

by Carol Foss

Senior Advisor for Science and Policy

NH Audubon's Environmental Policy Committee members were frequent visitors to the Legislative Office Building and the State House during the 2018 legislative session. Committee members signed in (Table 2, right) or provided testimony on 35 bills (Table 1, below), which met a variety of fates, as detailed in the tables. Many of these bills pertained to renewable energy or pollution issues. A few involved funding for or jurisdiction of the State's natural resource agencies. We also urged senators and representatives to override the Governor's vetoes of two energy bills SB 365 (biomass) and SB 446 (solar) in September. Legislators overrode the veto of SB 365; the Senate voted to override the veto of SB 446 but the House sustained the veto in a close vote. Full text and docket details for these bills are available through the New Hampshire General Court website <http://www.gencourt.state.nh.us/>.

Staff has also been active at the Federal level. We continue to participate in the Conservation Funding Caucus, which is working for passage of the Recovering America's Wildlife Act. This legislation would make revenues from energy and mineral development on federal lands available for funding state wildlife conservation and restoration programs for fish and wildlife species of greatest conservation concern. The Recovering America's Wildlife Act would make a huge difference in NH by supporting efforts to conserve declining species, such as bats, for which no funding is currently available. Introduced as HR 4647 in December 2017, the bill now has 93 bipartisan cosponsors, including NH's representatives Annie Kuster and Carol Shea-Porter. A Senate

version, S.3223, which calls for annual appropriations rather than dedicated funding, was introduced in July.

Carol Foss attended a January forum sponsored by Rep. Carol Shea-Porter at the Seacoast Science Center, where a panel of local stakeholders discussed the potential impacts of a proposal by the Bureau of Ocean Energy Management to open waters of the Atlantic and Pacific outer continental shelves to oil and gas leases, and subsequently submitted formal comments on the proposal. While in Virginia for a February meeting of the independent Audubon societies, Doug Bechtel and Carol Foss visited the Capitol Hill offices of representatives Annie Kuster and Carol Shea-Porter and Senator Jeanne Shaheen to discuss reauthorization of the Land and Water Conservation Fund, the



We are delighted to have Policy Intern Maxine Asmussen (right), a junior at Hopkinton High School, working with Carol Foss (left). Maxine is exploring local and federal policies affecting the environment, and will be delving into state issues as the legislature gears up for the 2019 session.

Recovering America's Wildlife Act, and protection of the Migratory Bird Treaty Act, the Endangered Species Act, and other environmental laws and regulations. Doug and Carol also attended a September meeting at Pawtuckaway State Park, sponsored by Senator Shaheen, to discuss reauthorization of the Land and Water Conservation Fund.

We continue to monitor Portland Pipe Line Corporation's (PPLC) efforts to overturn a South Portland, ME ordinance, adopted in July 2014, which bans crude oil exports from the city's port. PPLC filed suit in February 2015 to challenge the "Clear Skies" ordinance, which effectively blocks flow reversal on the 236-mile pipe line between Portland and Montreal. A federal judge put a hold on the suit in May 2017, but denied the city's motion to dismiss the case that August. Last December, a federal district court judge dismissed all but one of the company's claims, leaving open the question of whether the ordinance violates the US Constitution. Then, in August 2018, a federal court ruled that the ordinance does not violate the Constitution. Whether or not PPLC appeals this ruling remains to be seen.

Table 1. NH Audubon provided testimony at hearings for the following bills.

Bill Number	Topic	Intent	NH Audubon Position	Outcome
HB 1210	Land Use	Establishing a committee to study the effect of current use taxation on small and rural municipalities	Oppose*	Laid on Table
HB 1342	Wildlife	Permitting recognized dog or sporting clubs to trap and possess wild rabbits and hares	Comment	Sent to Interim Study
HB 1411	Wildlife	Increasing the level of matching funds for public donations to the nongame species account from \$50,000 to \$100,000	Support	Enacted, Chapter 0180
HB 1616	Land Use	Requiring legislative approval for Regional Planning Commissions to accept money from governmental sources other than the state of NH	Oppose	Inexpedient to Legislate

*Joint testimony with Appalachian Mountain Club, Society for the Protection of NH Forests, The Nature Conservancy

Table 2. NH Audubon signed in at hearings for the following bills.

Bill Number	Topic	Intent	NH Audubon Position	Outcome
HB 1101	Water quality	Regulating groundwater pollution caused by air emissions	Support	Enacted, Chapter 0345
HB 1230	Energy	Establishing a commission to study the economic impact of national carbon pricing on New Hampshire	Oppose	Inexpedient to Legislate
HB 1318	Forests	Exempting outdoor fires up to 24 inches in height from fire permits	Oppose	Inexpedient to Legislate
HB 1338	Energy	Establishing a committee to study the changes in law necessary to allow for microgrids in electricity supply	Support	Inexpedient to Legislate
HB 1402	Forests	Requiring municipalities to minimize adverse effects to forestry activities when adopting ordinances, and prohibiting municipalities from adopting ordinances that deal solely with forestry and adversely affect forestry activities	Support	Enacted, Chapter 0179
HB 1458	Marine life	Exempting fish and game rules governing marine species managed under the Magnusson-Stevens Fishery Conservation and Management Act from State rulemaking requirements	Support	Amended by Senate, House did not concur
HB 1526	Wildlife	Requiring that Fish and Game Department fees be established by statute and not by administrative rulemaking	Oppose	Inexpedient to Legislate
HB 1544	Energy	Establishing a committee to analyze committing to 100 percent renewable energy by 2040	Support	Inexpedient to Legislate
HB 1550	Energy	Requiring electric bills to include the cost of compliance with renewable energy standards.	Oppose	Enacted, Chapter 0375
HB 1553	Forests	Requiring the state to get permission from abutters before removing trees from certain parts of state owned land	Oppose	Inexpedient to Legislate
HB 1555	Energy	Requiring the public utilities commission and the office of the consumer advocate to advocate against regional or federal policies that are inconsistent with the policies of the state or that would have rate impacts determined to be unjust or unreasonable	Oppose	Enacted, Chapter 0376
HB 1563	Energy	Permitting owners of property equipped with a solar energy system to pay either the property tax on the assessed value of the property equipped with the solar array system or make a payment in lieu of taxes of a specified amount for that portion equipped with the solar energy system	Support	Inexpedient to Legislate
HB 1569	Energy	Requiring a certificate issued by the site evaluation committee to include a provision that the applicant guarantees funding for restoration efforts in the event of environmental damage caused by the facility, as determined by the department of environmental services	Support	Inexpedient to Legislate
HB 1611	Energy	Establishing a committee to study off-shore wind energy development	Support	Inexpedient to Legislate
HB 1647	Energy	Modifying provisions for the inclusion of energy systems in distributed energy resources and the recovery of investment costs for energy storage	Support	Inexpedient to Legislate
HB 1689	Water quality	Repealing the repeal of the pollution prevention program of the department of environmental services	Support	Enacted, Chapter 0089
HB 1708	Forests	Requiring the state to remove standing deadwood trees from state lands along boundaries with developed land and recreational trails and making an appropriation therefor	Oppose	Inexpedient to Legislate
HB 1745	Water quality	Making appropriations for costs involved in controlling invasive aquatic species	Support	Inexpedient to Legislate
HB 1779	Air quality	Requiring monitoring of certain radioactive air pollutants	Support	Inexpedient to Legislate
SB 321	Energy	Removing the requirements that net energy metering group host customers be default service customers of the same electric distribution utility as the host and that they are responsible for certain costs	Support	Enacted, Chapter 0212

Table 2 (con't). NH Audubon signed in at hearings for the following bills.

Bill Number	Topic	Intent	NH Audubon Position	Outcome
SB 330	Air/water quality	Requiring DES to give certain persons time to cure violations before imposing a penalty	Oppose	Inexpedient to Legislate
SB 365	Energy	Requiring electric distribution companies subject to the public utilities commission's approval regarding procurement of default service to offer to purchase the net energy output of eligible biomass and waste-to-energy facilities located in its service territory	Support	Veto overridden, Chapter 0379
SB 367	Energy	Removing the review by the public utilities commission of net metering group host agreements and eliminating certain payment adjustments for small residential group host systems	Support	Enacted, Chapter 0112
SB 445	Water quality/ Land use	Designating the Warner River as a protected river	Support	Enacted, Chapter 0377
SB 446	Energy	Increasing the electric generating capacity of customer- generators who may participate in net energy metering, modifying the transition of tariffs applicable to certain customer-generators, and clarifying the definition of eligible customer-generator for purposes of the utility property tax	Support	Veto sustained
SB 448	Energy	Establishing a commission to study the establishment of a state department of energy	Support	Inexpedient to Legislate
SB 449	Energy	Changing the composition of the site evaluation committee	Oppose	Sent to Interim Study
SB 454	Water quality	Requiring the Department of Environmental Services to review existing scientific studies and implement rulemaking for ambient water quality standards and maximum contaminant levels for specific perfluorinated chemicals	Support	Laid on the Table
SB 468	Water/air quality	Requiring certain fines and penalties collected by the Department of Environmental Services to be deposited in the general fund rather than in dedicated funds	Oppose	Sent to Interim Study
SB 517	Energy	Establishing an electric vehicle charging stations infrastructure commission	Support	Enacted, Chapter 0154
SB 575	Energy	Establishing requirements for and restrictions on electric vehicle charging stations	Support	Enacted, Chapter 0262