

# Policy Notes

## 2019 Summary of Environmental Policy Activities

by Carol R. Foss

NH Audubon's Environmental Policy Committee (EPC) members were frequent visitors to the Legislative Office Building and the State House during the 2019 legislative session. Committee members provided testimony on five bills (Table 1, below) and signed in on another 40 (see Table 2 online at [www.nhaidubon.org/events-and-news/afield/](http://www.nhaidubon.org/events-and-news/afield/)). The majority of environmental bills were favorable this year, and we opposed only three (none of which passed). Energy remains a major focus of the legislature, and 26 of the 45 bills we weighed in on pertained to energy issues. NH Audubon supports policies that promote energy conservation and renewable energy sources that reduce New Hampshire's reliance on the fuels that contribute to climate change. Our 45 bills of interest met a variety of fates: 11 became law in their original or amended form, 11 were retained in or sent back to committee for further work, nine passed both chambers but were vetoed by the Governor, and eight were voted inexpedient to legislate. Full text and docket details for these bills are available through the New Hampshire General Court website: <http://www.gencourt.state.nh.us/> (see Tables 1 and 2 for bill numbers and titles).

I continue to represent nongame wildlife interests on the New Hampshire Forest Advisory Board, a legislatively mandated board that provides input on "factors affecting the use, ownership, and management of forest resources" to the Division of Forests and Lands. I also serve on the recently formed Bear Brook Management Plan Steering Committee, which is overseeing a revision of the management plan for Bear Brook State Park.

At the Federal level, in March I joined Amanda Stone of NH

Cooperative Extension, Jim O'Brien of The Nature Conservancy, Mike Marchand of NH Fish and Game, and Sabrina Stanwood of the NH Heritage Bureau in meetings with the NH Congressional Delegation in Washington, D.C., to discuss the importance of State Wildlife Grants to New Hampshire. We collaborated with EPC members Michael Amaral and Paul Nickerson to provide comments on the proposed revisions to rules governing implementation of the Endangered Species Act. We participated in several meetings regarding relicensing of the Errol Hydroelectric

Project, and submitted scoping comments and study requests to the Federal Energy Regulatory Commission. We also continued to participate in the Conservation Funding Workgroup, which is working for passage of the Recovering America's Wildlife Act (RAWA). This legislation would provide funding for the management of fish and wildlife species included in state wildlife action plans. If passed, New Hampshire would receive an estimated apportionment of more than \$11 million, which would become available for management of the state's 169 Species of Greatest Conservation Need.

We have also contacted the New Hampshire Congressional delegation in support of the Protect America's Wildlife and Fish in Need of Conservation Act of 2019 (PAW and FIN Act), which would reverse the recent, damaging rule changes to the Endangered Species Act, and the Wildlife Corridors Conservation Act of 2019, which would establish National Wildlife Corridors to provide for the protection and restoration of certain native fish, wildlife, and plant

species. NH Audubon hosted a round table with Representative Annie Kuster in early October to discuss bird conservation needs in light of recent studies and media attention regarding bird population declines.



*Carol talks to Senator Jeanne Shaheen at a celebration of the permanent reauthorization of the Land and Water Conservation Fund at Pulpit Rock Conservation Area in Bedford on Earth Day, April 22. Photo by Doug Bechtel.*

Table 1. NH Audubon provided testimony in 2019 at hearings for the following bills.

Bill Number	Topic	Intent	NH Audubon Position	Outcome
HB 137	Water	Establishing a commission to examine the effects of wake boats in NH	Support	Passed, Adopted with Amendment
HB 156	Energy	Establishing a commission to study the establishment of a state department of energy	Support	Passed, Adopted with Amendment
HB 646	Pesticides	Relative to labeling, signage, and restrictions on the sales and use of neonicotinoid pesticides	Support	Retained in Committee
HB 682	Water	Establishing a water resources fund in the department of environmental services	Support*	Laid on Table in Senate
SB 076	Energy	Relative to the prohibition of offshore oil and natural gas exploration	Support	Passed, Adopted with Amendment

\*Joint testimony with The Nature Conservancy in New Hampshire, the New Hampshire Association of Conservation Commissions, the New Hampshire Lakes Association, and the Society for the Protection of New Hampshire Forests.

Table 2. NH Audubon registered a position on these bills but did not provide testimony.

BILL NUMBER	TOPIC	INTENT	NH AUDUBON POSITION	OUTCOME
HB 138	Marine ecology	relative to rules pertaining to marine species managed under the Magnusson-Stevens Fishery Conservation and Management Act	Support	Enacted, Chapter 0078
HB 157	Energy	relative to the class rate for biomass	Oppose	Inexpedient to Legislate
HB 166	Energy	relative to funding energy efficiency programs	Support	Inexpedient to Legislate
HB 183	Energy	establishing a committee to study the applications of microgrids in New Hampshire and changes in law necessary to allow for microgrids in electrical supply, and relative to baseload renewable generation credits for biomass energy facilities	Support	Vetoed by Governor
HB 238	Energy	establishing a task force on applications of microgrids in electricity supply	Support	Inexpedient to Legislate
HB 281	Wildlife	relative to flow devices designed to control beaver damming and minimize the risk of flooding behind an existing beaver dam	Support	Enacted, Chapter 125
HB 316	Wildlife	relative to the law governing training permits for the training of bird dogs and trail or tree hounds	Oppose	Inexpedient to Legislate
HB 318	Energy	relative to electric utility customer information about devices to defray electricity costs	Support	Inexpedient to Legislate
HB 325	Marine ecology	relative to control of marine pollution and aquatic growth	Support	Enacted, Chapter 0100
HB 365	Energy	relative to net energy metering limits for customer generators	Support	Vetoed by Governor
HB 413	Energy	relative to membership of the energy efficiency and sustainable energy board	Support	Inexpedient to Legislate
HB 443	Water	relative to municipal watering restrictions	Support	Enacted, Chapter 0213
HB 464	Energy	relative to the definitions of solar energy systems and wind-powered energy systems for assessed value of real estate exemptions and enabling municipalities to adopt a property tax exemption for electric energy storage systems	Support	Enacted, Chapter 0327
HB 466	Energy	relative to the capacity of electricity customer generators for eligibility for net energy metering	Support	Rereferred to Committee in Senate
HB 475	Water	establishing a shoreland septic system study commission	Support	Enacted, Chapter 0030
HB 477	Energy	relative to allowance sales under the New Hampshire regional greenhouse gas initiative program	Oppose	Inexpedient to Legislate
HB 496	Energy	establishing a committee to identify the requirements needed to commit New Hampshire to a goal of at least 50 percent renewable energy for electricity by 2040	Support	Rereferred to Committee in Senate
HB 562	Energy	relative to the state building code	Support	Enacted, Chapter 0250

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BILL NUMBER	TOPIC	INTENT	NH AUDUBON POSITION	OUTCOME
<b>HB 568</b>	Energy	relative to the New Hampshire energy strategy	Support	Rereferred to Committee in Senate
<b>HB 617</b>	Recycling	establishing a committee to study recycling streams and solid waste management in New Hampshire	Support	Enacted, Chapter 0265
<b>HB 625</b>	Water	relative to an aquatic invasive species decal for boats	Support	Enacted, Chapter 0114
<b>HB 715</b>	Energy	relative to electrical energy storage	Support	Rereferred to Committee in Senate
<b>SB 013</b>	Energy	relative to limited electrical energy producers and net energy metering	Support	Rereferred to Committee in Senate
<b>SB 072</b>	Energy	relative to issuance of renewable energy certificates	Support	Vetoed by Governor
<b>SB 074</b>	Land Use	relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation and to review the LCHIP surcharge	Support	Vetoed by Governor
<b>SB 075</b>	Climate Change	establishing a commission to study the economic impact of national carbon pricing in New Hampshire	Support	Rereferred to Committee in Senate
<b>SB 122</b>	Energy	relative to expenditures from the energy efficiency fund	Support	Retained in House Committee
<b>SB 124</b>	Energy	relative to renewable portfolio standards after 2025	Support	Retained in House Committee
<b>SB 159</b>	Energy	relative to net energy metering limits for customer-generators	Support	Retained in House Committee
<b>SB 164</b>	Water	establishing a committee to study unprotected drinking water sources	Support	Enacted, Chapter 0238
<b>SB 165</b>	Energy	relative to net energy metering by low-moderate income community solar projects	Support	Enacted, Chapter 0271
<b>SB 166</b>	Energy	relative to competitive electricity supplier requirements under net energy metering	Support	Retained in House Committee
<b>SB 167</b>	Energy	establishing a clean energy resource procurement commission	Support	Vetoed by Governor
<b>SB 168</b>	Energy	relative to class 2 obligations under the electric renewable portfolio standards	Support	Vetoed by Governor
<b>SB 205</b>	Energy	relative to energy efficiency programs funded from the systems benefits charge and the duties and members of the energy efficiency and sustainable energy board	Support	Vetoed by Governor
<b>SB 221</b>	Transportation	establishing a commission to study highway fund revenue for hybrid and electric vehicles	Support	Inexpedient to Legislate
<b>SB 269</b>	Natural Resources	making an appropriation to the department of natural and cultural resources to perform an ecological integrity assessment	Support	Retained in House Committee
<b>SB 275</b>	Transportation	requiring that all of the state's motor vehicles will be zero emissions vehicles by the year 2039	Support	Vetoed by Governor
<b>SB 286</b>	Energy	relative to aggregation of electric customers by municipalities and counties	Support	Enacted, Chapter 0316
<b>SB 307</b>	Energy	relative to outdoor lighting	Support	Vetoed by Governor

## Policy Matters!

by Nisa Marks

How does our policy team make a difference? Tracking bills, writing letters to state and national leaders, lobbying at the statehouse, and testifying on legislation are the stalwart tactics of any policy effort. At NH Audubon, wildlife and their habitats are our focus. If birds are in trouble, frequently there are policy actions that can make a difference.

The focus of a recent report in *Science*\* was mostly bad news: North American birds are in trouble. In nearly every species group, across most habitats, and in all U.S. states, bird populations have plummeted an average of 29% in the last 50 years, with some species declining much more.

Hidden but equally clear in the report was a much cheerier message: policy works. Two taxa in particular depart radically from the trends present in most species groups. Nationally, waterfowl populations have increased 56% and hawks and eagles increased 78%, with similar trends in New Hampshire.

Why the difference? Waterfowl and hawk populations each have policy that targets their needs, sustained funding, ongoing monitoring of their populations, and dedicated partnerships across the public and all levels of government. These factors are the recipe for successful conservation.

Waterfowl conservation receives dedicated funding through duck stamps, federal programs such as the North American Wetlands Conservation Act (NAWCA), and matching funds from state and private interests. Over 36 million acres have been conserved in support of waterfowl populations through NAWCA and duck stamps. By policy, populations are then monitored annually by federal and state officials to set bag limits. The result is steadily increasing waterfowl populations and sustained enjoyment by hunters and birders, even as other birds are in trouble.

Bald Eagles, Ospreys, and hawks also benefit from policy. Their populations rebounded after the federal government banned DDT in 1972 - a radical step at the time. State, federal, and NGO biologists monitor raptor populations and institute additional nest protections and habitat closures where needed. As a result, New Hampshire Osprey populations nearly quadrupled over the past 30 years, and this year alone there were 72 territorial pairs of Bald Eagles in the state, where there were none in 1987.

In order to protect the birds we see and hear in our backyards, forests, mountains, and seacoast, NH Audubon's Environmental Policy Committee engages with state and federal policymakers to advocate for birds and their habitats. Audubon testifies on priority bills on subjects such as water quality, wetlands protection, renewable energy, and wildlife and fisheries bills. We provide input on policy, like Fish and Game's State Wildlife Action Plan or Forest Management Plan. The Environmental Policy Committee works with partners such as the Society for the Protection of New Hampshire Forests, The Nature Conservancy, Appalachian Mountain Club, and Fish and Game to inform



*Wood Duck populations have dramatically increased as a result of policies that benefit waterfowl. Photo by Walter Keane.*

legislators, promote priority bills, and defeat counterproductive bills. Audubon's volunteers support the ongoing survey and monitoring efforts to ensure policies' effectiveness.

Many of the bird species that breed here migrate out of state or internationally. Populations are thus responsive not only to state and local conservation, but also to national and international regulation of habitat loss and land use. At the federal level, NH Audubon works with our members of Congress to describe the impacts of federal legislation on our local birds, ensure funding for conservation in New Hampshire, and represent members' interests in bird conservation. NH Audubon also regularly submits comments on federal policy changes, such as recent rule changes to the Endangered Species Act. NH Audubon is an active partner with groups such as the American Bird Conservancy, which work predominantly at the federal and international levels.

Ensuring good policy requires citizen participation. You can spread the word among family, friends, and colleagues about the dramatic decline of many of our iconic bird species. Inspire hope by sharing success stories, like that of the eagle, and mention the importance of policy in determining species' fate. Check out the policy page of our website, which will be updated soon with information on priority bills that the legislature will be considering in the coming year. For any bills that particularly interest you, attend hearings, or contact your state and federal representatives to thank them for (or ask for) their support. As elections approach, ask candidates of all parties what their plan is to protect biodiversity, and share what you hear. The grim report about the loss of three billion American birds in the last 50 years is a call to action. History shows that we have cause for optimism if we act, because we can devise solutions that work to reverse declines and preserve our natural heritage so future generations never have to endure a silent spring.

*Nisa Marks is a member of NH Audubon's Environmental Policy Committee. A Henniker resident, she has worked as a biologist for the U.S. Fish and Wildlife Service and is currently pursuing a Masters in government from Harvard Extension School.*

\* (04 Oct 2019, Vol. 366, Issue 6461, pp. 120-124; also <https://www.3billionbirds.org/>)