

Secretary of State or the Secretary's delegate, the U.S. facilities in the immediate vicinity of the international boundary shall be removed by and at the expense of the permittee within such time as the Secretary of State or the Secretary's delegate may specify, and upon failure of the permittee to remove, or to take such other action with respect to, this portion of the U.S. facilities as ordered, the Secretary of State or the Secretary's delegate may direct that possession of such facilities be taken and that they be removed or other action taken, at the expense of the permittee; and the permittee shall have no claim for damages by reason of such possession, removal, or action.

*Article 6.* When, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given by the Secretary of State or the Secretary's delegate, the United States shall have the right to enter upon and take possession of any of the U.S. facilities or parts thereof; to retain possession, management, or control thereof for such length of time as may appear to the President to be necessary; and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such U.S. facilities upon the basis of a reasonable profit in normal conditions and the cost of restoring said facilities to as good condition as existed at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

*Article 7.* Any transfer of ownership or control of the U.S. facilities or any part thereof shall be immediately notified in writing to the U.S. Department of State for approval, including identification of the transferee. In the event of such transfer of ownership or control, this permit shall remain in force and the U.S. facilities shall be subject to all the conditions, permissions, and requirements of this permit and any amendments thereof.

*Article 8.* (1) The permittee is responsible for acquiring such right-of-way grants or easements, permits, and other authorizations as may become necessary and appropriate.

(2) The permittee shall save harmless and indemnify the United States from any claimed or adjudged liability arising out of construction, connection, operation, or maintenance of the facilities.

(3) The permittee shall maintain the U.S. facilities and every part thereof in

a condition of good repair for their safe operation.

(4) The permittee shall obtain a license from the USIBWC before commencing construction.

(5) The permittee shall obtain an easement from DHS for any portion of the pipeline that crosses over or under property in which the U.S. Customs and Border Protection owns an interest.

(6) The permittee shall obtain a permit from the California Environmental Protection Agency, State Water Resources Control Board, Division of Drinking Water.

*Article 9.* The permittee shall take all appropriate measures to prevent or mitigate adverse environmental impacts or disruption of significant archeological resources in connection with the operation and maintenance of the U.S. facilities, including those mitigation measures set forth in the Final Environmental Impact Report/ Environmental Impact Statement dated August 2016 and any additional measures that may be required as result of any reevaluation of the foregoing or in the associated terms of the Biological Opinion to be issued by the U.S. Fish and Wildlife Service.

*Article 10.* The permittee shall not begin construction until it has been informed that the Government of the United States and the Government of Mexico have exchanged diplomatic notes confirming that both governments authorized the commencement of construction.

*Article 11.* The permittee shall provide written notice to the Department of State at such time as the construction authorized by this permit is begun and again at such time as construction is completed, interrupted, or discontinued.

*Article 12.* The permittee shall file with the appropriate agencies of the U.S. government such statements or reports under oath with respect to the U.S. facilities, and/or the permittee's actions in connection therewith, as are now or may hereafter be required under any laws or regulations of the U.S. government or its agencies.

*Article 13.* This permit shall expire five years from the date of issuance in the event that the permittee has not commenced construction of the facilities by that deadline.

*In witness whereof*, I, Judith G. Garber, Acting Assistant Secretary of State for the Bureau of Oceans and International Environmental and Scientific Affairs, have hereunto set my hand this 16th day of May, 2017 in the

City of Washington, District of Columbia.

**Judith G. Garber,**

*Acting Assistant Secretary for Oceans and International Environmental And Scientific Affairs.*

[FR Doc. 2017-11675 Filed 6-5-17; 8:45 am]

**BILLING CODE 4710-29-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Request To Release Airport Property at the Colorado Springs Airport, Colorado Springs, Colorado.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Request to Release Airport Property.

**SUMMARY:** The FAA proposes to rule and invite public comment on the release of land at the Colorado Springs Airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

**DATES:** Comments must be received on or before July 6, 2017.

**ADDRESSES:** Comments on this application may be mailed or delivered to the FAA at the following address: Mr. John P. Bauer, Manager, Federal Aviation Administration, Northwest Mountain Region, Airports Division, Denver Airports District Office, 26805 E. 68th Avenue, Suite 224, Denver, Colorado 80249-6361.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Troy Stover, Colorado Springs Airport, Colorado Springs, Colorado, at the following address: Mr. Troy Stover, Colorado Springs Airport, 7770 Milton E. Proby Parkway, Suite 50, Colorado Springs, Colorado 80916.

**FOR FURTHER INFORMATION CONTACT:** Mr. Marc Miller, Colorado Engineer/ Compliance Specialist, Federal Aviation Administration, Northwest Mountain Region, Denver Airports District Office, 26805 E. 68th Avenue, Suite 224, Denver, Colorado 80249-6361.

The request to release property may be reviewed, by appointment, in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA invites public comment on the request to release property at the Colorado Springs Airport under the provisions of the AIR 21 (49 U.S.C. 47107(h)(2)).

On May 16, 2017, the FAA determined that the request to release

property at the Colorado Springs Airport submitted by the Colorado Springs Airport meets the procedural requirements of the Federal Aviation Administration.

The following is a brief overview of the request:

The Colorado Springs Airport is proposing the release from the terms, conditions, reservations, and restrictions on approximately 27.31 acres of federally obligated land at the Colorado Springs Airport. The said parcel is a portion of a larger 110 acre available land mass north of Stewart Road and east of Powers Boulevard. The proposed release would allow for construction of a cargo facility which is consistent with the permitted land use. The airport property being proposed for release is bisected by a roadway and Sand Creek drainage system and does not have access to the airfield, and is currently undeveloped and is not planned or situated for aeronautical activity. The property will be sold at fair market value and the sponsor will reinvest the revenue into the airport. The property release conveyance will include appropriate continuing right of flight and continuing restriction clauses that will prohibit any activity on the land that would interfere with or be a hazard to the flight of aircraft over the land or to and from the airport, or that interferes with air navigation and communications facilities serving the airport.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon appointment and request, inspect the application, notice and other documents germane to the application in person at the Colorado Springs Airport.

Issued in Denver, Colorado on May 16, 2017.

**John P. Bauer,**

*Manager, Denver Airports District Office.*

[FR Doc. 2017-11584 Filed 6-5-17; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION (DOT)

### Federal Aviation Administration

#### Notice of Intent To Rule on a Land Release Request at Albany International Airport, Albany, NY.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comment.

**SUMMARY:** The FAA is requesting public comment for a land release and sale of 11.972 acres of federally obligated airport property at Albany International Airport, Albany, NY, to accommodate the construction of a new highway access ramp connecting Albany Shaker Road to Interstate 87. This acreage was originally purchased with federal financial assistance through the AIP program under Grant Agreements 3-36-0001-062-1999, 3-36-0001-092-2007, and 3-36-0001-105-2009. In accordance with federal regulations, this notice is required to be published in the **Federal Register** 30 days before releasing the grant assurances that require the property to be used for an aeronautical purpose.

**DATES:** Comments must be received on or before June 6, 2017.

**ADDRESSES:** Comments on this application may be mailed or delivered to the following address: John O'Donnell, Chief Executive Officer, Albany International Airport, Albany County Airport Authority, Administration Building, Suite 200, Albany, NY 12211-1057, (518) 242-2222.

and at the FAA New York Airports District Office: Evelyn Martinez, Manager, New York Airports District Office, 1 Aviation Plaza, Jamaica, NY 11434, (718) 995-5771.

**FOR FURTHER INFORMATION CONTACT:** Ryan Allen, Community Planner, New York Airports District Office, 1 Aviation Plaza, Jamaica, NY 11434. (718) 995-5677.

The land release request for the sale and disposal of 11.972 acres of federally obligated airport property at Albany International Airport, Albany, NY may be reviewed in person at the New York Airports District Office located at 159-30 Rockaway Blvd., Suite 111, Jamaica, NY 11434.

**SUPPLEMENTARY INFORMATION:** The following is a brief overview of the request:

The Albany County Airport Authority has submitted a land release request seeking FAA approval for the sale and disposal of approximately 11.972 acres of federally obligated airport property to the New York Department of Transportation (NYSDOT) for the purpose of accommodating the construction of a new highway access ramp connecting Albany Shaker Road to Interstate 87, also known as the Adirondack Northway Exit 4 Project.

The project will include new highway construction with access improvements, new bridge construction associated with the access improvements, and the

replacement of the existing Northway bridges over Albany Shaker Road.

The parcels for this project are known as Tax Lots 30.-5-1, 2, 3, 4, & 9 in Colonie, NY, and will be subdivided to account for a total of 11.972 acres to be released and sold at Fair Market Value (FMV) as determined by a certified appraisal report. The proposed subdivision and sale will subsequently result in the reduction in economic value of a total of 6.420 acres of existing airport property adjacent to the 11.972 acres being released, whereby these 6.420 acres will become landlocked and inaccessible. Due to the reduction in value of these 6.420 acres as a result of the subdivision and sale of the subject parcels, the airport will also be compensated for the reduction in value of these "uneconomic remnants" at FMV. In addition, as a condition of the land release, the airport and prospective buyer have agreed to include an access easement across the road right-of-way to allow for continued access to the aforementioned 6.420 acres by the airport sponsor.

The 11.972 acres of land to be released was originally purchased with federal financial assistance through the AIP program under Grant Agreements 3-36-0001-062-1999, 3-36-0001-092-2007, and 3-36-0001-105-2009. Therefore, the portion of the proceeds of the sale of this acreage, which is proportionate to the United States' share of the cost of acquisition of such land, will be used consistent with the requirements of 49 U.S.C. 47107(c). The remaining portion of the proceeds of the sale, is considered airport revenue, and will be used in accordance with 49 U.S.C. 47107(b) and the FAA's Policy and Procedures Concerning the Use of Airport Revenue published in the **Federal Register** on February 16, 1999.

The 11.972 acres to be released are part of previous purchases totaling 189.65 for reasons associated with Runway Protection Zone (RPZ) protection, obstruction control, and noise compatibility in line with a part 150 noise study. The subject area to be released, however, is not located within the RPZ, will not result in any obstructions to part 77 surfaces, and has not been identified as needed for current or future airport development in the current Airport Master Plan or ALP. Furthermore, the proposed use as a highway interchange is considered to be a compatible land use as defined by the part 150 study.

Any person may inspect the request by appointment at the FAA office address listed above. Interested persons are invited to comment. All comments