



**National Wildlife Federation**  
Northeast Regional Center  
149 State Street, Suite 1  
Montpelier, VT 05602  
(802) 552-4325 (James Murphy Direct)  
jmurphy@nwf.org

**SENT VIA CERTIFIED MAIL**

June 14, 2012

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

To whom it may concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, we are requesting records relating to the Department of State's (DOS) role in granting, amending, or modifying Presidential Permits and engaging in related correspondence with the Portland Pipe Line Company or its parent company the Montreal Pipe Line Company (PPLC). The pipeline we are seeking records for is known interchangeably as the PPLC pipeline and the Portland Maine Pipe Line (PMPL),<sup>1</sup> currently transports crude oil northbound from South Portland, Maine to Montreal East, crossing the United States-Canadian border around North Troy, Vermont. It consists of two pipelines in the existing right-of-way, one 18 inches and one 24 inches. A third 12 inch pipeline in the existing right-of-way is, to the best of our knowledge and belief, no longer active.

This FOIA request is made on behalf of National Wildlife Federation (NWF). NWF works with more than 4 million members, partners and supporters in communities across the country to inspire Americans to protect wildlife for our children's future.

For purposes of this request, "records" means information of any kind. This includes but is not limited to writings (handwritten, typed, electronic or otherwise produced, reproduced or stored), letters, inspection reports, memoranda, correspondence, notes, field notes, telephone conversations, telephone logs, telefaxes, e-mails, chats, documents of any kind, data bases, drawings, graphs, charts, photographs, videos, meeting notes or minutes, electronic and magnetic recordings of meetings, maps, reports, papers, messages, voice mails, CDs, and any other compilations of data from which information can be obtained. All of the foregoing is included in this request if it is in the possession of or otherwise under the control of the DOS. If such records are no longer

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<sup>1</sup> It may be referenced by other names as well. This request is for records pertaining to this pipeline as described above, regardless of the name that is used to refer to it.

under the control of the DOS but were at any time, records shall include any information of any kind, including, but not limited to, those types of information listed above, regarding the current location of such records.

## **REQUEST**

**All records** relating to the Portland Pipe Line Company's (PPLC) pipelines **including but not limited to:**

1. Any records pertaining to Presidential Proclamation No. 2517, 6 Fed. Reg. 5081 (Oct 7 1941) for PMPL's 12 inch pipeline;
2. Any record pertaining to the Defense Necessity Certificate issued by the Secretary of the Navy on July 2, 1941 for PMPL's 12 inch pipeline;
3. Any record pertaining to the Presidential Permit issued on January 13, 1965 for PMPL's 24 inch pipeline;
4. Any records pertaining to the Presidential Permit issued to Granite State by the FERC on August 10, 1987. *See* 40 FERC 61,177 (1987). This includes but is not limited to the Presidential Permit itself, pre-application meetings, correspondence, plans, and decision documents;
5. Any records pertaining to Granite State's request, made contemporaneous to the 1987 Presidential Permit process, to FERC for pre-granted abandonment in contemplation of the return of the pipeline to PPLC for use in crude oil service. *See* 40 FERC 61,165 (1987). This include any decision documents, the request itself, records of correspondence with Granite State or PMPL, specialist reports, and notes from meetings;
6. Any records pertaining to the Presidential Permit the Department of State issued on July 29, 1999, in response to the PMPL's 1999 request to return the 18 inch pipeline back to crude oil service. This includes the draft and final Environmental Assessment, any consultation documents, and specialist reports;
7. Any records pertaining to a 2007 or 2008 letter from the DOS to PPLC or its affiliates in regard to whether PPLC's current Presidential Permit allows for the reversal of crude oil flow between the United States and Canada and whether the Permit requires amending. This includes but is not limited to any records of PMPL's initial inquiry to DOS about the need for an amendment, conversations, the Presidential Permit, meetings, correspondence, and decision documents;

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8. Any records pertaining to meetings and correspondence regarding to a reversal of flow in the 18 inch PMPL pipeline from 2007 through 2012. This includes any records specifically regarding tar sands oil<sup>2</sup> flowing through this pipeline;
9. Any records containing information about DOS procedures for amending existing Presidential Permits;
10. Any records regarding past and planned inspections and tests of this pipeline;
11. Any records regarding emergency response plans for this pipeline and;
12. Any records relating to DOS' engagement in meetings, correspondence, phone calls, emails, site visits, or other interactions between PPLC, the Montreal Pipe Line Company, Enbridge Inc., Enbridge US, Granite State, TRC Environmental Corporation, outside consultants or contractors, federal officials, or representatives of the states of Vermont, New Hampshire and Maine regarding PMPL's 18 inch or 24 inch pipeline dating from 2007-2012.

A search for records should include searches for records that name this pipeline the PMPL, the PPLC pipeline, PPLC's 18-inch or 24-inch pipeline, Granite State's pipeline, the Enbridge pipeline, the subsidiaries or parents of any of these companies, and any other terms used to describe this particular pipeline. Please see page two of Appendix A, attached, for information which may contextualize this request.

This request is not meant to be exclusive of any other records that, although not specially requested, have a reasonable relationship to the subject matter of this request. If you or your office have destroyed or determines to withhold any documents that could be reasonably construed to be responsive to this request, I ask that you indicate this fact and the reasons therefore in your response.

#### Record Delivery

As mandated in FOIA, we anticipate a reply within twenty working days. 5 U.S.C. § 552(a)(6)(A)(i); 5 C.F.R. § 1303.10(c). We appreciate your expeditious help in obtaining the requested information. DOS must comply within the statutory timeframe and NWF will consider all available options should DOS fail to timely provide responsive documents. Please promptly mail copies of all requested records to:

James Murphy

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<sup>2</sup> Also referred to oil sands oil, Western Canadian crude, or similar references.

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If you find that this request is unclear or if the responsive records are voluminous please call me at (802) 552-4325 to discuss the proper scope of this request.

#### Exempt Records

Should you decide to invoke a FOIA exemption, please include in your full or partial denial letter sufficient information for us to appeal the denial. Please include a detailed ledger which to comport with legal requirements must include:

1. Basic factual material about each withheld item, including the originator, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for the denial, including the identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material. Such statements will be helpful in deciding whether to appeal an adverse determination. Your written justification may help to avoid unnecessary litigation.

If you determine that portions of the records requested are exempt from disclosure, please segregate the exempt portions and mail the remaining records to the above location within the statutory time limit.

#### Fee Waiver Request

We respectfully request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii) and 5 C.F.R. 1303.70. NWF is a national, non-profit, conservation organization with no commercial interest in obtaining the requested information. The PMPL is currently being considered for a flow reversal project that would allow PPLC to transport controversial Canadian tar sands oil into the United States. NWF intends to use the requested information to better understand the history of the PMPL, the Presidential Permitting process, and to educate the public on these matters. Canadian tar sands oil is a controversial fuel source because of its impacts of the environment and climate. The public, including NWF members, is very interested in learning more about this pipeline and the Presidential Permitting process.

Our organization has spent years promoting the public interest through the development of policies that provide enhanced natural resource protection, and has routinely received fee waivers under FOIA. This is in large part because this organization

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has repeatedly proven its ability to disseminate the information it obtains through FOIA to large segments of the public by means of membership correspondence, multiple publications, its website, educational programs, media initiatives, and congressional testimony. NWF plans to disseminate any information obtained at its own expense. NWF has no commercial interest in the requested disclosure, and the information would be used to educate the public about activities of the government, in satisfaction of 5 U.S.C. § 552 (a)(4)(A)(iii).

For the foregoing reasons, it is clear that the disclosure of the information requested is in the public interest because it is likely to contribute significantly to the public's understanding of this pipeline and DOS's role in regulating its contents. This information is not otherwise readily attainable and the public unquestionably will be the primary beneficiary of this requested information. Therefore, please waive processing and copying fees pursuant to 5 U.S.C. § 552(a)(4).

Please note that the request for a fee waiver should not be construed as an extension of time in which to reply to this FOIA request. Please send information on a rolling basis as it becomes available. In the event that the FOIA officer denies a fee waiver, please call me at (802) 552-4325 to discuss fees.

Conclusion

We urge you to follow the direction President Obama announced in his first memorandum as President of the United States on January 21, 2009, "[t]he Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails." Thank you in advance for your prompt reply. If you have any questions, please do not hesitate to call me.

Sincerely,

James Murphy  
National Wildlife Federation  
149 State Street  
Montpelier, VT 05602



Lori Ann Burd  
National Wildlife Federation  
4405 NE Cleveland  
Portland, OR 97211