential permits upon a national interest determination by the Secretary of State. The Executive Order directs the Secretary of State to refer the application and other pertinent information to the heads of certain agencies to request their views before issuing a permit and authorizes the Secretary to consult with other interested federal and state officials, as appropriate. (The functions assigned to the Secretary have been further delegated within the Department of State.)

The Department of State published in the Federal Register a Notification of Receipt of the Enbridge Alberta Clipper Permit Application on May 25, 2007 (72 Fed. Reg. 29360), which solicited public comment on the application for a 30-day period. Thereafter, the Department published in the Federal Register a Notification of Intent to Prepare an Environmental Impact Statement on March 31, 2008 (73 Fed. Reg. 16920). We are now referring the Alberta Clipper permit application and a Draft Environmental Impact Statement (DEIS) to your agency for interagency review. The Department's Notice of Availability of the DEIS and request for public comment was published in the Federal Register December 5, 2008 and seeks comments by January 30, 2009.

The DEIS for the pipeline project was prepared by Entrix, Inc., a contractor selected by the Department of State. Electronic copies of the complete application, the DEIS, and all Federal Register Notices associated with the application can be downloaded at <http://albertaclipper.state.gov/clientsite/clipper.nsf?Open>. The Department of State has furnished guidance to Entrix and has participated in preparation of the DEIS. The Department of State will independently evaluate the DEIS. We would appreciate any specific comments you may have with regard to the DEIS or any other environmental issues of concern as they affect your agency's

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

- 3 -

responsibilities under the National Environmental Policy Act or other relevant laws and regulations, in accordance with the procedures and time period described in the Federal Register Notice of Availability.

The Department is also seeking interagency comments by March 5, 2009, under Executive Order 13337, on any other aspects of the application or proposed permit and whether agencies concur with, or object to, issuance of the permit. Agency comment by March 5, 2009, is required so that the Department can reach a timely decision on permit issuance.

Please mail, fax, or email your comments on the DEIS only to Betsy Orlando, Alberta Clipper Project Manager, U.S. Department of State, OES/ENV, Room 2657, Washington, D.C. 20520. Fax to: (202) 647-5947, attention Betsy Orlando. E-mail to: albertaclipper@state.gov. Such comments can also be submitted over the Internet via the Alberta Clipper EIS website: <http://albertaclipper.state.gov/clientsite/clipper.nsf?Open>.

Please mail or fax your concurrence or objection to permit issuance, along with any additional comments on the application or permit only to Mr. J. Brian Duggan, Office of International Energy and Commodity Policy, Room 4843, U.S. Department of State, Washington, D.C. 20520; telephone (202) 647-1291. Fax to: 202-647-4037. E-mail to: DugganJB@state.gov

Please note that Department of State mail can be delayed due to security screening. Should you need any further information, please contact Mr. Duggan at (202) 647-1291 or e-mail DugganJB@state.gov.


Daniel B. Smith
Executive Secretary

Attachment:

Executive Order 13337

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

Approved: EEB: David D. Nelson, Acting

Drafted: EEB/ESC: J. Brian Duggan; 7x1291

Cleared: EEB/ESC: DAS Douglas C. Hengel - ok
L/EB: John Schnitker - ok
L/OES: Keith Benes - ok
OES/ENV: Betsy Orlando - ok
E: Henry Wooster - ok
WHA/CAN: Eleanore Fox - ok