

1.0 INTRODUCTION

On May 4, 2012, TransCanada Keystone Pipeline, LP (Keystone) filed a Presidential Permit application for a new Keystone XL Project with the U.S. Department of State (the Department) for the proposed construction, connection, operation, and maintenance of a pipeline and associated facilities at the United States border for importation of crude oil from Canada. The Keystone application is for its proposed Keystone XL Project (the proposed Project) and is modified from the previously proposed and similarly named project as discussed more fully in Section 1.1, Background. The route in Montana and South Dakota would be largely unchanged from the route analyzed in the Final Environmental Impact Statement published in August 2011. However, the newly proposed route not only avoids the Sands Hills Region identified by the Nebraska Department of Environmental Quality but also terminates at Steele City, Nebraska, and is thus approximately half the length of the previously proposed project analyzed in 2011.

The Department serves as the lead federal agency for the review of the proposed Project consistent with the National Environmental Policy Act, National Historic Preservation Act, and Endangered Species Act. The Department receives and considers applications for Presidential Permits for such oil pipeline border crossings and ancillary facilities pursuant to the President's constitutional authority over foreign relations, and as Commander-in-Chief. The President delegated this responsibility to the Department in Executive Order 13337, as amended (69 Federal Register 25299). The Department's jurisdiction to issue a Presidential Permit includes only the border crossing and the associated facilities at the border, although the analysis included in this Final Supplemental Environmental Impact Statement (Final Supplemental EIS) discloses potential impacts of the proposed Project along its entire route in the United States.

The Department's authority over the border crossing does not include the legal authority to regulate petroleum pipelines within the United States. The Department of Transportation's Pipelines and Hazardous Materials Safety Administration is responsible for promulgating regulations regarding petroleum pipeline construction, operation, and maintenance. Individual states have the legal authority to approve petroleum pipeline construction in their states, including approving the routes for such pipelines. In preparation of this Final Supplemental EIS, the Department has consulted extensively with those federal and state agencies that possess regulatory authority over petroleum pipelines, as well as local, state, tribal, federal agencies, and subject matter experts that have special expertise in evaluating potential impacts of the proposed Project.

In addition to its application to the Department, Keystone also filed a right-of-way application under Section 28 of the Mineral Leasing Act of 1920, as amended (30 United States Code 185), with the U.S. Department of Interior—Bureau of Land Management.

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