

Article 5. This Article applies to transfer of the facilities or any part thereof as an operating land border crossing. The permittee shall immediately notify the United States Department of State of any decision to transfer custody and control of the facilities or any part thereof to any other any agency or department of the United States Government. Said notice shall identify the transferee agency or department and seek the approval of the United States Department of State for the transfer of the permit. In the event of approval by the Department of State of such transfer of custody and control to another agency or department of the United States Government, the permit shall remain in force and effect, and the facilities shall be subject to all the conditions, permissions and requirements of this permit and any amendments thereof. The permittee may transfer ownership or control of the facilities to a non-federal entity or individual only upon the prior express approval of such transfer by the United States Department of State, which approval may include such conditions, permissions and requirements that the Department of State, in its discretion, determines are appropriate and necessary for inclusion in the permit, to be effective on the date of transfer.

Article 6. (1) The permittee or its agent shall acquire such right-of-way grants or easements and permits as may become necessary and appropriate.

(2) The permittee shall maintain the facilities and every part thereof.

Article 7. (1) The permittee shall take or cause to be taken all appropriate measures to prevent or mitigate adverse environmental impacts or disruption of significant archeological resources in connection with the construction, operation and maintenance of the facilities, including those mitigation measures adopted by the permittee in connection with issuance of the FONSI.

(2) Before issuing the notice to proceed for construction, the permittee shall obtain the concurrence of the U.S. Section of the International Boundary and Water Commission.

Article 8. The permittee shall comply with all agreed actions and obligations set forth in the FONSI.

Article 9. The permittee shall file any applicable statements and reports that might be required by applicable federal law in connection with this project.

Article 10. The permittee shall not issue a notice to proceed for construction work until the Department of State has provided notification to the permittee that the Department has completed its exchange of diplomatic notes with the Government of Mexico

regarding authorization of construction. The permittee shall provide written notice to the Department of State at such time as the construction authorized by this permit is begun, and again at such time as construction is completed, interrupted for more than ninety days or discontinued.

Article 11. This permit is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, in their individual or official capacities, or any other person.

*In Witness Whereof*, I, Robert D. Hormats, Under Secretary of State for Economic, Energy, and Agricultural Affairs of the United States, have hereunto set my hand this day of January 3, 2011, in the City of Washington, District of Columbia.

End Permit text.

Dated: February 8, 2011.

**Alex Lee,**

*Director, Office of Mexican Affairs,  
Department of State.*

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## DEPARTMENT OF STATE

**[Public Notice: 7335]**

### **Notice of Availability of Report Commissioned by Department of Energy Entitled "Keystone XL Assessment" Regarding the Proposed TransCanada Keystone XL Project**

Notice is hereby given that the Department of State received on January 31, 2011, a report commissioned by the Department of Energy entitled "Keystone XL Assessment." The report examines the possible effect of the proposed Keystone XL Pipeline on U.S. and global oil markets. We will consider this report, as well as contributions from the public and other interested agencies, in our decision-making process on TransCanada Keystone Pipeline, LP's (TransCanada) application for a Presidential permit for the Keystone XL Project. We will be requesting public comment on this report at an appropriate time. The report is available under "Petroleum Market Impacts of the Keystone XL Pipeline Project" on the "State Dept. Documents" page of our Web site at <http://www.keystonepipeline-xl.state.gov>.

On September 19, 2008, TransCanada filed an application for a Presidential permit for the construction, operation,

and maintenance of pipeline facilities at the border of the U.S. and Canada for the transport of crude oil across the U.S.-Canada international boundary. The Secretary of State is designated and empowered to receive all applications for Presidential permits, under Executive Order 13337, as amended, for the construction, connection, operation, or maintenance, at the borders of the United States, of facilities for the exportation or importation of petroleum, petroleum products, coal, or other fuels to or from a foreign country. TransCanada has requested authorization to construct and operate border crossing facilities at the U.S.-Canadian border in Phillips County, near Morgan, Montana, in connection with its proposed international pipeline project (the Keystone XL Pipeline Project) that is designed to transport Canadian crude oil production from the Western Canadian Sedimentary Basin (WCSB) to destinations in the south central United States, including to an existing oil terminal in Cushing, Oklahoma, and to existing delivery points in the Port Arthur and East Houston areas of Texas.

On April 20, 2010, the State Department published a draft Environmental Impact Statement (EIS) and provided for public comment on that draft EIS until July 2, 2010. The State Department is currently reviewing the comments received in response to that notice and will not make a decision related to the Keystone XL pipeline until it has completed that review. A final decision on whether the Department will approve or not approve the Keystone XL pipeline will only be made after the Department has completed all of its review processes.

**DATES:** The Department of State will be requesting public comment on this report at an appropriate time.

**FOR FURTHER INFORMATION CONTACT:** For information regarding environmental concerns and permitting, contact Alexander Yuan at (202) 647-4284; or by email at [YuanAW@State.gov](mailto:YuanAW@State.gov).

Dated: February 3, 2011.

**Willem H. Brakel,**

*Director, Office of Environmental Policy,  
Bureau of Oceans and International  
Environmental and Scientific Affairs,  
Department of State.*

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