



Washington, D.C. 20520

DEC - 9 2011

Case No. 201101495 Segments: EEB003, L003,

WHA001 and OES001

Mr. Alex Moore Friends of the Earth 1100 15<sup>th</sup> Street NW 11<sup>TH</sup> Floor Washington, D.C. 20005

Dear Mr. Moore:

I refer to our recent letter dated October 27, 2011, regarding the release of certain Department of State material under the Freedom of Information Act (Title 5 USC Section 552).

Additional documents were retrieved from the records of the Office of the Legal Adviser and the Bureau of Energy, Economics and Business. The review of the records (9 documents) of the Office of the Legal Adviser has been completed. It has been determined that six may be released in full and three may be released with excisions. The review of the records (10 documents) of the Bureau of Energy, Economics and Business has been completed. It has been determined that nine documents may be released in full and one document may be released with excisions. All released material is enclosed.

As you will recall, further coordination was required before a decision could be made as to the release of one of the documents retrieved from the records of the Bureau of Western Hemisphere Affairs. This coordination has now been completed. We find that the document may be released with excisions. Please find it enclosed.

Finally, we have further considered segment OES001, and determined that two of the documents previously released with excisions can now be released in full. Please find documents OO141 and OO144 enclosed.

An enclosure provides information on Freedom of Information Act exemptions and other grounds for withholding material. Where we have made excisions, the applicable exemptions are marked on the document. All non-exempt material that is reasonably segregable from the exempt material has been released.

If you have any questions, you may contact the Trial Attorney Patrick Nemeroff at 202-514-6970.

Sincerely,

Sheryl Walter, Director

Office of Information Programs and Services

Enclosures:

As stated.

### The Freedom of Information Act (5 USC 552)

#### **FOIA Exemptions**

(b)(1) Withholding specifically authorized under an Executive Order in the interest of national defense or foreign policy, and properly classified.

#### Executive Order 12958, as amended, classification categories:

- 1.4(a) Military plans, systems or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US including confidential sources
- 1.4(e) Scientific, technological or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) USG programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Information on weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency.
- (b)(3) Specifically exempted from disclosure by statute (other than section 552b of Title 5), e.g.:

INA The Immigration and Nationality Act, Title 8 USC Section 1202(f)

CIA The Central Intelligence Agency Act of 1949, Title 50 USC Section 403(g)

ARMEX The Arms Export Control Act, Title 22 USC 2778(e)

EXPORT The Export Administration Act of 1979, 50 App. USC 2411(c)(1)

- (b)(4) Privileged/confidential trade secrets, commercial or financial information from a person.
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product.
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy.
- (b)(7) Information compiled for law enforcement purposes that would:
  - (A) Interfere with enforcement proceedings
  - (B) Deprive a person of a fair trial
  - (C) Constitute an unwarranted invasion of personal privacy
  - (D) Disclose confidential sources
  - (E) Disclose investigation techniques
  - (F) Endanger life or physical safety of any individual

#### Other Grounds for Withholding

NR Material not responsive to your FOIA request, excised in accordance with our agreement.

### UNCLASSIFIED RELEASED IN FULL

#### McManus, Matthew T

BEI

From:

Stewart, Michael P

Sent:

Tuesday, July 13, 2010 9:12 AM

To:

McManus, Matthew T; Gallogly, Stephen J; Goldwyn, David L

Subject:

FW: Request for Meeting on Keystone Pipeline

FYI - President of Transcanada meeting with Dan Clune.

From: Clune, Daniel A

Sent: Monday, July 12, 2010 6:23 PM

To: Yeboah, Deniece O

Cc: Brakel, Willem H; Orlando, Elizabeth A; Stewart, Michael P; Sullivan, David J; Schnitker, John P

Subject: RE: Request for Meeting on Keystone Pipeline

Deniece - I'm happy to meet with them. Please schedule a convenient time. Dan

From: Yeboah, Deniece O

Sent: Monday, July 12, 2010 5:10 PM

To: Clune, Daniel A

Subject: FW: Request for Meeting on Keystone Pipeline

Hey Dan,

Please see below; re: Briefing Request on Keystone Pipeline Project July 19th or 20th

Please let me know if you would like me to schedule this meeting, and invite anyone else from OES.

Thanks Deniece

From: Paul Elliott [mailto:paul\_elliott@transcanada.com]

Sent: Monday, July 12, 2010 4:01 PM

To: Yeboah, Deniece O

Subject: Request for Meeting on Keystone Pipeline

Attention: Denise Yeboah

July 12, 2010

The Honorable Dan Clune
Principal Deputy Assistant Secretary
Bureau of Oceans, International Environmental and Scientific Affairs (OES)
United States Department of State
2201 C Street NW Washington, D.C. 20520

Dear Deputy Assistant Secretary Clune,

TransCanada's Energy and Oil Pipelines President Alex Pourbaix request the chance to meet with you on Monday, July 19 or Tuesday, July 20 in Washington D.C. to brief you on the progress of the Keystone Pipeline project. Keystone is a crude oil pipeline that will transport more than a million barrels of oil a day from Alberta, Canada, through the plains states to refineries near Houston. Should your

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: OSCAR J OLSON DATE/CASE ID: 29 NOV 2011 201101495

<sup>1</sup>UNCLASSIFIED

schedule permit, Mr. Pourbaix can meet in Washington D.C. on Monday, July 19 or Tuesday, July 20. Mr. Pourbaix's schedule is currently flexible. Joining Mr. Pourbaix for this meeting will be Keystone Pipeline Vice President Robert Jones.

As you well know, Canada supplies more oil to the U.S. than any other country; 12 percent of current U.S. petroleum-consumption needs are supplied by Canada and represents 18 percent of U.S. petroleum imports. At the same time, the total greenhouse gas emissions from the oil sands is less than 0.1 percent of global GHG emissions, and has decreased more than 30 percent per barrel since 1990.

TransCanada is proposing to expand the existing Keystone pipeline which is to cross the Canada and U.S. borders in to Montana, run through South Dakota and central Nebraska before coming together with the original Keystone Pipeline in Steele City, Nebraska.

Background on Keystone Pipeline

Originating at Hardisty, Alberta, the Keystone Pipeline will transport crude oil to U.S. Midwest markets at Wood River and Patoka. Keystone Phase I will be in service by mid-2010. In the United States, pipeline and pump station construction are approaching completion with all major activities expected to be complete in North Dakota, South Dakota, Nebraska, Kansas, Missouri and Illinois in early 2010. The U.S. portion of the Keystone Pipeline includes 1,084 miles of new, 30-inch pipeline and 23 pump stations.

Keystone Cushing Expansion (Phase II) is an extension of the Keystone Pipeline of approximately 298 miles from Steele City, Nebraska to Cushing, Oklahoma.

The 36-inch pipeline is scheduled for construction in 2010 and will connect to storage and distribution facilities at Cushing, a major crude oil marketing/refining and pipeline hub. In addition, this phase will include the construction of four new pump stations and an expansion of additional pumping units for 22 of the 23 pump stations built as part of Phase I in the United States.

The proposed Keystone Gulf Coast Expansion Project is a 1,959 mile, 36-inch crude oil pipeline that would begin at Hardisty, Alberta and extend southeast through Saskatchewan, Montana, South Dakota and Nebraska. It would incorporate a portion of the Keystone Cushing Extension Pipeline (Phase II) through Nebraska, Kansas to serve markets at Cushing, Oklahoma before continuing through Oklahoma to a delivery point near existing terminals in Nederland, Texas to serve the Port Arthur, Texas marketplace.

Keystone plans to first construct 435 miles of new pipeline in Oklahoma and Texas. It is anticipated this third phase of Keystone would start construction in the first quarter of 2011 and be complete by the fourth quarter of 2011.

Construction of the fourth phase of Keystone would follow with approximately 327 miles of new pipeline through Canada. The pipeline would then extend south approximately 852 miles through Montana and South Dakota to Steele City, Nebraska. Construction of this phase is anticipated to be completed by the first quarter of 2013.

Also proposed is an approximate 47-mile pipeline to transport crude oil from Liberty County, Texas to the Houston, Texas area. Keystone Gulf Coast Expansion includes construction of an additional eight pump stations in Canada and 30 pump stations in the United States.

Please contact me at paul\_elliott@transcanada.com or at 917.828.3983, with any questions and to confirm times that might be convenient for you to meet with TransCanada's Energy and Oil Pipelines President Alex Pourbaix.

Thank you, in advance, for your consideration.

Sincerely,

Paul Elliott Government Relations TransCanada Corporation Telephone: (646) 823-7026 Cell: (917) 828-3983

This electronic message and any attached documents are intended only for the named addressee(s). This communication from TransCanada may contain information that is privileged, confidential or otherwise protected from disclosure and it must not be disclosed, copied, forwarded or distributed without authorization. If you have received this message in error, please notify the sender immediately and delete the original message. Thank you.

UNCL<sup>3</sup>ASSIFIED

# UNCLASSIFIED RELEASED IN FULL

#### McManus, Matthew T

From:

McManus, Matthew T

Sent:

Friday, July 23, 2010 5:52 PM

To:

Schnitker, John P; Stewart, Michael P

Subject:

Re: Summary of A/s Fernandez Meeting

This is great. There is a leftover person from a Senate meeting in he participants, and my recollection was paul elliott and one other trans can official were there; will check my business cards

From: Schnitker, John P

To: McManus, Matthew T; Stewart, Michael P

Sent: Fri Jul 23 17:29:11 2010

Subject: Summary of A/s Fernandez Meeting

Matt and Michael - Here is my draft summary for the record of Jose's meeting with the TC folks for the record.

Thoughts, comments, additions, deletions? Also, should anyone else review this? John

From: Paul Elliott [mailto:paul elliott@transcanada.com]

Sent: Tuesday, August 31, 2010 10:32 AM

To: Dudley, Brenda Cc: Fernandez, Jose W

Subject: TransCanada Request Meeting

Attention: Brenda Dudley

August 31, 2010

The Honorable Jose W. Fernandez
Assistant Secretary for Economic, Energy and Agricultural Affairs
United States Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Assistant Secretary Fernandez,

TransCanada's Executive Vice-President for Operations and Major Projects Don Wishart request the chance to meet with you on Wednesday, September 8, 2010 in Washington D.C. to broadly discuss with you the construction of the Keystone KXL Pipeline system.

As you know, Keystone is a crude oil pipeline that will transport approximately 700,000.barrels per day of oil a day from Alberta, Canada, through the plains states to refineries near Houston. Should your schedule permit, Mr. Pourbaix can meet in Washington D.C. on Wednesday, September 8, 2010 anytime after 10:30 a.m. Joining Mr. Wishart for this meeting will be Keystone Pipeline Vice President Robert Jones.

In the United States, the Keystone pipeline and pump station construction are approaching completion with all major activities expected to be complete in North Dakota, South Dakota, Nebraska, Kansas, Missouri and Illinois in 2010. Keystone Cushing Expansion is an extension of the Keystone Pipeline of approximately 298 miles from Steele City, Nebraska to Cushing, Oklahoma. The proposed Keystone Gulf Coast Expansion Project is a 1,959 mile, 36-inch crude oil pipeline that would begin at Hardisty, Alberta and extend southeast through Saskatchewan, Montana, South Dakota and Nebraska. It would incorporate a portion of the Keystone Cushing Extension Pipeline through Nebraska, Kansas to serve markets at Cushing, Oklahoma before continuing through Oklahoma to a delivery point near existing terminals in Nederland, Texas to serve the Port Arthur, Texas marketplace. Keystone plans to first construct 435 miles of new pipeline in Oklahoma and Texas. The pipeline would then extend south approximately 852 miles through Montana and South Dakota to Steele City, Nebraska. Also proposed is an approximate 47-mile pipeline to transport crude oil from Liberty County, Texas to the Houston, Texas area.

TransCanada's proposal to extend the Keystone Pipeline will create 13,000 organized labor construction jobs in 2011 – 2012. In addition, the project will generate \$486.36 million in tax revenues for state governments and \$99.1 million for local entities where the pipeline is located.

Please contact me at <u>paul\_elliott@transcanada.com</u> or at 917.828.3983, with any questions and to confirm times that might be convenient for you to meet with TransCanada's Executive Vice-President for Operations and Major Projects Don Wishart.

Thank you, in advance, for your consideration.

Sincerely,

Paul Elliott

Government Relations TransCanada Corporation Telephone: (646) 823-7026

Cell: (917) 828-3983

This electronic message and any attached documents are intended only for the named addressee(s). This communication from TransCanada may contain information that is privileged, confidential or otherwise protected from disclosure and it must not be disclosed, copied, forwarded or distributed without authorization. If you have received this message in error, please notify the sender immediately and delete the original message. Thank you.

#### McManus, Matthew T

BE3

From:

McManus, Matthew T

Sent:

Thursday, August 05, 2010 6:56 PM Hengel, Douglas C; Gallogly, Stephen J

To: Subject:

Fw: Special Permit Application Withdrawn for Keystone Gulf Coast Expansion Pipeline

From: Hormats, Robert D To: McManus, Matthew T

Sent: Thu Aug 05 18:27:08 2010

Subject: Re: Special Permit Application Withdrawn for Keystone Gulf Coast Expansion Pipeline

Thanks

From: McManus, Matthew T

To: Fernandez, Jose W; Hengel, Douglas C; Hormats, Robert D; Cue, Lourdes C; Smitham, Thomas D; Tuminaro, Kim V

Cc: EEB-A-PD-DL

Sent: Thu Aug 05 17:00:12 2010

Subject: Special Permit Application Withdrawn for Keystone Gulf Coast Expansion Pipeline

This essentially means the Keystone XL applicant will withdraw the request to DOT to operate the pipeline at a greater load factor (80%) but STILL comply with dozens of extra conditions, even while operating at the lower, standard, operating factor (72%).

This should go a long way to enhancing yet further the safety of the pipeline above the existing US code; should it be approved.

(Minimize considered.)

#### EEB PA: Defer all media questions to DOT

From: Paul Elliott [mailto:paul elliott@transcanada.com]

Sent: Thursday, August 05, 2010 4:30 PM

To: Undisclosed recipients

Subject: Special Permit Application Withdrawn for Keystone Gulf Coast Expansion Pipeline

Special Permit Application Withdrawn for Keystone Gulf Coast Expansion Pipeline

Calgary, Alberta – August 5, 2010 – TransCanada has withdrawn its request to the Pipeline and Hazardous Materials Safety Administration (PHMSA) for a special permit. The permit would have allowed TransCanada to build the proposed Keystone XL pipeline using stronger steel with additional safety conditions and operate the pipeline at a slightly higher pressure than current federal regulations for oil pipelines in the United States.

After listening to concerns from the public and various political leaders, TransCanada made the decision to withdraw the permit application. The company will build Keystone XL using the as-proposed stronger steel and operate it at a lower level of pressure, consistent with current U.S. regulations. The company recognizes it needs to take more steps to assure the public and stakeholders the parameters

The company recognizes it needs to take more steps to assure the public and stakeholders the parameters of the special permit would result in a safer pipeline. The company will continue to establish an operating record which will demonstrate the strength and integrity of the Keystone Pipeline System, which has been granted a special permit.

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: OSCAR J OLSON DATE/CASE ID: 29 NOV 2011 201101495

<sup>1</sup>UNCLASSIFIED

Keystone XL will implement the additional safety measures that would have been required under the special permit. These measures offer an enhanced level of safety and would allow TransCanada to request a special permit in the future. These safety measures also will be consistent with those that have been implemented on the existing Keystone Pipeline. In issuing the special permit for Keystone, PHMSA concluded the permit would provide a level of safety equal to or greater than that provided if the pipeline were operated under the current standard.

Without the special permit, Keystone XL will meet all of its initial commercial commitments to serve Gulf Coast refineries. Keystone also will continue to work with U.S. producers in the Bakken and broader Williston Basin area to provide needed transport for growing production in Montana and the Dakotas.

The Keystone XL project received approval in March 2010 from both the South Dakota Public Utility Commission and the National Energy Board in Canada. Pending receipt of additional permits, construction is planned to begin in 2011.

When completed, the Keystone XL project will increase the commercial capacity of the overall Keystone Pipeline System from 590,000 barrels per day to approximately 1.1 million barrels per day. The \$12 billion system is 83 percent subscribed with long-term, binding contracts that include commitments of 910,000 barrels per day for an average term of approximately 18 years.

Commercial operations of the first phase of the Keystone system began June 30. Construction of the extension from Steele City Nebraska to Cushing Oklahoma is one-third complete and the pipeline is expected to be operational in 2011.

Keystone XL is a planned 1,959-mile (3,134-kilometre), 36-inch crude oil pipeline stretching from Hardisty, Alberta and moving southeast through Saskatchewan, Montana, South Dakota and Nebraska. It will connect with a portion of the Keystone Pipeline that will be built through Kansas to Cushing, Oklahoma and facilitate take away capacity from U.S. hubs located on the pipeline. The pipeline will then continue on through Oklahoma to a delivery point near existing terminals in Nederland, Texas to serve the Port Arthur, Texas marketplace.

To view a map of the proposed pipeline route, please visit the project web page at www.transcanada.com/keystone

With more than 50 years' experience, TransCanada is a leader in the responsible development and reliable operation of North American energy infrastructure including natural gas and oil pipelines, power generation and gas storage facilities. TransCanada's network of wholly owned natural gas pipelines extends more than 60,000 kilometres (37,000 miles), tapping into virtually all major gas supply basins in North America. TransCanada is one of the continent's largest providers of gas storage and related services with approximately 380 billion cubic feet of storage capacity. A growing independent power producer, TransCanada owns, or has interests in, over 11,700 megawatts of power generation in Canada and the United States. TransCanada is developing one of North America's largest oil delivery systems. TransCanada's common shares trade on the Toronto and New York stock exchanges under the symbol TRP. For more information visit: www.transcanada.com

- 30 -

Paul Elliott Government Relations TransCanada Corporation Telephone: (646) 823-7026

Cell: (917) 828-3983

This electronic message and any attached documents are intended only for the named addressee(s). This communication from TransCanada may contain information that is privileged, confidential or otherwise protected from disclosure and it must not be disclosed, copied, forwarded or distributed without authorization. If

#### UNCLASSIFIED RELEASED IN FULL

#### McManus, Matthew T

Sent: Monday, August 02, 2010 4:18 PM

To: Stewart, Michael P; Schnitker, John P; Benes, Keith J; McManus, Matthew T

Cc: Brakel, Willem H; Thompson, John E (OES)
Subject: FW: Tuesday Meetings

Matuszak, John M (OES)

•

Betsy is out today but has indicated she can attend the meeting at 8:30. We have the small conference room in 2726.

Thanks,

From:

John Matuszak

From: Brakel, Willem H

Sent: Monday, August 02, 2010 3:30 PM

To: Thompson, John E (OES); Matuszak, John M (OES)

Subject: FW: Tuesday Meetings

From: Stewart, Michael P

Sent: Monday, August 02, 2010 9:20 AM

To: Schnitker, John P; Benes, Keith J; Orlando, Elizabeth A; McManus, Matthew T; Brakel, Willem H

Cc: Clune, Daniel A

Subject: RE: Tuesday Meetings

Opps, yes I shouldn't send email before finishing the morning coffee. Those are the people from TransCanada.

The people from PHMSA are: Alan Mayberry, Lawrence White, Jim Curry and Steve Nanney.

Michael

From: Schnitker, John P

Sent: Monday, August 02, 2010 9:16 AM

To: Stewart, Michael P; Benes, Keith J; Orlando, Elizabeth A; McManus, Matthew T; Brakel, Willem H

Cc: Clune, Daniel A

Subject: RE: Tuesday Meetings

Michael -- I am a little confused by your message. I believe that both Jim White and Robert Jones work for TransCanada, not DOT. I don't know about the other two names. I would be available to meet at 830 tomorrow morning but I would have to leave by 10 o'clock because I have an appointment in my office at that time. Where is the meeting? Regards, John

From: Stewart, Michael P

Sent: Monday, August 02, 2010 9:12 AM

To: Stewart, Michael P; Benes, Keith J; Orlando, Elizabeth A; Schnitker, John P; McManus, Matthew T; Brakel, Willem H

Cc: Clune, Daniel A

Subject: RE: Tuesday Meetings

Morning all,

Jim White, Paul Elliott, Jon Schmidt, and Robert Jones will be here from DOT tomorrow. Unfortunately, the two lawyers will need to leave early at 9:30 and asked if we could move the meeting to 8:30. I hope that is not too early for everyone, as I said that would be ok.

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: OSCAR J OLSON DATE/CASE ID: 29 NOV 2011 201101495

Are there any specific issues that we can forward to them today that you all would like addressed? They still haven't heard any official word about withdrawing the waiver for the Keystone XL.

Thanks, Michael

From: Stewart, Michael P

Sent: Friday, July 30, 2010 2:12 PM

To: Benes, Keith J; Orlando, Elizabeth A; Schnitker, John P; McManus, Matthew T; Brakel, Willem H

Cc: Clune, Daniel A

Subject: Tuesday Meetings

We are set for Keystone Meetings on Tuesday morning. The DOT folks will be coming in at nine (with lawyers), at least Max and Steve will stay on for the start of the 10:00 meeting with TransCanada and Entrix to discuss any outstanding issues. DOT will then depart, leaving us at least one hour with just TransCanada and Entrix. We will use the OES conference room, #2726.

Keith, I hope that you are able to join us for the entirety and John, I understand that you will make what you can.

#### Michael

Western Hemisphere Energy Officer Bureau of Economics, Energy and Business Affairs w (202) 647-1291 f (202) 647-8758 Stewartmp@State.gov

#### McManus, Matthew T

BE 10

From:

McManus, Matthew T

Sent:

Thursday, August 05, 2010 4:53 PM

To:

EEB-A-ESC-IEC-DL; Goldwyn, David L

Subject:

FW: Special Permit Application Withdrawn for Keystone Gulf Coast Expansion Pipeline

Categories:

**Red Category** 

From: Paul Elliott [mailto:paul elliott@transcanada.com]

Sent: Thursday, August 05, 2010 4:30 PM

To: Undisclosed recipients

Subject: Special Permit Application Withdrawn for Keystone Gulf Coast Expansion Pipeline

Special Permit Application Withdrawn for Keystone Gulf Coast Expansion Pipeline

Calgary, Alberta – August 5, 2010 – TransCanada has withdrawn its request to the Pipeline and Hazardous Materials Safety Administration (PHMSA) for a special permit. The permit would have allowed TransCanada to build the proposed Keystone XL pipeline using stronger steel with additional safety conditions and operate the pipeline at a slightly higher pressure than current federal regulations for oil pipelines in the United States.

After listening to concerns from the public and various political leaders, TransCanada made the decision to withdraw the permit application. The company will build Keystone XL using the as-proposed stronger steel and operate it at a lower level of pressure, consistent with current U.S. regulations. The company recognizes it needs to take more steps to assure the public and stakeholders the parameters of the special permit would result in a safer pipeline. The company will continue to establish an operating record which will demonstrate the strength and integrity of the Keystone Pipeline System, which has been granted a special permit.

Keystone XL will implement the additional safety measures that would have been required under the special permit. These measures offer an enhanced level of safety and would allow TransCanada to request a special permit in the future. These safety measures also will be consistent with those that have been implemented on the existing Keystone Pipeline. In issuing the special permit for Keystone, PHMSA concluded the permit would provide a level of safety equal to or greater than that provided if the pipeline were operated under the current standard.

Without the special permit, Keystone XL will meet all of its initial commercial commitments to serve Gulf Coast refineries. Keystone also will continue to work with U.S. producers in the Bakken and broader Williston Basin area to provide needed transport for growing production in Montana and the Dakotas.

The Keystone XL project received approval in March 2010 from both the South Dakota Public Utility Commission and the National Energy Board in Canada. Pending receipt of additional permits, construction is planned to begin in 2011.

When completed, the Keystone XL project will increase the commercial capacity of the overall Keystone Pipeline System from 590,000 barrels per day to approximately 1.1 million barrels per day. The \$12 billion system is 83 percent subscribed with long-term, binding contracts that include commitments of 910,000 barrels per day for an average term of approximately 18 years.

Commercial operations of the first phase of the Keystone system began June 30. Construction of the extension from Steele City Nebraska to Cushing Oklahoma is one-third complete and the pipeline is expected to be operational in 2011.

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: OSCAR J OLSON DATE/CASE ID: 29 NOV 2011 201101495

Keystone XL is a planned 1,959-mile (3,134-kilometre), 36-inch crude oil pipeline stretching from Hardisty, Alberta and moving southeast through Saskatchewan, Montana, South Dakota and Nebraska. It will connect with a portion of the Keystone Pipeline that will be built through Kansas to Cushing, Oklahoma and facilitate take away capacity from U.S. hubs located on the pipeline. The pipeline will then continue on through Oklahoma to a delivery point near existing terminals in Nederland, Texas to serve the Port Arthur, Texas marketplace.

To view a map of the proposed pipeline route, please visit the project web page at www.transcanada.com/keystone

With more than 50 years' experience, TransCanada is a leader in the responsible development and reliable operation of North American energy infrastructure including natural gas and oil pipelines, power generation and gas storage facilities. TransCanada's network of wholly owned natural gas pipelines extends more than 60,000 kilometres (37,000 miles), tapping into virtually all major gas supply basins in North America. TransCanada is one of the continent's largest providers of gas storage and related services with approximately 380 billion cubic feet of storage capacity. A growing independent power producer, TransCanada owns, or has interests in, over 11,700 megawatts of power generation in Canada and the United States. TransCanada is developing one of North America's largest oil delivery systems. TransCanada's common shares trade on the Toronto and New York stock exchanges under the symbol TRP. For more information visit: www.transcanada.com

- 30 -

Paul Elliott Government Relations TransCanada Corporation Telephone: (646) 823-7026 Cell: (917) 828-3983

This electronic message and any attached documents are intended only for the named addressee(s). This communication from TransCanada may contain information that is privileged, confidential or otherwise protected from disclosure and it must not be disclosed, copied, forwarded or distributed without authorization. If you have received this message in error, please notify the sender immediately and delete the original message. Thank you.

#### McManus, Matthew T

RE13

From:

Stewart, Michael P

Sent:

Wednesday, September 01, 2010 4:09 PM

To:

Clune, Daniel A; Benes, Keith J; Schnitker, John P; Orlando, Elizabeth A; Brakel, Willem H

Cc: McManus, Matthew T; Hengel, Douglas C

Subject:

FW: TransCanada Request Meeting on Wednesday, September 8

Team,

Since my sage boss is out, I will go straight to all of you for advice on this. Do we advise that A/S Fernandez meet again with TransCanada on Sep 8th? Fernandez would like to push the meeting back down to us unless we advise that he accept. Personally, I don't see any new information for them to discuss and it is too soon to give TransCanada an update on how we are progressing with the EIS, but on the other hand I wouldn't want to send the message that State is unwilling to meet with the company/applicant. Thoughts?

#### Michael

From: Greenstein, Alex D

Sent: Wednesday, September 01, 2010 3:43 PM

To: Dudley, Brenda; Stewart, Michael P

Cc: Weinschenk, Andrew J

Subject: RE: TransCanada Request Meeting on Wednesday, September 8

Brenda - our guru on all things Keystone XL is Michael Stewart. I'll defer to him on this.

Best,

Alex

From: Dudley, Brenda

Sent: Wednesday, September 01, 2010 3:07 PM

To: Greenstein, Alex D

Cc: Weinschenk, Andrew J; Dudley, Brenda

Subject: FW: TransCanada Request Meeting on Wednesday, September 8

Hi Alex.

A/S Fernandez asked me to forward this to Matt. Per Matt's voicemail, I'm sending this to you. Please let me know if you are the correct person to handle the query below.

Thanks much.

#### Brenda M. L. Dudley

Personal Assistant to
Assistant Secretary of State Jose W. Fernandez
Bureau of Economic, Energy and Business Affairs
HST, Room 4932
Washington, DC 20520

Ph: (202) 647-7971 Fax: (202) 647-5713

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: OSCAR J OLSON DATE/CASE ID: 06 DEC 2011 201101495

From: Paul Elliott [mailto:paul elliott@transcanada.com]

Sent: Tuesday, August 31, 2010 10:32 AM

To: Dudley, Brenda Cc: Fernandez, Jose W

Subject: TransCanada Request Meeting

Attention: Brenda Dudley

August 31, 2010

The Honorable Jose W. Fernandez
Assistant Secretary for Economic, Energy and Agricultural Affairs
United States Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Assistant Secretary Fernandez,

TransCanada's Executive Vice-President for Operations and Major Projects Don Wishart request the chance to meet with you on Wednesday, September 8, 2010 in Washington D.C. to broadly discuss with you the construction of the Keystone KXL Pipeline system.

As you know, Keystone is a crude oil pipeline that will transport approximately 700,000 barrels per day of oil a day from Alberta, Canada, through the plains states to refineries near Houston. Should your schedule permit, Mr. Pourbaix can meet in Washington D.C. on Wednesday, September 8, 2010 anytime after 10:30 a.m. Joining Mr. Wishart for this meeting will be Keystone Pipeline Vice President Robert Jones.

In the United States, the Keystone pipeline and pump station construction are approaching completion with all major activities expected to be complete in North Dakota, South Dakota, Nebraska, Kansas, Missouri and Illinois in 2010. Keystone Cushing Expansion is an extension of the Keystone Pipeline of approximately 298 miles from Steele City, Nebraska to Cushing, Oklahoma. The proposed Keystone Gulf Coast Expansion Project is a 1,959 mile, 36-inch crude oil pipeline that would begin at Hardisty, Alberta and extend southeast through Saskatchewan, Montana, South Dakota and Nebraska. It would incorporate a portion of the Keystone Cushing Extension Pipeline through Nebraska, Kansas to serve markets at Cushing, Oklahoma before continuing through Oklahoma to a delivery point near existing terminals in Nederland, Texas to serve the Port Arthur, Texas marketplace. Keystone plans to first construct 435 miles of new pipeline in Oklahoma and Texas. The pipeline would then extend south approximately 852 miles through Montana and South Dakota to Steele City, Nebraska. Also proposed is an approximate 47-mile pipeline to transport crude oil from Liberty County, Texas to the Houston, Texas area.

TransCanada's proposal to extend the Keystone Pipeline will create 13,000 organized labor construction jobs in 2011 – 2012. In addition, the project will generate \$486.36 million in tax revenues for state governments and \$99.1 million for local entities where the pipeline is located.

Please contact me at <u>paul\_elliott@transcanada.com</u> or at 917.828.3983, with any questions and to confirm times that might be convenient for you to meet with TransCanada's Executive Vice-President for Operations and Major Projects Don Wishart.

Thank you, in advance, for your consideration.

Sincerely,

Paul Elliott

UNCL<sup>2</sup>ASSIFIED

Government Relations TransCanada Corporation Telephone: (646) 823-7026

Cell: (917) 828-3983

This electronic message and any attached documents are intended only for the named addressee(s). This communication from TransCanada may contain information that is privileged, confidential or otherwise protected from disclosure and it must not be disclosed, copied, forwarded or distributed without authorization. If you have received this message in error, please notify the sender immediately and delete the original message. Thank you.

#### RELEASED IN FULL

McManus, Matthew T

From:

McManus, Matthew T

Sent:

Wednesday, September 22, 2010 10:50 PM

To:

'paul\_elliott@transcanada.com'; Stewart, Michael P

Subject:

Re: Media Inquiry

And we are not planning any announcements; must be a rumor.

From: McManus, Matthew T

To: 'paul\_elliott@transcanada.com' <paul\_elliott@transcanada.com>; Stewart, Michael P

Sent: Wed Sep 22 22:49:21 2010 Subject: Re: Media Inquiry

Nope

From: Paul Elliott < paul elliott@transcanada.com >

To: Stewart, Michael P; McManus, Matthew T

Sent: Wed Sep 22 19:19:36 2010 Subject: Media Inquiry

Michael, Matt

We received a call from the media regarding some sort of announcement pertaining to XL today from

Was there such an announcement?

Paul Elliott Government Relations TransCanada Corporation Telephone: (646) 823-7026

Cell: (917) 828-3983

This electronic message and any attached documents are intended only for the named addressee(s). This communication from TransCanada may contain information that is privileged, confidential or otherwise protected from disclosure and it must not be disclosed, copied, forwarded or distributed without authorization. If you have received this message in error, please notify the sender immediately and delete the original message. Thank you.

#### McManus, Matthew T

FE17

RELEASED IN FULL

From: Sent: McManus, Matthew T

Wednesday, October 27, 2010 11:10 PM

'paul\_elliott@transcanada.com'

To: Subject:

Reuters

Kindly remove the cc line from my email when you forward, it is the pipeline team obviously.

#### RELEASED IN FULL

BE22

From:

Pascual, Carlos

To:

McManus, Matthew T

CC:

Sullivan, Michael A; Mattys, Brian A

Subject:

RE: US State Dept sued for pipeline lobbyist documents

Sent:

5/19/2011 11:09:49 AM

Does someone have something already written on the pipeline that I can review?

This email is UNCLASSIFIED.

From: McManus, Matthew T

Sent: Thursday, May 19, 2011 10:07 AM

To: Pascual, Carlos Cc: Sullivan, Michael A

Subject: FW: US State Dept sued for pipeline lobbyist documents

This email is UNCLASSIFIED.

From: Corneille, Faith C

Sent: Thursday, May 19, 2011 9:10 AM

To: WHA-CAN; Sullivan, Kevin K; Salazar, Joseph E; Benes, Keith J; Stewart, Michael P; McManus,

Matthew T

Subject: US State Dept sued for pipeline lobbyist documents

#### 12. US State Dept sued for pipeline lobbyist documents

By Ayesha Rascoe

WASHINGTON, May 18 (Reuters) - Green groups sued the State Department on Wednesday seeking details about contact with a lobbyist connected to Secretary of State Hillary Clinton regarding a planned \$7 billion TransCanada oil sands pipeline.

The groups want access to communications between the department and Paul Elliott, who was national deputy director for Clinton's 2008 presidential campaign.

After the campaign, Elliott was hired by TransCanada, which is working to gain approval from the State Department for its planned Keystone XL pipeline. Because the project crosses the Canada-U.S. border, the State Department must grant approval.

CLASSIFICATION: UNCLASSIFIED

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: OSCAR J OLSON DATE/CASE ID: 29 NOV 2011 201101495 Printed By: McManus, Matthew T

Page 1 of 2

"Clearly, TransCanada hired Mr. Elliott to take advantage of his previous service to Hillary Clinton," said Kenny Bruno from Corporate Ethics International, which is also part of lawsuit.

"We think the public has a right to know in what ways TransCanada and Mr. Elliott have attempted to influence Secretary Clinton's view of this controversial project," Bruno said.

The Keystone XL pipeline would span 1,700 miles and transport crude from Canada's oil sands to the U.S. Gulf coast. To move forward the project will need State's greenlight.

Groups seeking the communications say they could expose whether Elliott's ties to Clinton have resulted in bias in the permitting process.

"Why is the State Department refusing to release these communications?," asked Erich Pica, president of Friends of the Earth. "This calls into question the agency's decision to rush the review of the Keystone XL pipeline, despite its massive environmental risks and bipartisan opposition to it."

#### OPPOSITION TO PIPELINE

The project has faced stiff opposition from environmentalists concerned about locking the United States into use of the carbon-intensive oil sands crude and possible leaks over fragile water supplies.

The lawsuit follows a Freedom of Information Act request for communications between Elliott and the State Department filed by the green groups last year.

The department initially denied the request, but later reversed its decision. The groups involved in the lawsuit said the department has delayed processing the request and hasn't indicated whether or when it would release the information.

Last year, Secretary Clinton angered some lawmakers and environmental groups when she said her department was "inclined" to approve the pipeline because of energy security issues.

After the Environmental Protection Agency criticized the department's initial favorable environmental analysis of the project, the department issued a supplemental review, delaying the pipeline project.

The supplemental review issued last month reached the same conclusions of the first analysis, which said there would be limited adverse environmental impacts from the project.

The State Department has said it would decide whether to grant a permit for the project before the end of the year.

It did not immediately provide comment about Wednesday's lawsuit.

(Editing by Cynthia Osterman) ((ayesha.rascoe@thomsonreuters.com; +1 202 310 5683; Reuters Messaging: ayesha.rascoe.reuters.com@reuters.net)) Wednesday, 18 May 2011 18:08:45

This email is UNCLASSIFIED.

CLASSIFICATION: UNCLASSIFIED

Printed By: McManus, Matthew T

Page 2 of 2

CLASSIFICATION: UNCLASSIFIED

Stewart, Michael P

From:

#### RELEASED IN PART B5

BE25

To:	Nassmacher, Wendy L; Cue, Lourdes C; Seiden, Maya D; Fitzgerald, Betsy A; McManus, Matthew T; Kararti, Burak; Kaypaghian, Gabriel; Brakel, Willem H; Koplovsky, Michael	
Subjec	t: RE: For clearance, short fuse Updated version	
Sent:	6/1/2011 5:48:18 PM	
Sorry, j	ist off a long phone call.	
Michae		В5
This en	ail is UNCLASSIFIED.	

1. Attached, response to a Taken Question about Keystone today. For clearance,

Also for clearance, response to Neela Banerjee, LA Times, who asked: I'm writing
to see if several lobbyists for the project met with State Dept. officials, including Secretary

the present.	
To the substitution and appendix is a second of the second	

#### -Wendy Nassmacker

Office of Policy and Public Outreach

Bureau of Oceans and International Environmental & Scientific Affairs (OES)

HST #2726, Office 6

Office Phone: 202-647-6664 Blackberry: 202-330-1710

CLASSIFICATION: UNCLASSIFIED

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: OSCAR J OLSON DATE/CASE ID: 09 DEC 2011 201101495 Printed By: McManus, Matthew T Page 1 of 2

UNCLASSIFIED

**B5** 

**B5** 

CLASSIFICATION: UNCLASSIFIED

This email is unclassified.

This email is UNCLASSIFIED.

CLASSIFICATION: UNCLASSIFIED

Printed By: McManus, Matthew T

Page 2 of 2

# UNCLASSIFIED RELEASED IN PART B5

From:	Wo	
Sent:	Schnitker, John P Monday, December 13, 2010 3:43 PM	-
Го:	Botet, Violanda; Yuan, Alexander W; Benes, Keith J; Brakel, Willem H; Stewart, Michael P Rosenman, Richard G	ï
Cc: Subject:	Wood, Katrina M RE: Press Guidance for clearance	
	RE. Pless Guidance for clearance	
From: Botet, Violar Sent: Monday, Dec Fo: Yuan, Alexande	nda cember 13, 2010 3:39 PM er W; Benes, Keith J; Schnitker, John P; Brakel, Willem H; Stewart, Michael P; Rosenman, Richard C	В
Cc: Wood, Katrina I Subject: RE: Press	M s Guidance for clearance	
		B5
Erome Vuon Aleva	ndor W	
From: Yuan, Alexai Sent: Monday, Dec	cember 13, 2010 3:33 PM	
Cc: Wood, Katrina I		
Subject: Press Gui	idance for clearance	

1

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: MURRAY D ZINOMAN DATE/CASE ID: 02 DEC 2011 201101495

XXX 80 (90)

### UNCLASSIFIED RELEASED IN PART B5

THE RESIDENCE OF THE PARTY OF T	· · · · · · · · · · · · · · · · · · ·
From: Sent: To: Cc: Subject:	Benes, Keith J Monday, December 13, 2010 3:50 PM Yuan, Alexander W; Schnitker, John P; Brakel, Willem H; Stewart, Michael P; Botet, Violanda; Rosenman, Richard G Wood, Katrina M Re: Press Guidance for clearance
Keith	
Cc: Wood, Katrina Sent: Mon Dec 13	Schnitker, John P; Brakel, Willem H; Stewart, Michael P; Botet, Violanda; Rosenman, Richard G

Alex Yuan
OES/ENV Room 2726
Office 202.647.4284
Mobile 202.631-9480

This email is UNCLASSIFIED.

1

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: MURRAY D ZINOMAN DATE/CASE ID: 02 DEC 2011 201101495

#### Benes, Keith J

From:

Sullivan, David J

Sent:

Monday, December 13, 2010 3:59 PM

To:

Benes, Keith J

Subject:

Re: XL Keystone Pipeline - Guidance Needed

Thank you thank you!

From: Benes, Keith J

To: Townley, Stephen G; Sullivan, David J

Sent: Mon Dec 13 15:56:23 2010

Subject: Re: XL Keystone Pipeline - Guidance Needed

Thanks. L/EB and L/EMP picked this up. I'm tracking remotely.

From: Townley, Stephen G

To: Sullivan, David J; Benes, Keith J Sent: Mon Dec 13 13:37:35 2010

Subject: FW: XL Keystone Pipeline - Guidance Needed

FYI

From: Humphrey, Kerry S [mailto:HumphreyKS@state.gov]

Sent: Monday, December 13, 2010 1:36 PM

To: Phillips, Leslie M; PAO Group

Cc: Chu, Alice R; EEB-A-PD-DL; Enoch, Tiffany

Subject: RE: XL Keystone Pipeline - Guidance Needed

Leslie, here's the still current guidance on the matter w/ relevant portion highlighted. Alice is checking to see what could be said on the conflict of interest matter; we'll let you know...

Xcruy S. Wumphrey
Kerry S. Humphrey
Senior Media Advisor
Bureau of Economic, Energy & Business Affairs
Office of Economic Policy Analysis & Public Diplomacy
2201 C St., NW, Room 3741, Washington, DC 20520
Phone: (202) 647-0677, Fax: (202) 647-5936

From: Phillips, Leslie M [mailto:PhillipsLM@state.gov]

Sent: Monday, December 13, 2010 1:27 PM

To: PAO Group

Subject: XL Keystone Pipeline - Guidance Needed

Importance: High

EEB – We have received a couple of calls about this. Please provide updated guidance including our position/comment on whether Paul Elliott's past association with Secretary Clinton is a conflict of interest.

Thank you.

1

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: MURRAY D ZINOMAN DATE/CASE ID: 02 DEC 2011 201101495

# Are Clinton Ties to TransCanada Lobbyist Fast-Tracking KXL Approval?

From a Friends of the Earth press release circulated this morning.

WASHINGTON, D.C. — Friends of the Earth, the Center for International Environmental Law, and Corporate Ethics International submitted a <u>Freedom of Information Act (FOIA) request</u> to the State Department today asking for all communications between the agency and a former presidential campaign manager of Hillary Clinton's, who in his new role as oil industry lobbyist is seeking State Department approval for the controversial Keystone XL tar sands oil pipeline.

The lobbyist in question is Paul Elliott, currently chief Washington, D.C. lobbyist for TransCanada, the company aiming to build the pipeline. Prior to lobbying for TransCanada, Elliott served as the Hillary Clinton for President campaign committee's national deputy director and chief of staff for delegate selection.

The watchdog groups cited the relationship between Secretary of State Clinton and the oil industry lobbyist as the latest in a series of developments casting doubt on whether the State Department is fulfilling its obligations to conduct a thorough and transparent review of the environmental and public health dangers of the proposed multibillion-dollar pipeline.

"TransCanada clearly sees an opportunity to get this dangerous pipeline approved through Secretary Clinton's relationship with Paul Elliott," said Alex Moore, dirty fuels campaigner at Friends of the Earth. "Mr. Elliott's influence in the State Department's consideration of the pipeline is yet another reason we believe that the White House should reassign review of this project. The stakes for the public are too high to have anything but rigorous and fair scrutiny of the environmental risks of this controversial pipeline and tar sands oil."

The tar sands oil pipeline, which would stretch from Canada to refineries in Texas, has been opposed by environmental and agricultural organizations because it would threaten communities with oil spills, increase global warming and other toxic air emissions, and enable expansion of the destructive tar sands oil industry in Canada, which is already causing cancer hot spots in nearby indigenous communities.

Secretary Clinton's objectivity on the pipeline and the thoroughness of her agency's review have already been questioned: In October, Secretary Clinton commented that she was "inclined" to approve the project despite the fact that her agency is in the midst of conducting a legally mandated Environmental Impact Statement (EIS) for the project. Environmental organizations called on her to recuse herself from the decision and Senator Mike Johanns (R-Neb.) said her comments could land the project in court. The Environmental Protection Agency gave the State Department's draft Environmental Impact Statement (EIS) on the Keystone XL pipeline a failing grade, provoking calls from dozens of members of Congress for a supplemental EIS.

The Keystone XL pipeline has garnered extensive criticism from policymakers. House Energy and Commerce Chairman Henry Waxman (D-Calif.) opposes the pipeline and more than 60 members of Congress have joined him in raising serious concerns about the project with the Obama administration.

The Keystone XL pipeline would be constructed by Canadian oil and gas giant TransCanada. If approved by the Obama administration, it would bring high-carbon, dirty tar sands oil from Alberta, Canada through Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas to Gulf Coast refineries near Houston at a rate of 900,000 barrels per day.

The Freedom of Information Act request submitted to the State Department is available at: <a href="http://www.foe.org/sites/default/files/FOIA-request-State-Department-Paul-Elliott-Keystone-XL-pipeline.pdf">http://www.foe.org/sites/default/files/FOIA-request-State-Department-Paul-Elliott-Keystone-XL-pipeline.pdf</a>

More information about the Keystone XL pipeline is available at: http://www.foe.org/keystone-xl-pipeline

Leslie Phillips Press Officer U.S. Department of State (202)647-2492

# UNCLASSIFIED RELEASED IN PART

Benes, Keith J

Humphrey, Kerry S

From: Sent: To:

Cc:

Subject:

Monday, December 13, 2010 4:54 PM

Benes, Keith J; Botet, Violanda; Schnitker, John P; Chu, Alice R; Fuchs, Michael H; Hobgood,

Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J; Legal-EMP-DL

Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski,

Michael L; Fitzgerald, Betsy A; Stewart, Michael P; Enoch, Tiffany

RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB

today

Thanks, all and please be advised that PA has tapped L as lead; you should see another version recirculating for clearance from LPA

Kony S. Humphrey Kerry S. Humphrey Senior Media Advisor Bureau of Economic, Energy & Business Affairs Office of Economic Policy Analysis & Public Diplomacy 2201 C St., NW, Room 3741, Washington, DC 20520 Phone: (202) 647-0677, Fax: (202) 647-5936

From: Benes, Keith J

Sent: Monday, December 13, 2010 3:25 PM

To: Botet, Violanda; Schnitker, John P; Humphrey, Kerry S; Chu, Alice R; Fuchs, Michael H; Hobgood, Teresa D (OES);

Brakel, Willem H; Sullivan, Jacob J; Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy

A; Stewart, Michael P; Enoch, Tiffany

Subject: Re: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

ı				
l				
ı				
ı				
ı				
l				
	Voith			

Keith

From: Botet, Violanda

To: Schnitker, John P; Humphrey, Kerry S; Chu, Alice R; Benes, Keith J; Fuchs, Michael H; Hobgood, Teresa D (OES);

Brakel, Willem H; Sullivan, Jacob J; Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy

A: Stewart, Michael P: Enoch, Tiffany

Sent: Mon Dec 13 15:10:53 2010

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

From: Schnitker, John P

Sent: Monday, December 13, 2010 3:10 PM

To: Humphrey, Kerry S; Chu, Alice R; Botet, Violanda; Benes, Keith J; Fuchs, Michael H; Hobgood, Teresa D (OES);

Brakel, Willem H; Sullivan, Jacob J; Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy

A; Stewart, Michael P; Enoch, Tiffany

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: MURRAY D ZINOMAN DATE/CASE ID: 02 DEC 2011 201101495

UNCLASSIFIED

**B5** 

**B5** 

	В5
Regards, John	
From: Humphrey, Kerry S Sent: Monday, December 13, 2010 3:02 PM To: Schnitker, John P; Chu, Alice R; Botet, Violanda; Benes, Keith J; Fuchs, Michael H; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J; Legal-EMP-DL Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy A; Stewart, Michael P; Enoch, Tiffany Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today	
	B5
Kerry S. Humphrey Senior Media Advisor Bureau of Economic, Energy & Business Affairs Office of Economic Policy Analysis & Public Diplomacy 2201 C St., NW, Room 3741, Washington, DC 20520 Phone: (202) 647-0677, Fax: (202) 647-5936	
From: Schnitker, John P Sent: Monday, December 13, 2010 2:45 PM To: Chu, Alice R; Botet, Violanda; Humphrey, Kerry S; Benes, Keith J; Fuchs, Michael H; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J; Legal-EMP-DL Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy A; Stewart, Michael P; Enoch, Tiffany Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today	
	B5

John Schnitker L/EB

From: Chu, Alice R

Sent: Monday, December 13, 2010 2:33 PM

To: Botet, Violanda; Humphrey, Kerry S; Benes, Keith J; Fuchs, Michael H; Hobgood, Teresa D (OES); Brakel, Willem H;

Sullivan, Jacob J; Schnitker, John P; Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy

A; Stewart, Michael P; Enoch, Tiffany

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Violanda,

Thank you for offering to draft language for this taken question on Elliott's relationship with Sec. Clinton

As this inquiry is an ethics and not an environmental impact statement-related question, OES is not the appropriate drafter and we we defer to L to take the lead in providing a response to the below inquiry.

However, please forward for clearance to OES and EEB as well as to others who have been looped in on this email chain.

Many thanks,

Alice

From: Botet, Violanda

Sent: Monday, December 13, 2010 2:06 PM

To: Humphrey, Kerry S; Benes, Keith J; Fuchs, Michael H; Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H;

Sullivan, Jacob J; Schnitker, John P; Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy

A; Stewart, Michael P; Enoch, Tiffany

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

I can serve as your point of contact in L/Ethics. I don't have any facts about the situation below but can comment on ethics laws would apply. Violanda

Violanda Botet Attorney Adviser U.S. Department of State 202-663-3097 (phone) 202-663-3339 (fax)

From: Humphrey, Kerry S

Sent: Monday, December 13, 2010 2:01 PM

To: Benes, Keith J; Fuchs, Michael H; Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J;

Schnitker, John P; Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy

A; Stewart; Michael P; Enoch, Tiffany

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Thanks, also looping Betsy Fitzgerald, Michael Stewart and Mike Szymanski to be on the lookout for verbiage being drafted now for clearance.

Kerry S. Humphrey
Senior Media Advisor
Bureau of Economic. Energy & Business Affairs
Office of Economic Policy Analysis & Public Diplomacy
2201 C St., NW, Room 3741, Washington, DC 20520
Phone: (202) 647-0677, Fax: (202) 647-5936

From: Benes, Keith J

Sent: Monday, December 13, 2010 1:58 PM

To: Fuchs, Michael H; Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J; Schnitker, John P;

Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Reines, Philippe I; Adler, Caroline E Subject: Re: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Copying in John schnitker in L/EB, and the L/EMP collective, I'm not sure who the current ethics guru is.

From: Fuchs, Michael H

To: Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J

Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Benes, Keith J; Reines, Philippe 1; Adler, Caroline E

Sent: Mon Dec 13 13:51:12 2010

Subject: Re: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

+ Philippe and Caroline

From: Chu, Alice R

To: Hobgood, Teresa D (OES); Fuchs, Michael H; Brakel, Willem H; Sullivan, Jacob J Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Benes, Keith J

Sent: Mon Dec 13 13:47:27 2010

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Dear all,

Please note to loop in Jacob Sullivan (S) vice John Sullivan (NEA/PPD).

I have corrected the email address in this email chain.

Alice

From: Chu, Alice R

Sent: Monday, December 13, 2010 1:42 PM

To: Hobgood, Teresa D (OES); Fuchs, Michael H; Sullivan, John L; Brakel, Willem H Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Benes, Keith J

Subject: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Teresa, Willem, Jake and Michael,

PA just informed EEB and OES that Politico and The Hill (newspaper) have both called regarding the Elliott question/relationship with Sec. Clinton.

PA will need a response by COB today.

Your assistance is greatly appreciated,

Alice

From: Phillips, Leslie M [mailto:PhillipsLM@state.gov]

Sent: Monday, December 13, 2010 1:40 PM

To: Humphrey, Kerry S; PAO Group

Cc: Chu, Alice R; EEB-A-PD-DL; Enoch, Tiffany

Subject: RE: XL Keystone Pipeline - Guidance Needed

Thanks. The Paul Elliott question is the main issue. Politico and The Hill (the newspaper, not congress) have both called. I'll need to get back to them with something today.

From: Humphrey, Kerry S [mailto:HumphreyKS@state.gov]

Sent: Monday, December 13, 2010 1:36 PM

To: Phillips, Leslie M; PAO Group

Cc: Chu, Alice R; EEB-A-PD-DL; Enoch, Tiffany

Subject: RE: XL Keystone Pipeline - Guidance Needed

Leslie, here's the still current guidance on the matter w/ relevant portion highlighted. Alice is checking to see what could be said on the conflict of interest matter; we'll let you know...

Kerry S. Humphrey
Senior Media Advisor
Bureau of Economic, Energy & Business Affairs
Office of Economic Policy Analysis & Public Diplomacy
2201 C St., NW, Room 3741, Washington, DC 20520
Phone: (202) 647-0677, Fax: (202) 647-5936

From: Phillips, Leslie M [mailto:PhillipsLM@state.gov]

Sent: Monday, December 13, 2010 1:27 PM

To: PAO Group

Subject: XL Keystone Pipeline - Guidance Needed '

Importance: High

EEB – We have received a couple of calls about this. Please provide updated guidance including our position/comment on whether Paul Elliott's past association with Secretary Clinton is a conflict of interest.

Thank you.

# Are Clinton Ties to TransCanada Lobbyist Fast-Tracking KXL Approval?

From a Friends of the Earth press release circulated this morning.

WASHINGTON, D.C. — Friends of the Earth, the Center for International Environmental Law, and Corporate Ethics International submitted a <u>Freedom of Information Act (FOIA) request</u> to the State Department today asking for all communications between the agency and a former presidential campaign manager of Hillary Clinton's, who in his new role as oil industry lobbyist is seeking State Department approval for the controversial Keystone XL tar sands oil pipeline.

The lobbyist in question is Paul Elliott, currently chief Washington, D.C. lobbyist for TransCanada, the company aiming to build the pipeline. Prior to lobbying for TransCanada, Elliott served as the Hillary Clinton for President campaign committee's national deputy director and chief of staff for delegate selection.

The watchdog groups cited the relationship between Secretary of State Clinton and the oil industry lobbyist as the latest in a series of developments casting doubt on whether the State Department is fulfilling its obligations to conduct a thorough and transparent review of the environmental and public health dangers of the proposed multibillion-dollar pipeline.

"TransCanada clearly sees an opportunity to get this dangerous pipeline approved through Secretary Clinton's relationship with Paul Elliott," said Alex Moore, dirty fuels campaigner at Friends of the Earth. "Mr. Elliott's influence in the State Department's consideration of the pipeline is yet another reason we believe that the White House should reassign review of this project. The stakes for the public are too high to have anything but rigorous and fair scrutiny of the environmental risks of this controversial pipeline and tar sands oil."

The tar sands oil pipeline, which would stretch from Canada to refineries in Texas, has been opposed by environmental and agricultural organizations because it would threaten communities with oil spills, increase global warming and other toxic air emissions, and enable expansion of the destructive tar sands oil industry in Canada, which is already causing cancer hot spots in nearby indigenous communities.

Secretary Clinton's objectivity on the pipeline and the thoroughness of her agency's review have already been questioned: In October, Secretary Clinton commented that she was "inclined" to approve the project despite the fact that her agency is in the midst of conducting a legally mandated Environmental Impact Statement (EIS) for the project. Environmental organizations called on her to recuse herself from the decision and Senator Mike Johanns (R-Neb.) said her comments could land the project in court. The Environmental Protection Agency gave the State Department's draft Environmental Impact Statement (EIS) on the Keystone XL pipeline a failing grade, provoking calls from dozens of members of Congress for a supplemental EIS.

The Keystone XL pipeline has garnered extensive criticism from policymakers. House Energy and Commerce Chairman Henry Waxman (D-Calif.) opposes the pipeline and more than 60 members of Congress have joined him in raising serious concerns about the project with the Obama administration.

The Keystone XL pipelinc would be constructed by Canadian oil and gas giant TransCanada. If approved by the Obama administration, it would bring high-carbon, dirty tar sands oil from Alberta, Canada through Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas to Gulf Coast refineries near Houston at a rate of 900,000 barrels per day.

The Freedom of Information Act request submitted to the State Department is available at: <a href="http://www.foe.org/sites/default/files/FOIA-request-State-Department-Paul-Elliott-Keystone-XL-pipeline.pdf">http://www.foe.org/sites/default/files/FOIA-request-State-Department-Paul-Elliott-Keystone-XL-pipeline.pdf</a>

More information about the Keystone XL pipeline is available at: http://www.foe.org/keystone-xl-pipeline

Leslie Phillips Press Officer U.S. Department of State (202)647-2492







December 13, 2010

LUBA

Office of Information Programs and Services A/GIS/IPS/RL U. S. Department of State Washington, D. C. 20522-8100

Re: Freedom of Information Act Request

Dear Freedom of Information Act Officer:

Pursuant to the Freedom of Information Act, U.S.C. 552, and to the regulations of the U.S. Department of State, Friends of the Earth (POE), Corporate Ethics International (CEI), and the Center for International Environmental Law (CIFI.) are requesting copies of documents and information regarding all U.S. State Department communications involving the Department of State and Paul Elliott (lobbyist of TransCanada Pipelines).

This request includes but is not limited to copies of all correspondence, letters, memos, briefing papers, faxes, cables, emails, meeting and teleconference agenda, minutes, notes, transcripts, meeting and teleconference attended lists, dates, or tape recordings and phone logs.

We would appreciate a response to this request as soon as possible. As a non-profit organization, we also request a waiver of all fees incurred in providing these records because the "disclosure of the information is in the public interest because it is likely to contribute significantly to the public understanding of the operation or activities of the government and is not primarily in the commercial interest of the requester" (5 U.S.C. 552 (a)(4)(A) (iii)).

Friends of the Earth, CEI, and CIFI, are nonprofit organizations. All of the documents requested are requested in the public interest and have no commercial interest to FOE, CEI, or CIEL. The documents will inform citizens of activities their government plans to ensure their safety and health.

If all or any parts of this request are denied, please cite the specific exemptions on which you rely in refusing to release the documents. Further, since the Freedom of Information Act provides that the remainder of a file must be released if only portions are exempt from disclosure, we request that we be provided with all non-exempt portions that are reasonably segregable.

Thank you for your immediate attention to this matter.

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: MURRAY D ZINOMAN DATE/CASE ID: 02 DEC 2011 201101495

Sincerely.

Alex Moore Friends of the Earth 1100 15th Street, NW 11th Floor Washington, DC 20005 202-222-0733

Kenny Bruno Corporate Ethics International P.O. Box 2401 Suisun City, CA 94585 415-659-0531

Carroll Muffett
Center for International Environmental Law
1350 Connecticut Avenue, NW
Suite 1100
Washington, DC 20011
202-742-5772

### RELEASED IN FULL



### United States Department of State

Washington, D.C. 20520

JAN

Ll 13B

Dear Requester,	8
RE:_	Panl Elliott Clobbyist of Transcanada April:
This is in response to your request date Number <u>FADIDD8515</u> to	ed 12/13/2010 . We have assigned Case Control your request.
Based on our review of your correspondences for the following reason(s):	ndence, we have determined that we cannot process your
familiar with Department recor You have not provided You have not provided	bly described the records you seek in a way that someone ds and programs could locate them. d a valid third party authorization. d identifying information (such as your date and/or place of birth for all persons named in your request;
citizenship status).  You have not provided  Some or all of the reco	proof of your identity (personal verification).  ords you have requested do not appear to be State
Your request is not day You have submitted you by the State Department, which	our identifying information on forms that were not issued
request.  Your request is not a	•
Accordingly, your request is invalid an	d your case has been closed.
(202) 261-8484 or send an email to FO how to file a request, please refer to the	y call our FOIA Requester Service Center on IAstatus@state.gov. If you want information concerning Information Access Guide which is available at Case Control Number in any communication.
Sincerely, Wilma Manning MC Chief, Requester Communications Bran	nch
Office of Information Programs and Services U.S. Department of State, SA-2 Washington, DC 20522-8100 Website; www.foja.state.gov	Inquiries: Phone: 1-202-261-8484 FAX: 1-202-261-8579 E-mail: FOIAStatus@state.gov

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: MURRAY D ZINOMAN DATE/CASE ID: 02 DEC 2011 201101495

The Department of State is responsible for formulating and executing U.S. foreign policy and primarily maintains records dealing with U.S. foreign relations. The Department also maintains records of applications from U.S. citizens for U.S. passports and visa requests from non-citizens to enter the U.S., records on consular assistance provided to U.S. citizens abroad, and records of Department employees.

As the Department of State consists of hundreds of offices and overseas posts, with many different filing systems, your request should be specific, detailed, and include as much of the following as might be relevant:

#### -time frame;

- type of record, subject matter, countries and/or organizations involved;
- --full description of incidents, meetings, events, persons involved, etc., pertaining to the documents requested;
- -if persons involved are public figures or deceased individuals;
- -any information on specific filing systems.

## RELEASED IN FULL

#### Benes, Keith J

From:

Subject:

Humphrey, Kerry S

Sent:

Monday, December 13, 2010 2:18 PM

To:

Chu, Alice R; Botet, Violanda; Fuchs, Michael H; Hobgood, Teresa D (OES); Brakel, Willem

Cc:

H; Sullivan, Jacob J; Schnitker, John P; Legal-EMP-DL; Yuan, Alexander W; Benes, Keith J

Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald,

Betsy A; Stewart, Michael P; Enoch, Tiffany; Cue, Lourdes C; Arnaudo, Raymond V

RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB

today

Thanks, standing by and FYI now it's an official tasker to be answered as CNN has asked about it in the Daily Press Briefing.

Kerry S. Humphrey Kerry S. Humphrey Senior Media Advisor Bureau of Economic, Energy & Business Affairs Office of Economic Policy Analysis & Public Diplomacy 2201 C St., NW, Room 3741, Washington, DC 20520 Phone: (202) 647-0677, Fax: (202) 647-5936

From: Chu, Alice R

Sent: Monday, December 13, 2010 2:14 PM

To: Botet, Violanda; Humphrey, Kerry S; Fuchs, Michael H; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob

J; Schnitker, John P; Legal-EMP-DL; Yuan, Alexander W; Benes, Keith J

Cc: Koplovsky, Michael; Relnes, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy A; Stewart, Michael

P; Enoch, Tiffany; Cue, Lourdes C; Arnaudo, Raymond V

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Alex.

Per our conversation, please work with L and others to draft a response to the following question:

Q: Is there a conflict of interest in the Department's ability to do a final Environmental Impact Statement given the Secretary's past relationship with Paul Elliott?

A: (please provide)

Dear all.

Please revise the suggested question as needed. Alex Yuan (OES/ENV) will work with Violanda and others in L to provide draft language for all on this distribution to clear.

Thanks,

Alice

From: Botet, Violanda

Sent: Monday, December 13, 2010 2:06 PM

To: Humphrey, Kerry S; Benes, Keith J; Fuchs, Michael H; Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H;

Sullivan, Jacob J; Schnitker, John P; Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy

A; Stewart, Michael P; Enoch, Tiffany

Subject: RE: Politico and The Hill (newspaper) seeking response on XI. Keystone Pipeline by COB today

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: MURRAY D ZINOMAN DATE/CASE ID: 02 DEC 2011 201101495

I can serve as your point of contact in L/Ethics. I don't have any facts about the situation below but can comment on ethics laws would apply. Violanda

Violanda Botet Attorney Adviser U.S. Department of State 202-663-3097 (phone) 202-663-3339 (fax)

From: Humphrey, Kerry S

Sent: Monday, December 13, 2010 2:01 PM

To: Benes, Keith J; Fuchs, Michael H; Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J;

Schnitker, John P; Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy

A; Stewart, Michael P; Enoch, Tiffany

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Thanks, also looping Betsy Fitzgerald, Michael Stewart and Mike Szymanski to be on the lookout for verbiage being drafted now for clearance.

Kerry S. Humphrey
Senior Media Advisor
Bureau of Economic, Energy & Business Affairs
Office of Economic Policy Analysis & Public Diplomacy
2201 C St., NW, Room 3741, Washington, DC 20520
Phone: (202) 647-0677, Fax: (202) 647-5936

From: Benes, Keith J

Sent: Monday, December 13, 2010 1:58 PM

To: Fuchs, Michael H; Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J; Schnitker, John P;

Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Reines, Philippe I; Adler, Caroline E Subject: Re: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Copying in John schnitker in L/EB, and the L/EMP collective, I'm not sure who the current ethics guru is.

From: Fuchs, Michael H

To: Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J

Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Benes, Keith J; Reines, Philippe I; Adler, Caroline E

Sent: Mon Dec 13 13:51:12 2010

Subject: Re: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

+ Philippe and Caroline

From: Chu, Alice R

To: Hobgood, Teresa D (OES); Fuchs, Michael H; Brakel, Willem H; Sullivan, Jacob J Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Benes, Keith J

Sent: Mon Dec 13 13:47:27 2010

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Dear all.

Please note to loop in Jacob Sullivan (S) vice John Sullivan (NEA/PPD).

I have corrected the email address in this email chain.

Alice

From: Chu, Alice R

Sent: Monday, December 13, 2010 1:42 PM

To: Hobgood, Teresa D (OES); Fuchs, Michael H; Sullivan, John L; Brakel, Willem H Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Benes, Keith J

Subject: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Teresa, Willem, Jake and Michael,

PA just informed EEB and OES that Politico and The Hill (newspaper) have both called regarding the Elliott question/relationship with Sec. Clinton.

PA will need a response by COB today.

Your assistance is greatly appreciated,

Alice

From: Phillips, Leslie M [mailto:PhillipsLM@state.gov]

Sent: Monday, December 13, 2010 1:40 PM

To: Humphrey, Kerry S; PAO Group

Cc: Chu, Alice R; EEB-A-PD-DL; Enoch, Tiffany

Subject: RE: XL Keystone Pipeline - Guidance Needed

Thanks. The Paul Elliott question is the main issue. Politico and The Hill (the newspaper, not congress) have both called. I'll need to get back to them with something today.

From: Humphrey, Kerry S [mailto:HumphreyKS@state.gov]

Sent: Monday, December 13, 2010 1:36 PM

To: Phillips, Leslie M; PAO Group

Cc: Chu, Alice R; EEB-A-PD-DL; Enoch, Tiffany

Subject: RE: XL Keystone Pipeline - Guidance Needed

Leslie, here's the still current guidance on the matter w/ relevant portion highlighted. Alice is checking to see what could be said on the conflict of interest matter; we'll let you know...

\*\*XCOUNTY S. Wamphrey

Kerry S. Humphrey

Senior Media Advisor

Bureau of Economic, Energy & Business Affairs

Office of Economic Policy Analysis & Public Diplomacy

2201 C St., NW, Room 3741, Washington, DC 20520

Phone: (202) 647-0677, Fax: (202) 647-5936

From: Phillips, Leslie M [mailto:PhillipsLM@state.gov]

Sent: Monday, December 13, 2010 1:27 PM

To: PAO Group

Subject: XL Keystone Pipeline - Guidance Needed

Importance: High

EEB – We have received a couple of calls about this. Please provide updated guidance including our position/comment on whether Paul Elliott's past association with Secretary Clinton is a conflict of interest.

Thank you.

# Are Clinton Ties to TransCanada Lobbyist Fast-Tracking KXL Approval?

From a Friends of the Earth press release circulated this morning.

WASHINGTON, D.C. — Friends of the Earth, the Center for International Environmental Law, and Corporate Ethics International submitted a <u>Freedom of Information Act (FOIA) request</u> to the State Department today asking for all communications between the agency and a former presidential campaign manager of Hillary Clinton's, who in his new role as oil industry lobbyist is seeking State Department approval for the controversial Keystone XL tar sands oil pipeline.

The lobbyist in question is Paul Elliott, currently chief Washington, D.C. lobbyist for TransCanada, the company aiming to build the pipeline. Prior to lobbying for TransCanada, Elliott served as the Hillary Clinton for President campaign committee's national deputy director and chief of staff for delegate selection.

The watchdog groups cited the relationship between Secretary of State Clinton and the oil industry lobbyist as the latest in a series of developments casting doubt on whether the State Department is fulfilling its obligations to conduct a thorough and transparent review of the environmental and public health dangers of the proposed multibillion-dollar pipeline.

"TransCanada clearly sees an opportunity to get this dangerous pipeline approved through Secretary Clinton's relationship with Paul Elliott," said Alex Moore, dirty fuels campaigner at Friends of the Earth. "Mr. Elliott's influence in the State Department's consideration of the pipeline is yet another reason we believe that the White House should reassign review of this project. The stakes for the public are too high to have anything but rigorous and fair scrutiny of the environmental risks of this controversial pipeline and tar sands oil."

The tar sands oil pipeline, which would stretch from Canada to refineries in Texas, has been opposed by environmental and agricultural organizations because it would threaten communities with oil spills, increase global warming and other toxic air emissions, and enable expansion of the destructive tar sands oil industry in Canada, which is already causing cancer hot spots in nearby indigenous communities.

Secretary Clinton's objectivity on the pipeline and the thoroughness of her agency's review have already been questioned: In October, Secretary Clinton commented that she was "inclined" to approve the project despite the fact that her agency is in the midst of conducting a legally mandated Environmental Impact Statement (EIS) for the project. Environmental organizations called on her to recuse herself from the decision and Senator Mike Johanns (R-Neb.) said her comments could land the project in court. The Environmental Protection Agency gave the State Department's draft Environmental Impact Statement (EIS) on the Keystone XL pipeline a failing grade, provoking calls from dozens of members of Congress for a supplemental EIS.

4

The Keystone XL pipeline has garnered extensive criticism from policymakers. House Energy and Commerce Chairman Henry Waxman (D-Calif.) opposes the pipeline and more than 60 members of Congress have joined him in raising serious concerns about the project with the Obama administration.

The Keystone XL pipeline would be constructed by Canadian oil and gas giant TransCanada. If approved by the Obama administration, it would bring high-carbon, dirty tar sands oil from Alberta, Canada through Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas to Gulf Coast refineries near Houston at a rate of 900,000 barrels per day.

The Freedom of Information Act request submitted to the State Department is available at: <a href="http://www.foe.org/sites/default/files/FOIA-request-State-Department-Paul-Elliott-Keystone-XL-pipeline.pdf">http://www.foe.org/sites/default/files/FOIA-request-State-Department-Paul-Elliott-Keystone-XL-pipeline.pdf</a>

More information about the Keystone XL pipeline is available at: http://www.foe.org/keystone-xl-pipeline

Leslie Philips
Press Officer
U.S. Department of State
(202)647-2492

Benes, Keith J

1118

From:

Schnitker, John P

Sent:

Monday, December 13, 2010 2:22 PM

To:

Botet, Violanda; Humphrey, Kerry S; Benes, Keith J; Fuchs, Michael H; Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J; Legal-EMP-DL; Freeman,

Jeremy B

Cc:

Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski,

Michael L; Fitzgerald, Betsy A; Stewart, Michael P; Enoch, Tiffany

Subject:

RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB

today

Looping in Jeremy Freeman who handles FOIA issues in the Department. Not sure he needs to get involved at this point but I think he should be aware of this one. Regards, John

From: Botet, Violanda

Sent: Monday, December 13, 2010 2:06 PM

To: Humphrey, Kerry S; Benes, Keith J; Fuchs, Michael H; Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H;

Sullivan, Jacob J; Schnitker, John P; Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy

A; Stewart, Michael P; Enoch, Tiffany

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

I can serve as your point of contact in L/Ethics. I don't have any facts about the situation below but can comment on ethics laws would apply. Violanda

Violanda Botet Attorney Adviser U.S. Department of State 202-663-3097 (phone) 202-663-3339 (fax)

From: Humphrey, Kerry S

Sent: Monday, December 13, 2010 2:01 PM

To: Benes, Keith J; Fuchs, Michael H; Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J;

Schnitker, John P; Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy

A; Stewart, Michael P; Enoch, Tiffany

Subject: RE: Politico and The Hill (newspaper) seeking response on XI. Keystone Pipeline by COB today

Thanks, also looping Betsy Fitzgerald, Michael Stewart and Mike Szymanski to be on the lookout for verbiage being drafted now for clearance.

Kerry S. Humphrey
Senior Media Advisor
Bureau of Economic, Energy & Business Affairs
Office of Economic Policy Analysis & Public Diplomacy
2201 C St., NW, Room 3741, Washington, DC 20520
Phone: (202) 647-0677, Fax: (202) 647-5936

From: Benes, Keith J

Sent: Monday, December 13, 2010 1:58 PM

To: Fuchs, Michael H; Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J; Schnitker, John P;

Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Reines, Philippe I; Adler, Caroline E Subject: Re: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Copying in John schnitker in L/EB, and the L/EMP collective, I'm not sure who the current ethics guru is.

From: Fuchs, Michael H

To: Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J

Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Benes, Keith J; Reines, Philippe I; Adler, Caroline E

Sent: Mon Dec 13 13:51:12 2010

Subject: Re: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

+ Philippe and Caroline

From: Chu, Alice R

To: Hobgood, Teresa D (OES); Fuchs, Michael H; Brakel, Willem H; Sullivan, Jacob J Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Benes, Keith J

Sent: Mon Dec 13 13:47:27 2010

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Dear all.

Please note to loop in Jacob Sullivan (S) vice John Sullivan (NEA/PPD).

I have corrected the email address in this email chain.

Alice

From: Chu, Alice R

Sent: Monday, December 13, 2010 1:42 PM

To: Hobgood, Teresa D (OES); Fuchs, Michael H; Sullivan, John L; Brakel, Willem H Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Benes, Keith J

Subject: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Teresa, Willem, Jake and Michael,

PA just informed EEB and OES that Politico and The Hill (newspaper) have both called regarding the Elliott question/relationship with Sec. Clinton.

PA will need a response by COB today.

Your assistance is greatly appreciated,

Alice

From: Phillips, Leslie M [mailto:PhillipsLM@state.gov]

Sent: Monday, December 13, 2010 1:40 PM

To: Humphrey, Kerry S; PAO Group

Cc: Chu, Alice R; EEB-A-PD-DL; Enoch, Tiffany Subject; RE: XL Keystone Pipeline - Guidance Needed

Thanks. The Paul Elliott question is the main issue. Politico and The Hill (the newspaper, not congress) have both called. I'll need to get back to them with something today.

From: Humphrey, Kerry S [mailto:HumphreyKS@state.gov]

Sent: Monday, December 13, 2010 1:36 PM

To: Phillips, Leslie M; PAO Group

Cc: Chu, Alice R; EEB-A-PD-DL; Enoch, Tiffany

Subject: RE: XL Keystone Pipeline - Guidance Needed

Leslie, here's the still current guidance on the matter w/ relevant portion highlighted. Alice is checking to see what could be said on the conflict of interest matter; we'll let you know...

Kerry S. Humphrey
Senior Media Advisor
Bureau of Economic, Energy & Business Affairs
Office of Economic Policy Analysis & Public Diplomacy
2201 C St., NW, Room 3741, Washington, DC 20520
Phone: (202) 647-0677, Fax: (202) 647-5936

From: Phillips, Leslie M [mailto:PhillipsLM@state.gov]

Sent: Monday, December 13, 2010 1:27 PM

To: PAO Group

Subject: XL Keystone Pipeline - Guidance Needed

Importance: High

EEB — We have received a couple of calls about this. Please provide updated guidance including our position/comment on whether Paul Elliott's past association with Secretary Clinton is a conflict of interest.

Thank you.

## Are Clinton Ties to TransCanada Lobbyist Fast-Tracking KXL Approval?

From a Friends of the Earth press release circulated this morning.

WASHINGTON, D.C. — Friends of the Earth, the Center for International Environmental Law, and Corporate Ethics International submitted a <u>Freedom of Information Act (FOIA) request</u> to the State Department today asking for all communications between the agency and a former presidential campaign manager of Hillary Clinton's, who in his new role as oil industry lobbyist is seeking State Department approval for the controversial Keystone XL tar sands oil pipeline.

The lobbyist in question is Paul Elliott, currently chief Washington, D.C. lobbyist for TransCanada, the company aiming to build the pipeline. Prior to lobbying for TransCanada, Elliott served as the Hillary Clinton for President campaign committee's national deputy director and chief of staff for delegate selection.

The watchdog groups cited the relationship between Secretary of State Clinton and the oil industry lobbyist as the latest in a series of developments casting doubt on whether the State Department is fulfilling its obligations to conduct a thorough and transparent review of the environmental and public health dangers of the proposed multibillion-dollar pipeline.

"TransCanada clearly sees an opportunity to get this dangerous pipeline approved through Secretary Clinton's relationship with Paul Elliott," said Alex Moore, dirty fuels campaigner at Friends of the Earth. "Mr. Elliott's influence in the State Department's consideration of the pipeline is yet another reason we believe that the White House should reassign review of this project. The stakes for the public are too high to have anything but rigorous and fair scrutiny of the environmental risks of this controversial pipeline and tar sands oil."

The tar sands oil pipeline, which would stretch from Canada to refineries in Texas, has been opposed by environmental and agricultural organizations because it would threaten communities with oil spills, increase global warming and other toxic air emissions, and enable expansion of the destructive tar sands oil industry in Canada, which is already causing cancer hot spots in nearby indigenous communities.

Secretary Clinton's objectivity on the pipeline and the thoroughness of her agency's review have already been questioned: In October, Secretary Clinton commented that she was "inclined" to approve the project despite the fact that her agency is in the midst of conducting a legally mandated Environmental Impact Statement (EIS) for the project. Environmental organizations called on her to recuse herself from the decision and Senator Mike Johanns (R-Neb.) said her comments could land the project in court. The Environmental Protection Agency gave the State Department's draft Environmental Impact Statement (EIS) on the Keystone XL pipeline a failing grade, provoking calls from dozens of members of Congress for a supplemental EIS.

The Keystone XL pipeline has garnered extensive criticism from policymakers. House Energy and Commerce Chairman Henry Waxman (D-Calif.) opposes the pipeline and more than 60 members of Congress have joined him in raising serious concerns about the project with the Obama administration.

The Keystone XL pipeline would be constructed by Canadian oil and gas giant TransCanada. If approved by the Obama administration, it would bring high-carbon, dirty tar sands oil from Alberta, Canada through Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas to Gulf Coast refineries near Houston at a rate of 900,000 barrels per day.

The Freedom of Information Act request submitted to the State Department is available at: <a href="http://www.foe.org/sites/default/files/FOIA-request-State-Department-Paul-Elliott-Keystone-XL-pipeline.pdf">http://www.foe.org/sites/default/files/FOIA-request-State-Department-Paul-Elliott-Keystone-XL-pipeline.pdf</a>

More information about the Keystone XL pipeline is available at: http://www.foe.org/keystone-xl-pipeline

Leslie Phillips Press Officer U.S. Department of State (202)647-2492

## UNCLASSIFIED RELEASED IN FULL

1119

#### Benes, Keith J

From:

Botet, Violanda

Sent:

Monday, December 13, 2010 2:37 PM

To:

Chu, Alice R; Humphrey, Kerry S; Benes, Keith J; Fuchs, Michael H; Hobgood, Teresa D

(OES); Brakel, Willem H; Sullivan, Jacob J; Schnitker, John P

Cc:

Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski,

Michael L; Fitzgerald, Betsy A; Stewart, Michael P; Enoch, Tiffany

Subject:

RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB

today

Alice – Just to clarify, I did not offer to draft a response. I don't know any of the facts here. OES is the action office for the permit application. As I noted below, I am happy to add legal context, if any, from an ethics perspective once the facts are known. Violanda

From: Chu, Alice R

Sent: Monday, December 13, 2010 2:33 PM

To: Botet, Violanda; Humphrey, Kerry S; Benes, Keith J; Fuchs, Michael H; Hobgood, Teresa D (OES); Brakel, Willem H;

Sullivan, Jacob J; Schnitker, John P; Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy

A; Stewart, Michael P; Enoch, Tiffany

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Violanda,

Thank you for offering to draft language for this taken question on Elliott's relationship with Sec. Clinton

As this inquiry is an ethics and not an environmental impact statement-related question, OES is not the appropriate drafter and we we defer to L to take the lead in providing a response to the below inquiry.

However, please forward for clearance to OES and EEB as well as to others who have been looped in on this email chain.

Many thanks,

Alice

From: Botet, Violanda

Sent: Monday, December 13, 2010 2:06 PM

To: Humphrey, Kerry S; Benes, Keith J; Fuchs, Michael H; Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J; Schnitker, John P; Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy A; Stewart, Michael P; Enoch, Tiffany

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

I can serve as your point of contact in L/Ethics. I don't have any facts about the situation below but can comment on ethics laws would apply. Violanda

Violanda Botet Attorney Adviser U.S. Department of State 202-663-3097 (phone) 202-663-3339 (fax)

1

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: MURRAY D ZINOMAN DATE/CASE ID: 02 DEC 2011 201101495

From: Humphrey, Kerry S

Sent: Monday, December 13, 2010 2:01 PM

To: Benes, Keith J; Fuchs, Michael H; Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J;

Schnitker, John P; Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Reines, Philippe I; Adler, Caroline E; Szymanski, Michael L; Fitzgerald, Betsy

A; Stewart, Michael P; Enoch, Tiffany

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Thanks, also looping Betsy Fitzgerald, Michael Stewart and Mike Szymanski to be on the lookout for verbiage being drafted now for clearance.

Kerry S. Wumphrey
Kerry S. Humphrey
Senior Media Advisor
Bureau of Economic, Energy & Business Affairs
Office of Economic Policy Analysis & Public Diplomacy
2201 C St., NW, Room 3741, Washington, DC 20520
Phone: (202) 647-0677, Fax: (202) 647-5936

From: Benes, Keith J

Sent: Monday, December 13, 2010 1:58 PM

To: Fuchs, Michael H; Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J; Schnitker, John P;

Legal-EMP-DL

Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Reines, Philippe I; Adler, Caroline E Subject: Re: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Copying in John schnitker in L/EB, and the L/EMP collective, I'm not sure who the current ethics guru is.

From: Fuchs, Michael H

To: Chu, Alice R; Hobgood, Teresa D (OES); Brakel, Willem H; Sullivan, Jacob J

Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Benes, Keith J; Reines, Philippe I; Adler, Caroline E

Sent: Mon Dec 13 13:51:12 2010

Subject: Re: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

+ Philippe and Caroline

From: Chu, Alice R

To: Hobgood, Teresa D (OES); Fuchs, Michael H; Brakel, Willem H; Sullivan, Jacob J Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Benes, Keith J

Sent: Mon Dec 13 13:47:27 2010

Subject: RE: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Dear all,

Please note to loop in Jacob Sullivan (S) vice John Sullivan (NEA/PPD).

I have corrected the email address in this email chain.

Alice

From: Chu, Alice R

Sent: Monday, December 13, 2010 1:42 PM

To: Hobgood, Teresa D (OES); Fuchs, Michael H; Sullivan, John L; Brakel, Willem H Cc: Yuan, Alexander W; Koplovsky, Michael; Humphrey, Kerry S; Benes, Keith J

Subject: Politico and The Hill (newspaper) seeking response on XL Keystone Pipeline by COB today

Teresa, Willem, Jake and Michael,

PA just informed EEB and OES that Politico and The Hill (newspaper) have both called regarding the Elliott question/relationship with Sec. Clinton.

PA will need a response by COB today.

Your assistance is greatly appreciated,

Alice

From: Phillips, Leslie M [mailto:PhillipsLM@state.gov]
Sent: Monday, December 13, 2010 1:40 PM
To: Humphrey, Kerry S; PAO Group
Cc: Chu, Alice R; EEB-A-PD-DL; Enoch, Tiffany

Subject: RE: XL Keystone Pipeline - Guidance Needed

Thanks. The Paul Elliott question is the main issue. Politico and The Hill (the newspaper, not congress) have both called. I'll need to get back to them with something today.

From: Humphrey, Kerry S [mailto:HumphreyKS@state.gov]

Sent: Monday, December 13, 2010 1:36 PM

To: Phillips, Leslie M; PAO Group

Cc: Chu, Alice R; EEB-A-PD-DL; Enoch, Tiffany

Subject: RE: XL Keystone Pipeline - Guldance Needed

Leslie, here's the still current guidance on the matter w/ relevant portion highlighted. Alice is checking to see what could be said on the conflict of interest matter; we'll let you know...

Kory S. Wumphrey
Senior Media Advisor
Bureau of Economic, Energy & Business Affairs
Office of Economic Policy Analysis & Public Diplomacy
2201 C St., NW, Room 3741, Washington, DC 20520
Phone: (202) 647-0677, Fax: (202) 647-5936

From: Phillips, Leslie M [mailto:PhillipsLM@state.gov]

Sent: Monday, December 13, 2010 1:27 PM

To: PAO Group

Subject: XL Keystone Pipeline - Guidance Needed

Importance: High

EEB — We have received a couple of calls about this. Please provide updated guidance including our position/comment on whether Paul Elliott's past association with Secretary Clinton is a conflict of interest.

Thank you.

## Are Clinton Ties to TransCanada Lobbyist Fast-Tracking KXL Approval?

From a Friends of the Earth press release circulated this morning.

WASHINGTON, D.C. — Friends of the Earth, the Center for International Environmental Law, and Corporate Ethics International submitted a <u>Freedom of Information Act (FOIA) request</u> to the State Department today asking for all communications between the agency and a former presidential campaign manager of Hillary Clinton's, who in his new role as oil industry lobbyist is seeking State Department approval for the controversial Keystone XL tar sands oil pipeline.

The lobbyist in question is Paul Elliott, currently chief Washington, D.C. lobbyist for TransCanada, the company aiming to build the pipeline. Prior to lobbying for TransCanada, Elliott served as the Hillary Clinton for President campaign committee's national deputy director and chief of staff for delegate selection.

The watchdog groups cited the relationship between Secretary of State Clinton and the oil industry lobbyist as the latest in a series of developments casting doubt on whether the State Department is fulfilling its obligations to conduct a thorough and transparent review of the environmental and public health dangers of the proposed multibillion-dollar pipeline.

"TransCanada clearly sees an opportunity to get this dangerous pipeline approved through Secretary Clinton's relationship with Paul Elliott," said Alex Moore, dirty fuels campaigner at Friends of the Earth. "Mr. Elliott's influence in the State Department's consideration of the pipeline is yet another reason we believe that the White House should reassign review of this project. The stakes for the public are too high to have anything but rigorous and fair scrutiny of the environmental risks of this controversial pipeline and tar sands oil."

The tar sands oil pipeline, which would stretch from Canada to refineries in Texas, has been opposed by environmental and agricultural organizations because it would threaten communities with oil spills, increase global warming and other toxic air emissions, and enable expansion of the destructive tar sands oil industry in Canada, which is already causing cancer hot spots in nearby indigenous communities.

Secretary Clinton's objectivity on the pipeline and the thoroughness of her agency's review have already been questioned: In October, Secretary Clinton commented that she was "inclined" to approve the project despite the fact that her agency is in the midst of conducting a legally mandated Environmental Impact Statement (EIS) for the project. Environmental organizations called on her to recuse herself from the decision and Senator Mike Johanns (R-Neb.) said her comments could land the project in court. The Environmental Protection Agency gave the State Department's draft Environmental Impact Statement (EIS) on the Keystone XL pipeline a failing grade, provoking calls from dozens of members of Congress for a supplemental EIS.

The Keystone XL pipeline has garnered extensive criticism from policymakers. House Energy and Commerce Chairman Henry Waxman (D-Calif.) opposes the pipeline and more than 60 members of Congress have joined him in raising serious concerns about the project with the Obama administration.

The Keystone XL pipeline would be constructed by Canadian oil and gas giant TransCanada. If approved by the Obama administration, it would bring high-carbon, dirty tar sands oil from Alberta, Canada through Montana, South Dakota, Nebraska, Kansas, Oklahoma, and Texas to Gulf Coast refineries near Houston at a rate of 900,000 barrels per day.

4

The Freedom of Information Act request submitted to the State Department is available at: <a href="http://www.foe.org/sites/default/files/FOIA-request-State-Department-Paul-Elliott-Keystone-XL-pipeline.pdf">http://www.foe.org/sites/default/files/FOIA-request-State-Department-Paul-Elliott-Keystone-XL-pipeline.pdf</a>

More information about the Keystone XL pipeline is available at: http://www.foe.org/keystone-xl-pipeline

Leslie Phillips Press Officer U.S. Department of State (202)647-2492

	01,021,		
Rovinsky, David J		(20)	W52
From: Sent: To: Cc: Subject:	De Pirro, Velia M Monday, January 31, 2011 9:42 AM Rovinsky, David J Johnson, Lisa A FW: The Regulatory Cooperation Briefing	RELE B6, B:	ASED IN PART
Categories: Classification:	Working UNCLASSIFIED		
David,		ŧ!	980
Can you see if you can get	yourself invited?		>≠≎
Velia M. De Pirro Director Office of Canadian Affairs Department of State Phone: (202) 647-2273 Fax: (202) 647-4088	* ***	ä	
This email is UNCLASSIFIE	ED.		
9			
From: Saarnio, Sue E Sent: Monday, January 24, To: De Pirro, Velia M; John Subject: FW: The Regulate Matt's down for an invitem.	son, Lisa A	im will be Charg	e, so don't expect
This email is UNCLASSIFIE	ED.		ces <u>S</u>
From: Dawson, Laura R Sent: January 24, 2011 2:5 To: Saarnio, Sue E Subject: FW: The Regulate		REVIEW AUTH	ES DEPARTMENT OF STATE HORITY: OSCAR J OLSON 0: 08 DEC 2011 201101495
New names sent by CA	ABC include:		
			В5,

	B5, B6
	2.
From: Liberante, Wendy L.	Ē
To: ; Fitzpatrick, Michael A.; Hunt, Alex	В6
Cc: Restrepo, Daniel A.; Bell, Douglas; 'rooneymm@state.gov' <rooneymm@state.gov>; Sent: Thu Jan 20 17:50:10 2011</rooneymm@state.gov>	В
Subject: RE: The Regulatory Cooperation Briefing	
We have a tentative hold for Monday Feb 7 <sup>th</sup> , this seems to work for US folks, but need confirmation from the Canadians. Let me know if I should reach out to anyone at the Embassy to check the date/time.	В6
Below is an initial list of the US invitees and one new recommendation to the Canadian list, adding Michael Presley with the Treasury Board of Canada (functions as their "OIRA").	
OIRA will defer to NSS and the Post on the final list of invitees. I can send an email to the US participates, but please let	
me know if NSS or the Post will be extending the invite to the Canadians.	10
Monday Esh 7 2044	d.
Monday, Feb. 7, 2011 1:00 -3:00 pm	
EEOB 430 B/C	3
US PARTICIPANTS	
	B5, B6
	1
	¥3
	50
	50
CANADIAN PARTICIPANTS  Embassy Ottawa has been running traps on this and has confirmed expressions of interest from:	
	B5, B6
A scrum of people from the Cdn Embassy in DC; I'll list them below.	
Likely participants, but yet to confirm, include:	3

	B5, B
The Canadian Embassy folks:	
	B5, B
	D3, D
Also,	
	De D
	B5, B
Toology David	,
Treasury Board	
	B5, B6
Wendy Liberante   202.395.3647	
Policy Analyst Office of Management and Budget	髮
wliberante@omb.eop.gov	
This email is UNCLASSIFIED.	
×	į
	1
From:	B6
Sent: Wednesday, January 19, 2011 2:37 PM	ВО
To: Liberante, Wendy L.; Fitzpatrick, Michael A.; Hunt, Alex	2
Cc: Restrepo, Daniel A.; Bell, Douglas; 'rooneymm@state.gov';  Subject: Re: The Regulatory Cooperation Briefing	B6
Subject: No. The Regulatory Cooperation Briefing	
Let's mock up a list, based on the names received from Post	
Turantar	B6
North American Affairs	
National Security Staff	3.
The White House	
(202) 456 9131	10
From: Liberante, Wendy L.	
To: Fitzpatrick, Michael A.; Hunt, Alex Cc: Restrepo, Daniel A.; Bell, Douglas; 'rooneymm@state.gov' < rooneymm@state.gov>;	B6
Sent: Wed Jan 19 13:12:06 2011	B6
Subject: RE: The Regulatory Cooperation Briefing	
should we be weather with you as in this att. Co	1
should we be working with you on inviting the Canadian attendees?	В6

Wendy Liberante | 202.395.3647 Policy Analyst Office of Management and Budget wliberante@omb.eop.gov

From:	
Sent: Tuesday, January 18, 2011 9:56 AM	
To: Liberante, Wendy L.; Fitzpatrick, Michael A.; Hunt, Alex	
Cc: Restrepo, Daniel A.; Bell, Douglas; 'rooneymm@state.gov'; Subject: Re: The Regulatory Cooperation Briefing	B6
Subject: No. The Regulatory Cooperation Briefing	
1st week of Febr. would work, 7th or 8th.	
	-
Director	B6
North American Affairs	
National Security Staff	
The White House	
(202) 456 9131	
From: Liberante, Wendy L.	
Fo: Fitzpatrick, Michael A.; Hunt, Alex Cc: Restrepo, Daniel A.; Bell, Douglas; 'rooneymm@state.gov' <rooneymm@state.gov>;</rooneymm@state.gov>	B6
ent: Tue Jan 18 09:52:10 2011	B6
ubject: RE: The Regulatory Cooperation Briefing	
he largest SoW suite is SoW 230A which holds 10-12 around the table and 20 around the room. If the numbers folks	
eating at the table exceeds 12 (there are 14 listed below and that does not include any US reps), we can do the meeting	
n the WHCC, which admittedly is not as impressive.	
That said, as Michael suggests we should probably work on a date and we can go from there. Does the first week in	
ebruary seem reasonable, and to allow Canadians time to book flights etc.?	
Also, how long should the meeting be? I assume the US would be interested in allowing time for some input from the	
Canadian attendees.	
Thanks,	
Wendy .	
Vendy Liberante   202.395 3647	
olicy Analyst	
ffice of Management and Budget	
/liberante@omb.eop.gov	
rom: Fitzpatrick, Michael A.	
Sent: Tuesday, January 18, 2011 8:31 AM	
Hunt, Alex; Liberante, Wendy L.	В6,
Cc: Restrepo, Daniel A.; Bell, Douglas; 'rooneymm@state.gov';	]
Subject: RE: The Regulatory Cooperation Briefing	
et's try to get into one of the larger sec of war rooms.	
at a sit to bet into one of the larger sec of war tooms.	

Important to put our best foot forward.

Shall we discuss a date?

From: Sent: Friday January 14, 2011 0:41 DM	В6
Sent: Friday, January 14, 2011 9:41 PM To: Fitzpatrick, Michael A.; Hunt, Alex; Liberante, Wendy L.	
Cc: Restrepo, Daniel A.; Bell, Douglas; 'rooneymm@state.gov';	575
Subject: The Regulatory Cooperation Briefing	В6
The proposed briefing is clearly the hot DC ticket in Ottawa. I leave the logistics to Alex & Wendy, but we m	ight want to
look for a large room, perhaps the Secretary of War Room, or do it at the White House Conference Center.	
Embassy Ottawa has been running traps on this and has confirmed expressions of interest from:	
E)	B5, B
A scrum of people from the Cdn Embassy in DC; I'll list them below.	I <sub>i</sub>
Likely participants, but yet to confirm, include:	
	B5, B6
The Canadian Embassy folks:	
	B5, B6
Also,	
Also,	
	B5, B6
	B6
North American Affairs	
National Security Staff	
The White House	
(202) 456 9131	
From:	В6
To: Fitzpatrick, Michael A.; Hunt, Alex; Liberante, Wendy L. Sent: Fri Jan 14 11:40:51 2011	
Subject: RegCoop Briefing	
OIRA Colleagues,	

B6

B6

Embassy Ottawa has promised me their list of recommended participants, which I would expect to receive later today.			
miles I media empere de l'eccive label pou	-y ·		
	*		
Director for North American Affairs			
National Security Staff	¥		
The White House			
(202) 456-9131			
From: Fitzpatrick, Michael A.			
Sent: Friday, January 14, 2011 11:02 AM			
To: Hunt, Alex; Liberante, Wendy L.			
Cc: Subject:	B6		
Just checking in on where we are in organizing that Washington br	iefing on regulatory process for Canadian business		
groups.	- 1750' 1960 - 1970'E		
ě v			
Michael Fitzpatrick	5		
Associate Administrator			
Office of Information and Regulatory Affairs			
Office of Management and Budget			
1650 Pennsylvania Ave., NW			
Washington, DC 20503			
Office: 202-395-4266			
Govt. Cell:			

#### RELEASED IN FULL

Bell, Anthony D (OES)

00141

From:

Yeboah, Deniece O

Sent:

Wednesday, May 25, 2011 5:53 PM

To:

Schnitker, John P; Clune, Daniel A; Bushey, Douglas M; Brakel, Willem H; Gibson, Kimberly N(Nicole); Hobgood, Teresa D (OES); McManus, Matthew T; Nassmacher, Wendy L; Pfeifer, Seth; Pierce, Josiah T; Whittlesey, John K; Yuan, Alexander W; Stewart, Michael P; Sullivan,

David J; Benes, Keith J

Subject: Attachments: REVISED: Agenda-Weekly Keystone XL Meeting- 5-27-11 Agenda Weekly Keystone XL Meeting 5\_27\_11.docx

Categories:

Working

AttachmentsClassification:

.. UNCLASSIFIED

Classification:

UNCLASSIFIED

Please find attached the Revised Agenda.

Thanks! Deniece

This email is UNCLASSIFIED.

From: Schnitker, John P

Sent: Wednesday, May 25, 2011 5:33 PM

To: Yeboah, Deniece O; Clune, Daniel A; Bushey, Douglas M; Brakel, Willem H; Gibson, Kimberly N(Nicole); Hobgood, Teresa D (OES); McManus, Matthew T; Nassmacher, Wendy L; Pfeifer, Seth; Pierce, Josiah T; Whittlesey, John K; Yuan,

Alexander W; Stewart, Michael P; Sullivan, David J; Benes, Keith J **Subject:** RE: Agenda-Weekly Keystone XL Meeting- 5-27-11

Could we please add the following item to the agenda:

7. FOIA Requests: (a) FOE lawsuit and Paul Elliott request; (b) National Wildlife Federation request (Schnitker)

I have talked to Jeremy Freeman in L/M (who handles FOIA matters) and have some thoughts on both of these.

Thanks! John

From: Yeboah, Deniece O

Sent: Wednesday, May 25, 2011 9:59 AM

To: Clune, Daniel A; Bushey, Douglas M; Brakel, Willem H; Gibson, Kimberly N(Nicole); Hobgood, Teresa D (OES); McManus, Matthew T; Nassmacher, Wendy L; Pfeifer, Seth; Pierce, Josiah T; Whittlesey, John K; Yuan, Alexander W;

Stewart, Michael P; Schnitker, John P; Sullivan, David J; Benes, Keith J

Subject: Agenda-Weekly Keystone XL Meeting- 5-27-11

Good Morning All,

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: NORMAN M BOUTON DATE/CASE ID: 05 DEC 2011 201101495

Please find attached the Agenda for this week's Keystone XL Meeting scheduled for, Friday May 27 from
10:00am-11:00am. Please let me know if there are any items you would like to add to the agenda.

10:00am-11:00am. Please let me know if there are any items you would like to add to the agenda.	
The meeting will be held in Conference Room 3940.	

Thanks!

Deniece

## Deniece O. Yeboah

U.S Department of State
Bureau of Oceans, International Environmental and Scientific Affairs (OES)

Tel: 202-647-6950 Fax: 202-647-0217 YeboahDo@state.gov

SBU
This email is UNCLASSIFIED.

This email is UNCLASSIFIED.

This email is UNCLASSIFIED.

This email is UNCLASSIFIED.

## RELEASED IN FULL

#### Bell, Anthony D (OES)

From: Sent:

Yeboah, Deniece O

Thursday, May 26, 2011 8:33 AM

To:

Schnitker, John P; Clune, Daniel A; Bushey, Douglas M; Brakel, Willem H; Gibson, Kimberly N(Nicole); Hobgood, Teresa D (OES); McManus, Matthew T; Nassmacher, Wendy L; Pfeifer, Seth; Pierce, Josiah T; Whittlesey, John K; Yuan, Alexander W; Stewart, Michael P; Sullivan,

David J; Benes, Keith J

Subject:

RE: Weekly Keystone XL Meeting-Tomorrow 10:30am-11:30am

Categories:

Working

Classification:

UNCLASSIFIED

Good Morning All,

Due to the meeting with A/S Jones and the Pembina Institute- Canadian delegation scheduled for tomorrow from 9:15am-10:15am we will be rescheduling our regular Keystone meeting to 10:30am-11:30am in Conference Room 3940.

Thank You Deniece

This email is UNCLASSIFIED.

From: Schnitker, John P

Sent: Wednesday, May 25, 2011 5:33 PM

To: Yeboah, Deniece O; Clune, Daniel A; Bushey, Douglas M; Brakel, Willem H; Gibson, Kimberly N(Nicole); Hobgood, Teresa D (OES); McManus, Matthew T; Nassmacher, Wendy L; Pfeifer, Seth; Pierce, Josiah T; Whittlesey, John K; Yuan,

Alexander W; Stewart, Michael P; Sullivan, David J; Benes, Keith J Subject: RE: Agenda-Weekly Keystone XL Meeting- 5-27-11

Could we please add the following item to the agenda:

7. FOIA Requests: (a) FOE lawsuit and Paul Elliott request; (b) National Wildlife Federation request (Schnitker)

I have talked to Jeremy Freeman in L/M (who handles FOIA matters) and have some thoughts on both of these.

Thanks! John

From: Yeboah, Deniece O

Sent: Wednesday, May 25, 2011 9:59 AM

To: Clune, Daniel A; Bushey, Douglas M; Brakel, Willem H; Gibson, Kimberly N(Nicole); Hobgood, Teresa D (OES); McManus, Matthew T; Nassmacher, Wendy L; Pfeifer, Seth; Pierce, Josiah T; Whittlesey, John K; Yuan, Alexander W; Stewart, Michael P; Schnitker, John P; Sullivan, David J; Benes, Keith J

Subject: Agenda-Weekly Keystone XL Meeting- 5-27-11

Good Morning All,

UNITED STATES DEPARTMENT OF STATE REVIEW AUTHORITY: NORMAN M BOUTON DATE/CASE ID: 05 DEC 2011 201101495

10:00am-11:00am. Please let me know if there are any ite	
The meeting will be held in Conference Room 3940.	
Thanks!	*
Deniece	
Deniece O. Yeboah  U.S Department of State  Bureau of Oceans, International Environmental and Scientific	c Affairs (OES)

Tel: 202-647-6950 Fax: 202-647-0217 YeboahDo@state.gov

SBU This email is UNCLASSIFIED.

This email is UNCLASSIFIED.

This email is UNCLASSIFIED.

This email is UNCLASSIFIED.