



**Department of Energy**  
**Washington, DC 20585**

September 1, 2016

Mr. Rick Minard  
Deputy Director, NH Office of Energy and Planning  
Governor Hugh J. Gallen State Office Park  
Johnson Hall, 3<sup>rd</sup> Floor  
107 Pleasant Street  
Concord, NH 03301

Dear Mr. Minard:

The purpose of this letter is to request an update regarding New Hampshire Office of Energy and Planning's (NH OEP) participation as a cooperating agency in the Department of Energy's (DOE) preparation of an environmental impact statement (EIS), pursuant to the National Environmental Policy Act (NEPA), on the proposed Federal action of granting a Presidential permit to Northern Pass Transmission LLC (Northern Pass or the Applicant) to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border into northern New Hampshire. Executive Order 10485, as amended by Executive Order 12038, requires that, before an electric transmission facility may be constructed, operated, maintained, or connected at the U.S. international border, a Presidential permit must be issued by DOE.

The Council on Environmental Quality (CEQ) NEPA regulations (40 CFR Parts 1500-1508) outline the process for inviting other Federal agencies to participate in the NEPA process. Section 1501.6 explains that such involvement is based on another Federal agency having either jurisdiction by law, or possessing special expertise regarding any environmental issue to be addressed in the NEPA document. Section 1508.5 states that a state or local agency of similar qualifications may, by agreement with the lead agency, become a cooperating agency.

Since December 2013, NH OEP has been participating in DOE's preparation of its EIS for the proposed Northern Pass project. NH OEP's participation as a cooperating agency has been to provide expertise regarding issues to be addressed in the EIS. We have appreciated the input your organization has contributed to this process. DOE released the draft EIS in July 2015 and is currently working toward preparation of the final EIS. The draft documents, as well as other project information, are available on DOE's EIS website: <http://www.northernpasseis.us/>.

In an email from the former Director of NH OEP, Meredith Hatfield, dated May 26, 2016, Ms. Hatfield indicated that you and Ms. Kerry Holmes would be DOE's future points of contact. Following this guidance, on August 11, 2016 (via email from Kent Sharp), our NEPA contractor, SE Group, invited NH OEP to participate in a NEPA cooperating agency meeting scheduled for September 27, 2016, 9am-2pm, at the EPA Region 1 Office in Boston, MA. We would welcome NH OEP's participation as a cooperating agency in this meeting. If you are able to attend, please let us know.

If NH OEP no longer wishes to participate as a cooperating agency in DOE's preparation of its EIS for the proposed Northern Pass project, we request that you provide us with written notice (please send to: Brian Mills, Northern Pass EIS NEPA Document Manager, Office of Electricity Delivery and Energy

Reliability, U.S. Department of Energy, 1000 Independence Avenue, SW (OE-20), Washington, DC 20585) and we will update our records accordingly.

If you or your staff have any questions regarding DOE's NEPA review of the proposed Northern Pass project or the DOE's preparation of its EIS, please contact me (202-586-8008 or [brian.mills@hq.doe.gov](mailto:brian.mills@hq.doe.gov)) or Julie Smith (202-586-7668 or [juliea.smith@hq.doe.gov](mailto:juliea.smith@hq.doe.gov)).

Sincerely,



Brian Mills  
Senior Planning Advisor  
Northern Pass EIS NEPA Document Manager  
Office of Electricity Delivery and Energy Reliability

cc: Kerry Holmes, NH OEP  
Julie Smith, DOE