

February 22, 2011

The Honorable Steven Chu
Secretary
U.S. Department of Energy
Forrestal Building
1000 Independence Avenue, SW
Washington, DC 20585

Re: Northern Pass Transmission Project Environmental Impact Statement (DOE/EIS-0463)

Dear Secretary Chu,

I write regarding the selection of Normandeau Associates to perform environmental assessment work required by the National Environmental Policy Act (NEPA) for the proposed Northern Pass high voltage transmission line that would begin in New Hampshire at the U.S. - Canada border and terminate at a substation in Deerfield, New Hampshire.

I have the utmost respect for Normandeau Associates and the professionalism of their employees. They are widely respected in New Hampshire and other states where they do work, but I am deeply troubled that the Department of Energy (DOE) selected a firm to perform what should be an objective assessment while it is also doing work for the project applicant. Specifically, Normandeau Associates has been contracted by Northern Pass LLC to provide state and federal agencies with data and permit applications intended to aide in the approval of the project by those agencies. Normandeau has also been contracted to provide expert witness testimony in support of the New Hampshire Site Evaluation Committee (SEC) permitting process as well as to participate in public outreach meetings, as requested by the applicant, in support of the project in the SEC process.

As some project interveners have noted in their correspondence to DOE about the selection of Normandeau (see attachment), the Council on Environmental Quality's NEPA regulations require federal agencies, such as the DOE, to avoid any conflict of interest in selecting a contractor to perform NEPA work. "It is the intent of these regulations that the contractor be chosen solely by the lead agency ... to avoid *any* conflict of interest." (40 C.F.R. § 1506.5(c)) If a prospective NEPA compliance contractor has a conflict of interest, "it should be disqualified from preparing the EIS, to preserve the objectivity and integrity of the NEPA process." (46 Fed. Reg. 18026 (1981))

In order for the public and those affected by the proposed transmission project to have confidence in the DOE permitting process, it is essential that there be no conflict of interest in the approval process. While DOE, Normandeau and Northern Pass LLC have sought to address the potential conflict of interest by separating the employees and teams working on their respective aspects of the project, even the perception of a conflict is problematic given the significance of this project

At your earliest convenience, could you please explain the DOE decision-making process that resulted in the selection of Normandeau Associates and how that selection is consistent with both the letter and the spirit of NEPA? I would also appreciate an update on the status of requests made by interveners to have another contractor selected to perform the NEPA environmental assessments.

I appreciate your attention to this matter and I look forward to your timely responses to my questions.

Sincerely,

Jeanne Shaheen
United States Senator

Enclosure

cc: The Honorable Ms. Nancy Sutley, Chair, Council on Environmental Quality