

CHAPTER 130  
SB 268-FN - FINAL VERSION

2022 SESSION

22-3012  
12/08

SENATE BILL

***268-FN***

AN ACT                   relative to the approval of power purchase agreements for offshore wind energy resources from the Gulf of Maine.

SPONSORS:           Sen. Watters, Dist 4; Sen. Avar, Dist 12; Sen. Kahn, Dist 10; Sen. Rosenwald, Dist 13; Sen. Whitley, Dist 15; Sen. Soucy, Dist 18; Sen. Perkins Kwoka, Dist 21; Sen. Sherman, Dist 24; Sen. Cavanaugh, Dist 16; Sen. D'Allesandro, Dist 20; Sen. Prentiss, Dist 5; Rep. Somssich, Rock. 27; Rep. Wall, Straf. 6; Rep. Cushing, Rock. 21

COMMITTEE:          Energy and Natural Resources

---

ANALYSIS

This bill directs the public utilities commission to ensure that certain requirements relative to impact and use studies are met prior to approving power purchase agreements for energy derived from the Gulf of Maine.

-----

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                              Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 130  
SB 268-FN - FINAL VERSION

22-3012  
12/08

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT                   relative to the approval of power purchase agreements for offshore wind energy resources from the Gulf of Maine.

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

1           130:1 New Paragraph; Power Purchase Agreements. Amend RSA 362-H:2 by inserting after  
2 paragraph V the following new paragraph:

3           VI. The public utilities commission shall ensure the provisions of RSA 485-I:5 and RSA 485-I:6, to  
4 the extent those provisions are completed, prior to approving power purchase agreements for offshore  
5 wind energy resources from the Gulf of Maine. The applicant shall fund the studies required in RSA 485-  
6 I:5 and RSA 485-I:6 and such expenses shall be a recoverable expense.

7           130:2 Coastal Fund. RSA 485-I:4, III is repealed and reenacted to read as follows:

8           III. All moneys collected by the state to mitigate impacts to wildlife, natural resources,  
9 ecosystems, and traditional or existing water-dependent uses, including but not limited to commercial and  
10 recreational fishing, including aquaculture, and transit lanes, shall be deposited in the fund established  
11 under paragraph I.

12          IV. There is hereby established an agency advisory board to advise the department of  
13 environmental services on the distribution moneys from the coastal fund. Members of the advisory board  
14 shall include:

15               (a) The commissioner of the department of environmental services, or designee;

16               (b) The commissioner of the department of transportation, or designee;

17               (c) The executive director of the fish and game department, or designee;

18               (d) The commissioner of the department of energy, or designee;

19               (e) The commissioner of the department of natural and cultural resources, or designee;

20               (f) The director of New Hampshire homeland security and management, or designee; and

21               (g) The commissioner of the department of business and economic affairs, or designee.

22          V. The department of environmental services may collect a reasonable administrative charge, not  
23 to exceed 10 percent, on moneys in the fund appropriated to the department to ensure their proper  
24 oversight and administration.

25          130:3 New Sections; Coastal Zone Management. Amend RSA 485-I by inserting after section 4 the  
26 following new sections:

27          485-I:5 Geographic Location Description.

28          I. The coastal program shall develop and seek approval from the National Oceanic and  
29 Atmospheric Administration (NOAA) for a geographic location description (GLD), as described in 15  
30 C.F.R. 930.53, for certain activities in federal waters, including but not limited to the development of  
31 offshore wind energy in the Gulf of Maine, deemed to have reasonably foreseeable effects on New  
32 Hampshire's coastal resources and/or uses.

**CHAPTER 130**  
**SB 268-FN - FINAL VERSION**  
**- Page 2 -**

1           II. The coastal program shall conduct an effects analysis as described in 15 C.F.R. 923.84(d), to  
2 identify:

3           (a) The affected uses, such as:

4               (1) Commercial and recreational fishing and associated infrastructure, boating, tourism,  
5 shipping, and energy facilities; and

6               (2) Affected resources, such as fish, marine mammals, reptiles, birds, habitats, and  
7 landmarks.

8           (b) Where and in what densities the resources and uses are found.

9           (c) How the state has a specific interest in the resources or uses.

10          (d) Where the proposed activity overlaps with the resources and uses.

11          (e) Impacts to the resources or uses from the proposed activity.

12          (f) A reasonable showing of a causal connection to the proposed activity, including how the  
13 impacts from the activity results in reasonably foreseeable effects on the state's coastal resources or  
14 uses.

15          (g) Why any required mitigation may be inadequate.

16          (h) Empirical data and information that supports the effects analysis and can be shown to be  
17 reliable, visualizes the affected areas, resources and use with maps, and shows values, trends, and  
18 vulnerabilities.

19          III. The coastal program and fish and game department shall collaborate as necessary with New  
20 Hampshire Sea Grant, and other stakeholders, to develop a GLD, and to identify the partners, including  
21 New Hampshire's commercial and recreational fishing community, and resources needed to develop the  
22 GLD.

23          485-I:6 Additional Studies or Mitigation.

24           I. For the purposes of this section, "mitigation" means actions or impact fees relative to coastal  
25 resources or uses, including wildlife, natural resources, ecosystems, and traditional or existing water  
26 dependent uses, including but not limited to, commercial and recreational fishing, including aquaculture,  
27 and transit lanes that cannot be avoided or minimized.

28           II. The coastal program in coordination with the fish and game department and other relevant  
29 state agencies shall determine, in consultation with the impacted communities, whether additional studies  
30 and/or mitigation are required under proposals for offshore wind development in the Gulf of Maine. Any  
31 required studies or mitigation shall be included in agreements with developers of offshore wind energy in  
32 the Gulf of Maine and the power purchase agreements for Gulf of Maine renewable energy resources.

33          130:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 27, 2022  
Effective Date: July 26, 2022

