

Committee Report

CONSENT CALENDAR

April 17, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Resources, Recreation and Development to which was referred SB 76,

AN ACT relative to the prohibition of offshore oil and natural gas exploration. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Wendy Thomas

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Resources, Recreation and Development
Bill Number:	SB 76
Title:	relative to the prohibition of offshore oil and natural gas exploration.
Date:	April 17, 2019
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill would prohibit offshore oil and natural gas exploration in New Hampshire coastal state waters. As one testifier put it, "the value to this bill is so obvious that everyone should vote in support." At the hearing for this bill, we heard about the ecological and economic impact an oil spill would have on the Great Bay, which is a prime resource for 15 towns, as well as the Gulf of Maine which stretches from NH to Nova Scotia. There is also no need for offshore drilling of oil as New Hampshire currently exports 65% of our generated energy and there are already many oil wells on target to produce all the oil that New Hampshire and the United States will need. This bill protects our beautiful coastline from a potential ecological disaster.

Vote 20-0.

Rep. Wendy Thomas
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Resources, Recreation and Development

SB 76, relative to the prohibition of offshore oil and natural gas exploration. **OUGHT TO PASS.**

Rep. Wendy Thomas for Resources, Recreation and Development. This bill would prohibit offshore oil and natural gas exploration in New Hampshire coastal state waters. As one testifier put it, "the value to this bill is so obvious that everyone should vote in support." At the hearing for this bill, we heard about the ecological and economic impact an oil spill would have on the Great Bay, which is a prime resource for 15 towns, as well as the Gulf of Maine which stretches from NH to Nova Scotia. There is also no need for offshore drilling of oil as New Hampshire currently exports 65% of our generated energy and there are already many oil wells on target to produce all the oil that New Hampshire and the United States will need. This bill protects our beautiful coastline from a potential ecological disaster. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File

Resources Recreation & Development

SB 76, relative to the prohibition of offshore oil and gas exploration

OUGHT TO PASS

VOTE 20-0

Consent calendar

Rep. Wendy Thomas for the committee.

This bill would prohibit offshore oil and natural gas exploration in New Hampshire coastal state waters. As one testifier put it "the value to this bill is so obvious that everyone should vote in support." In the hearing for this bill we heard about the ecological and economic impact an oil spill would have on the Great Bay which is a prime resource for 15 towns as well as the Gulf of Maine which stretches from NH to Nova Scotia. There is also no need for off-shore drilling of oil as New Hampshire currently exports 65% of our energy and there are already many oil wells on target to produce all the oil that New Hampshire and the United States will need. This bill protects our beautiful coastline from a potential ecological disaster.

Voting Sheets



2019 SESSION

Resources, Recreation and Development

Bill #: SB 76 Motion: OTP AM #: — Exec Session Date: 4/16/19

Members	YEAS	Nays	NV
Smith, Suzanne J. Chairman	✓		
Maes, Kevin G. Vice Chairman	✓		
Spang, Judith T.	✓		
Parkhurst, Henry A. L.	✓		
Thomas, Yvonne D.	✓		
Grassie, Chuck W.	✓		
Bushway, Patricia J.	✓		
Cohen, Bruce L.	✓		
Noel, Henry W.	✓		
Rung, Rosemarie Clerk	✓		
Thomas, Wendy E.N.	✓		
Renzullo, Andrew	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Feeney, George	✓		
Gunski, Michael D. <i>Panasiti</i>	✓		
Harb, Robert D.	✓		
Hobson, Deborah L.	✓		
Whittemore, James R.	✓		
L'Heureux, Robert J.	✓		
TOTAL VOTE:	20	—	

Sub-Committee Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION on SB 76

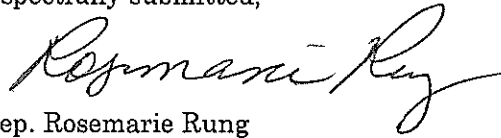
BILL TITLE: relative to the prohibition of offshore oil and natural gas exploration.

DATE: April 16, 2019

Subcommittee Members: Reps. Suzanne Smith, Maes, Rung, Spang, Y. Thomas, Grassie, Parkhurst, Bushway, Cohen, Noel, W. Thomas, Renzullo, Gould, Feeney, Harb, Hobson and Whittimore

Comments and Recommendations: No discussion.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rosemarie Rung".

Rep. Rosemarie Rung
Subcommittee Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION on SB 76

BILL TITLE: relative to the prohibition of offshore oil and natural gas exploration.

DATE: April 16, 2019

Subcommittee Members: Reps. Suzanne Smith, Maes, Rung, Spang, Parkhurst, Y. Thomas, Grassie, Bushway, Cohen, Noel, W. Thomas, Renzullo, Gould, Horgan, Feeney, Gunsler, Harb, Hobson, Whittemore and L'Heureux. (Note: Parasida is circled and has an arrow pointing to it)

Comments and Recommendations:

no discussion

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____ Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____ Amendment Adopted Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____ Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____ Amendment Adopted Amendment Failed

Respectfully submitted,

Rep. [Signature] Subcommittee Chairman/Clerk

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON SB 76

BILL TITLE: relative to the prohibition of offshore oil and natural gas exploration.

DATE: April 2, 2019

LOB ROOM: 305

Time Public Hearing Called to Order: 11:05 a.m.

Time Adjourned: 11:29 a.m.

Committee Members: Reps. Suzanne Smith, Maes, Rung, Parkhurst, Y. Thomas, Grassie, Bushway, Cohen, Noel, W. Thomas, Renzullo, Gould, Feeney, Harb, Hobson, Whittemore and L'Heureux

Bill Sponsors:

Sen. Fuller Clark
Sen. Kahn

Sen. Sherman
Rep. Cushing

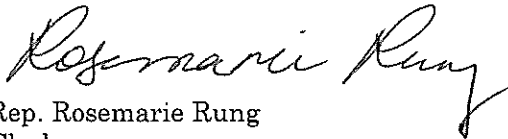
Sen. Levesque
Rep. Le

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

1. **Donald Manning, chief of staff for the NH Senate**, introduced the bill on behalf of Senator Martha Fuller Clark.
2. **Former representative, Bill Baber**, spoke on behalf of the bill. He explained that the Great Bay and its estuary would be negatively impacted in the event if there was an environmental catastrophe from an off shore oil or gas release. He said there is enough capacity elsewhere in the US to meet our energy needs and enough alternatives to fossil fuel energy sources.
3. ***Sally Davis of the League of Women Voters** spoke in favor of the bill and provided written testimony.
4. ***Paul Nickerson of NH Audubon** spoke in favor of this bill and provided written testimony.

Respectfully submitted,



Rep. Rosemarie Rung
Clerk

NH HOUSE OF REPRESENTATIVES
RESOURCES, RECREATION AND DEVELOPMENT COMMITTEE
TESTIMONY ON SB 76

1. Donald Manning, chief of staff for the NH Senate, introduced the bill on behalf of Senator Martha Fuller Clark.
2. Former representative, Bill Baber, spoke on behalf of the bill. He explained that the Great Bay and its estuary would be negatively impacted in the event if there was an environmental catastrophe from an off shore oil or gas release. He said there is enough capacity elsewhere in the US to meet our energy needs and enough alternatives to fossil fuel energy sources.
3. *Sally Davis of the League of Women Voters spoke in favor of the bill and provided written testimony.
4. *Paul Nickerson of NH Audubon spoke in favor of this bill and provided written testimony.

SIGN UP SHEET

To Register Opinion If Not Speaking

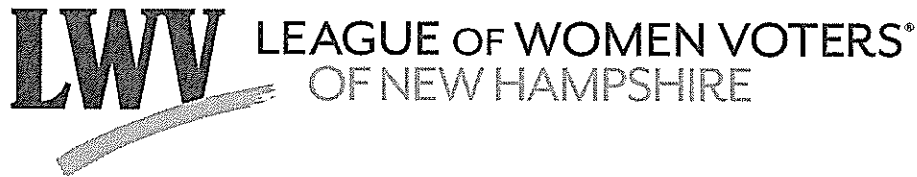
Bill # SB 76 Date April 2, 2019

Committee Resources, Recreation + Development

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Senator Fuller Clark			SD#21	X	
Senator Jay Kahn			SD#10	X	
Maural Wilking	Concord		self	✓	
Liz-Anne Platt	Concord		self	✓	
SUSAN COVERET	CONTOOCODK		self	✓	
Elizabeth Corell	Concord		self	✓	
Jeanne Torpey	Concord		self	✓	
Nancy Brand	Weare		self	✓	
Deborah Jakubowski	London		Self	✓	
Cheri Falk	Wilton		Self	✓	
Dennis Jakubowski	London		Self	✓	
Alvin See	London		Self		✓
Mitch Messore	Rye		self	✓	
Senator Melanie Lesesque			SD#12	✓	
Sen. Tom Sherman			SD 24	X	
Melissa Hinebaugh	Concord		self	X	
Kathy Cahill	Concord		self	X	
BILL BABER	DOVER		"	X	
Julie Thompson			"	X	
Richard Spence	Dover		self	X	
PAUL NICKERSON	Hudson		NO ROBBERSON	✓	
MENSOGA GATES			Surtrick	✓	1
				21	1

Testimony



3

4 Park St Room 200
Concord, NH 03301

www.LWVNH.org

April 2, 2019

To: House Resources, Recreation and Development Committee

From: Sally Davis, past president, League of Women Voters NH
sally.davis36@gmail.com

Re: **SB 76 prohibition of offshore oil and gas exploration**

I am representing the League of Women Voters New Hampshire, a non-partisan organization that has studied and come to consensus on US governmental environmental policies since the 1960s. In the intervening years we have recognized how interconnected energy, air and water quality and natural resources are.

The League supports SB76 as we support HJR2 because it recognizes and addresses some of those positions. We unequivocally oppose expanding oil and gas drilling and seismic testing in public waters off the US coastline, including New Hampshire's. At the hearing on HJR 2 in February, I learned so much I did not know about the Great Bay and how water circulates there. Spills from drilling and transportation of oil would stay in the bay and harm aquatic life and recreational experiences there. We are pleased to join all Leagues along the Eastern seaboard acting together in our individual state legislatures as well as at the federal level in opposing expanding oil and gas exploration and drilling off our coasts.

SB76 states our positions well and we add one more: investing in more oil and gas as sources of fuel locks us into increased carbon pollution and delays the growing NH businesses which are now expanding and successfully marketing the sustainable energy sources of solar and wind.

A federal court ruled on Friday, March 29, that President Trump's lifting of the previous ban on off-shore drilling exceeded his power. While that is good news, NH should make sure its own shores are protected, as the ruling is challenged in court. This bill allows NH to do that.

The League of Women Voters NH urges the Committee to recommend **OUGHT TO PASS on SB76**. This bill will be a big step forward in a 21st century energy policy and in environmental protection, both clear priorities for NH citizens state-wide.

#4



April 2, 2019

The Honorable Suzanne Smith
House Resources, Recreation and Development Committee
Legislative Office Building Room 305
Concord, NH 03301

Re: Support for Senate Bill 76 relative to the prohibition of offshore oil and natural gas exploration

STATEWIDE OFFICES

84 Silk Farm Road
Concord, NH 03301
Phone 603-224-9909
Fax 603-226-0902
nha@nhaudubon.org
www.nhaudubon.org

REGIONAL CENTERS

AMOSKEAG FISHWAYS & LEARNING CENTER
4 Fletcher Street
Manchester, NH 03102
Phone 603-626-3474
Fax 603-644-4386
Managed by NH Audubon as part of the Amoskeag Fishways Partnership.

MASSABESIC CENTER
26 Audubon Way
Auburn, NH 03032
Phone 603-668-2045

MCLANE CENTER
84 Silk Farm Road
Concord, NH 03301
Phone 603-224-9909

NEWFOUND CENTER
Summer Mailing Address:
50 North Shore Road
Location:
290 North Shore Road
Hebron, NH 03241
Phone 603-744-3516

Dear Chair Smith and Members of the House Resources, Recreation and Development Committee:

Thank you for this opportunity to provide testimony regarding SB 76 on behalf of NH Audubon. We are a statewide conservation organization dedicated to protecting New Hampshire's environment for wildlife and for people. We strongly support this bill, which has several important provisions: SB 76 prohibits offshore oil and natural gas exploration, development, and production within New Hampshire's state waters; prohibits the lease of tidal or submerged lands in New Hampshire's state waters for oil or natural gas exploration, development, and production; and prohibits the department of environmental services from approving or authorizing oil or natural gas exploration, development, or production in or outside of state waters.

The potential benefits of petroleum exploration and development in our coastal waters are questionable at best. The risks, however, are numerous and very clear. Even in the absence of a major spill, oil and natural gas exploration and development would have serious negative impacts on air quality, water quality, and marine life from plankton to whales. Leaks from offshore oil wells are a "normal" part of oil and gas production but are in no way a "normal" part of New England's ocean and coastal ecosystems, upon which the multitudes of marine species and our coastal communities rely. A spill, which would seem inevitable based on past experience on the Gulf Coast, would devastate the environment, economy, and recreational value of New Hampshire's coast. Extraction and use of additional fossil fuels is the antithesis of what New Hampshire wants and needs for its renewable energy future.

With your support we can better ensure that pollution from offshore oil and gas does not become the norm for New Hampshire.

We urge you to vote SB 76 Ought to Pass.

Sincerely,

Carol R. Foss
Senior Advisor for Science and Policy



April 2, 2019

Honorable Suzanne Smith, Chairman
House Resources, Recreation and Development Committee
Legislative Office Building Room 305
Concord, NH 03301

Re: SB 76, relative to the prohibition of offshore oil and natural gas exploration

Dear Chairman Smith and Committee Members:

I am writing to convey Conservation Law Foundation's (CLF's) strong support for SB 76, which would establish a prohibition on the exploration, development and production of oil and natural gas in waters off the coast of New Hampshire, including infrastructure that would transport oil or gas from production facilities located in federal waters or other coastal waters in the Atlantic Ocean.

CLF is a non-profit, member supported environmental advocacy organization dedicated to the protection and responsible use of New England's natural resources. CLF's members, including those who live in New Hampshire, have a deep interest in ensuring that a healthy coastal environment supports our communities and our state's quality of life.

CLF opposes oil and gas exploration, development, drilling or production in the North Atlantic due to the risks that it would pose to our fishing and tourism economies, to wildlife and water quality, and to the economic vitality of communities along the Seacoast. At a time when there is widespread understanding that we must shift away from fossil fuels, we should not risk the health of our state's valuable coastal and estuarine resources, including our Great Bay and Hampton/Seabrook estuaries, by drilling for oil or gas in the ocean.

Across New England, our ocean resources support over 250,000 jobs and \$18.3 billion in economic activity. Nearly three-quarters of these jobs and \$9 billion of this economic activity come from the tourism and recreation sector, including but not limited to the whale watching, recreational fishing and seabird viewing industries.¹ In New Hampshire, ocean resources support 14,500 jobs and \$1.5 billion in economic activity in 2015.² Nearly a quarter of that activity comes from the recreation, tourism and seafood sectors so critical to our coastal communities. New Hampshire fishermen landed a total of 10.6 million pounds of seafood in 2017 at a total

¹ The National Ocean Economics Program (NOEP), <http://www.oceaneconomics.org/>.

² Id.



conservation law foundation

value of \$35 million. Oil and gas drilling is a dirty and destructive business. From start to finish – exploratory seismic testing, drilling, oil spills, chemicals used in cleanup, and transport – the marine oil and gas exploration and drilling process is risky, harmful, and unnecessary.

The Great Bay – Piscataqua Estuary is a critical resource for our state. Its network of rivers and bays support fish and wildlife, a growing aquaculture economy, and tourist and recreational opportunities, but its shallow water and swift currents make it particularly vulnerable to pollution. As communities invest to upgrade aging infrastructure, and work collectively to reduce pollution to restore the health of this significant resource, oil and gas drilling in the Atlantic Ocean would undermine these efforts. It also poses too great a risk to the endangered North Atlantic Right Whales, one of the most endangered species in the world. Seismic tests, drilling, and associated activity and pollution could drive the extinction of this iconic species.

New Hampshire and all of New England is already at risk from climate change, and is working hard to reduce the use of fossil fuels. Sea level rise threatens our coastal communities and is already resulting in expensive damage to property and infrastructure. Rapidly warming waters are causing species to move away in search of colder temperatures, jeopardizing fisheries that have sustained regional economies for generations, including the two most significant fisheries in New England, lobsters and sea scallops. Rather than increase man-made threats to our ocean and New England's natural resource heritage, we must focus on protecting these resources for future generations, and developing clean energy sources such as offshore wind and tidal energy, to support a sustainable future.

Respectfully,

A handwritten signature in blue ink, appearing to read 'M. Hatfield', is written over the typed name.

Meredith A. Hatfield
Senior Attorney



April 2, 2019

Good morning Chairwoman Smith, Vice Chairman Maes, and distinguished members of the Resources, Recreation and Development Committee: my name is Melissa Gates, and I am the Northeast Regional Manager and a lobbyist for the Surfrider Foundation.

The Surfrider Foundation has been working to protect America's coasts for over 35 years; we have 180 chapters and youth clubs across the coastal US and Great Lakes who are supported by a staff of about 60 experts. Our members here in New Hampshire are beach goers, surfers, kayakers and sand castle builders – we are beach users. Our common point of interest is a vision for healthy ocean and coastal ecosystems, and a motivation to volunteer to protect our state's ocean waters, waves and beaches through focus on beach access, clean water, climate change, coastal preservation, ocean protection and plastic pollution mitigation. Here in New Hampshire, one of the things we do is lead a statewide coalition to infuse expertise in the policy issue of offshore drilling and seismic exploration, and help coordinate efforts to oppose the inclusion of waters off from our State in the federal offshore drilling program. **We are here today to ask for your support for SB76.**

On January 4, 2018, the federal administration announced its draft proposal to open up 98% of America's outer continental shelf to new offshore drilling activity as part of the 2019-2022 National Outer Continental Shelf Oil and Gas Leasing program, including waters off from the beautiful stretches of coast here in New Hampshire.¹ This launched a 60-day public comment period, where Americans said loud and clear that new offshore drilling is not the answer. We are currently awaiting the release of the next phase of this federal offshore drilling program, the proposed program, which will then be followed by a 90-day public comment period.

Passing SB76 is critical to codify the characterization of our State's opposition to the federal offshore drilling program and to protect New Hampshire from the very real threats of offshore drilling and seismic activity. It's not enough that our citizens came out in droves last winter to comment against the proposal or that Governor Sununu has opposed this development. The fact remains that the federal government can advance seismic airgun blasting and drilling lease sales off from our coast, regardless of any law

¹ <https://www.boem.gov/National-Program-Learn/>

Bill as
Introduced

SB 76 - AS AMENDED BY THE SENATE

03/07/2019 0880s

2019 SESSION

19-0900
08/10

SENATE BILL **76**

AN ACT relative to the prohibition of offshore oil and natural gas exploration.

SPONSORS: Sen. Fuller Clark, Dist 21; Sen. Sherman, Dist 24; Sen. Levesque, Dist 12; Sen. Kahn, Dist 10; Rep. Cushing, Rock. 21; Rep. Le, Rock. 31

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill prohibits offshore oil and natural gas exploration.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to the prohibition of offshore oil and natural gas exploration.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Offshore Oil and Natural Gas Exploration Prohibited. Amend RSA 146-A by
2 inserting after section 2 the following new section:

3 146-A:2-a Offshore Oil and Natural Gas Exploration Prohibited.

4 I. In this section, "development" means any pipeline or other infrastructure that transports
5 oil or natural gas from production facilities located in federal waters or other coastal state waters in
6 the Atlantic Ocean through New Hampshire coastal state waters and any land-based support
7 facilities for offshore oil or natural gas production facilities located in the Atlantic Ocean.

8 II. Offshore oil or natural gas exploration, development, and production is prohibited in
9 coastal state waters.

10 III. No tidal or submerged lands in coastal state waters shall be leased for the purposes of
11 oil or natural gas exploration, development, or production.

12 IV. The department of environmental services shall not:

13 (a) Issue any permit or other approval for any development associated with offshore
14 drilling for oil and natural gas whether proposed for in coastal state waters or outside of coastal
15 state waters.

16 (b) Permit, approve or otherwise authorize any oil or natural gas exploration,
17 development, or production in coastal state waters.

18 (c) Develop, adopt, or endorse any plans for the exploration, development, or production
19 of oil or natural gas in coastal state waters.

20 2 Effective Date. This act shall take effect 60 days after its passage.