

To: Representative David Borden, Chair
House Science, Technology & Energy Committee

Date: February 11th, 2013

RE: HB 166, HB 568, HB 569, HB 586, HB 449, HB 580, HB 449, HB 580, HB484

Chairman Borden and Members of the Committee:

This testimony is being provided as the joint comments of the Appalachian Mountain Club, Audubon Society of New Hampshire, Conservation Law Foundation, Conservation New Hampshire, Society for the Protection of New Hampshire Forests, and The Nature Conservancy, NH Chapter, on the above bills. We appreciate this opportunity to share our thoughts with the Committee.

As organizations deeply invested in protecting New Hampshire's natural resources, we see a critical need to advance a clean energy future for the state. Increasing energy efficiency and conservation, developing local, sustainable, and appropriately-sited renewable energy sources, and connecting the state to clean energy sources further afield are all tools to be employed. Recently we have seen a number of proposals for significant new energy facilities, specifically wind farms and transmission lines, which will have important and lasting impacts on our state. The number of bills before the Committee testifies to the public concern about whether and how the state will be able to appropriately weigh the benefits and impacts of these proposed projects through the existing Site Evaluation Committee (SEC) process.

We urge the Committee to review these bills, take the best of the ideas proposed, and move a legislative vehicle forward **this session** that will fix what are widely recognized as deficits in the SEC statute and process, notwithstanding the recent SEC decision in the Antrim case. Some building blocks for a bill are already at hand. These include the recommendations of the SB 361 Commission and other bills introduced last session and again this year to amend the SEC statute to ensure that issues like public benefit, cumulative impacts, regional and state energy needs, burial alternatives for transmission, public participation and transparency, and the concerns of impacted municipalities, are all given sufficient consideration during the SEC process.

With the benefit of this recent work, we believe that legislation to improve the SEC should move forward this year. The issues should not be deferred to further study in the hope of addressing them in a future year or session. In particular, we do not believe that statutory changes should be put on hold pending the preparation of the comprehensive state energy strategy envisioned by the Governor and addressed in a number of pending bills. While we believe any energy strategy or plan should influence future siting *decisions* by the SEC, it is unlikely that it would address, or materially assist the Committee in crafting, the needed technical changes to the existing SEC statute and process.

We believe the following elements should be included in any bill the Committee moves forward:

1. The SEC statute should reflect a more rigorous state review of large transmission facilities that are elective by design, i.e. those facilities not required for system reliability.

2. The SEC must be empowered to consider underground and other alternatives to large elective transmission facilities.
3. The SEC statute should require consideration of the cumulative environmental, visual, and economic impacts of multiple energy projects as part of the permitting process. In other words, the SEC must be specifically empowered to consider applications in the context of existing projects and/or potential future projects.
4. Municipalities must have a more direct role in all SEC permitting than the role provided in current law.
5. The SEC must consider how proposed projects will meet the energy and other public needs of New Hampshire and the New England region, especially relative to alternative projects or strategies, and, if the energy benefits are intended to go out of state, the SEC must consider the balance of impacts to and benefits for New Hampshire.
6. The SEC statute should define appropriate criteria for "sizeable changes or additions to existing facilities" that would trigger requirement of a new certificate, or require the SEC to establish such criteria through rulemaking.

Thank you for your consideration.