

Bill as Introduced

SB 164 - AS INTRODUCED

2013 SESSION

13-0330

03/09

SENATE BILL

164

AN ACT

authorizing coastal management provisions in master plans.

SPONSORS:

Sen. Watters, Dist 4; Sen. Stiles, Dist 24; Sen. Fuller Clark, Dist 21; Rep. Khan, Rock 20; Rep. Reilly, Graf 9; Rep. Spang, Straf 6

COMMITTEE:

Energy and Natural Resources

ANALYSIS

This bill authorizes coastal management provisions in master plans, which may address planning needs and property loss resulting from projected coastal risks due to increased frequency of storm surge, flooding, and inundation.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Thirteen

AN ACT authorizing coastal management provisions in master plans.

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

- 1 1 New Paragraph; Office of Energy and Planning; Responsibilities for Assistance; Coastal
2 Management. Amend RSA 4-C:8 by inserting after paragraph IV the following new paragraph:
3 V. Assist municipalities with implementation of coastal management provisions adopted
4 pursuant to RSA 674:2, III(o). The office of energy and planning shall consider coastal storm,
5 inundation, and flood risk projections when providing assistance, including a review every 5 years of
6 NOAA and other scientific agency projections of coastal storm, inundation, and flood risk to
7 determine the appropriate information, data, and property risk for use by municipalities.
- 8 2 New Subparagraph; Master Plan; Coastal Management. Amend RSA 674:2, III by inserting
9 after subparagraph (n) the following new subparagraph:
10 (o) A coastal management section which may address planning needs resulting from
11 projected coastal property or habitat loss due to increased frequency of storm surge, flooding, and
12 inundation.
- 13 3 Effective Date. This act shall take effect 60 days after its passage.

Amendments



Rep. Suzanne Smith, Graf. 8
April 24, 2013
2013-1366h
08/04

Amendment to SB 164

- 1 Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2,
- 2 respectively.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON SB 164

BILL TITLE: authorizing coastal management provisions in master plans.
DATE: April 16, 2013
LOB ROOM: 305 **Time Public Hearing Called to Order:** 1:45 p.m.
Time Adjourned: 2:25 p.m.

(please circle if present)

Committee Members: Reps. ~~Chandley~~, ~~Suzanne Smith~~, ~~Aguiar~~, ~~Gottling~~, ~~Thomas~~, ~~L. Webb~~, ~~Hubbard~~, ~~Parkhurst~~, ~~Beaulieu~~, ~~Wazlaw~~, ~~Lovett~~, ~~Renzullo~~, ~~Holmes~~, ~~Cormier~~, ~~Merrow~~, ~~Ahlgren~~, ~~Wright~~, ~~Muller~~, ~~Schroadter~~ and Ferrante.

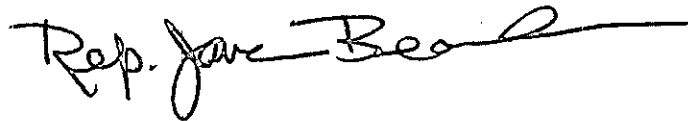
Bill Sponsors: Sen. Watters, Dist 4; Sen. Stiles, Dist 24; Sen. Fuller Clark, Dist 21; Rep. Khan, Rock 20, Rep. Reilly, Graf 9; Rep. Spang, Straf 6

TESTIMONY

- * Use asterisk if written testimony and/or amendments are submitted.
- * **Sen. David Watters** - Prime sponsor of the bill. Enabling legislation.
- * **Ted Diers, NH Department of Environmental Services (DES), Watershed Management Bureau** - Supports the bill.
- Cliff Sinnott, Rockingham Planning Commission & NH Planning Commission** - Supports the bill. Helpful addition to the Master planning process.

Respectfully submitted,

Rep. Jane E. Beaulieu
Clerk



HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON SB 164

BILL TITLE: authorizing coastal management provisions in master plans.

DATE: April 16, 2013

LOB ROOM: 305 **Time Public Hearing Called to Order:** 1:45 p.m.

Time Adjourned:

(please circle if present)

~~Committee Members: Reps. Chandler, Suzanne Smith, Aguilar, Gottling, Thomas, L. Webb, Hubbard, Parkhurst, Beaulieu, Wazlaw, Lovett, Renzullo, Holmes, Cormier, Merroy, Ahlgren, Wright, Mullen, Schroader and Ferrante.~~

Bill Sponsors: Sen. Watters, Dist 4; Sen. Stiles, Dist 24; Sen. Fuller Clark, Dist 21; Rep. Khan, Rock 20, Rep. Reilly, Graf 9; Rep. Spang, Straf 6

TESTIMONY

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

* Sen. Watters
enabling legislation

2:15

* Ted Diers - DES watershed management
bureau - supports

Cliff Sinott - supports - helpful addition
to the master planning process

represents the NH Planning Commission
as well as the Rockingham Planning
Commission

adjourn 2:25
Rep. James Beal

Testimony

Sen. Watters

Testimony in support of SB 164

Senate Bill 164 is enabling legislation to permit local municipalities to include in master planning, under RSA 674:2, III, "A coastal management section which may address planning needs resulting from projected coastal property or habitat loss due to increased frequency of storm surge, flooding, and inundation." This new provision will clarify and give authority in state statute to what may or may not be undertaken in the existing paragraph:

(e) A natural hazards section which documents the physical characteristics, severity, frequency, and extent of any potential natural hazards to the community. It should identify those elements of the built environment at risk from natural hazards as well as extent of current and future vulnerability that may result from current zoning and development policies.

Some municipalities believe that this provision may give it the authority to use projected sea level rise, but others believe that regulations are still limited by current sea level and current storm water and flooding projections. As communities such as those in the Hampton-Seabrook estuary, Exeter, Portsmouth, Newmarket, and Dover undertake studies of the potential effects of sea level rise and storm inundation, this provision will authorize in state statute the adoption of master plan provisions based on increased frequency of storm surge, flooding, and inundation.

I have communicated with the Chair about the request for an amendment from the Office of Energy and Planning. It deletes the responsibility of providing such projections, since the information is readily available from other sources, such as NOAA, the Army Corps of Engineers, and the Coastal Adaptation Workshop and other UNH sources. OEP believes its best role is to provide information in the context of activities proposed in SB 163.

To conclude, this is enabling legislation to provide municipalities with a needed tool to plan for a changing coastal environment.



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 15, 2013

The Honorable Shannon Chandley, Chairperson
Resources, Recreation and Development
Legislative Office Building, Room 305
Concord, NH 03301

Re: SB 164 authorizing coastal management provisions in master plans

Dear Chairperson Chandley:

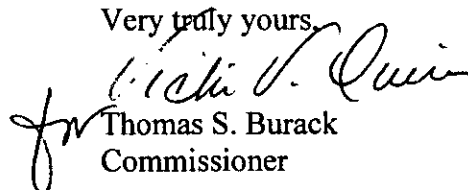
Thank you for the opportunity to comment on SB 164, which would authorize coastal management provisions in master plans. The Department of Environmental Services (DES) supports this bill, but would prefer the bill to be amended as described below.

SB 164 would authorize a coastal management section in the master plans for coastal communities to address planning needs in preparation for the potential for coastal property or habitat loss caused by increased frequency of storm surges and flooding. This bill is timely because scientific projections indicate that these problems will become worse in the future. For example, modeling performed by researchers at the UNH Jackson Estuarine Lab has shown that, if the sea level should rise by 2 feet, the frequency of storm surges causing significant damage would increase by a factor of 10. This suggests that both the frequency of significant storm damage and the costs of that damage may increase dramatically. More local planning for sea level rise can ensure that adjustments will be made gradually to provide reasonable protection for properties, infrastructure investments and important habitat. If enacted, SB 164 would provide New Hampshire municipalities with clear authorization to plan for the projected increased frequency of storm surge, flooding, and inundation, ultimately to the long term benefit of New Hampshire's environment and economy.

The Department would be supportive of an amendment to the bill as has been articulated by Senator Watters. He suggested that the first provision of the bill (which tasks the Office of Energy and Planning with reviewing and reporting on the current state of hazard science) be struck and added into Senate Bill 163. In fact, SB 163 was passed by the Senate with that amendment, however, the provision remained in SB 164, which we believe was a simple oversight.

Thank you for this opportunity to comment on this bill. Please feel free to call Ted Diers at 271-7940 or me at 271-2958 if you have any questions or need additional information.

Very truly yours,


Thomas S. Burack
Commissioner

cc: Senators Watters, Stiles, and Fuller Clark
Representatives Kahn, Reilly, and Spang

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on SB 164

BILL TITLE: authorizing coastal management provisions in master plans.

DATE: April 24, 2013

LOB ROOM: 305

Amendments:

Sponsor: Rep. S. Smith OLS Document #: 2013 1366h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Smith

Seconded by Rep. Aguiar

Vote: 20-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Smith

Seconded by Rep. Aguiar

Vote: 11-9 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jane E. Beaulieu, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on SB 164

BILL TITLE: authorizing coastal management provisions in master plans.

DATE: 4/24/13

LOB ROOM: 305

Amendments:

Sponsor: Rep. *Smith*

OLS Document #: 2013-1366h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Smith*

Seconded by Rep. *Agian*

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Smith*

Seconded by Rep. *Agian*

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jane E. Beaulieu, Clerk



2013 SESSION

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: SB 164 Title: authorizing coastal management provisions in master plans
PH Date: 4/16/13 Exec Session Date: 4/24/13
Motion: OTP Amendment #: 2013-1366h

MEMBER	YEAS	NAYS
Chandley, Shannon E, Chairman	✓	
Smith, Suzanne J, V Chairman	✓	
Parkhurst, Henry A. L.	✓	
Lovett, Sid	✓	
Aguiar, James D	✓	
Thomas, Yvonne D	✓	
Gottling, Suzanne H	✓	
Hubbard, Pamela J	✓	
Beaulieu, Jane E, Clerk	✓	
Webb, Leigh A	✓	
Wazlaw, Brian	✓	
Renzullo, Andrew ,	✓	
Ahlgren, Christopher J	✓	
Merrow, Harry C	✓	
Schroadter, Adam R	✓	
Ferrante, Beverly A	✓	
Cormier, Jane	✓	
Holmes, Stephen	✓	
Mullen, John A	✓	
Wright, Donald S	✓	
TOTAL VOTE:	20	



2013 SESSION

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: 164 Title: authorizing coastal management provisions in master plans
PH Date: 4, 16, 13 Exec Session Date: 4, 24, 13
Motion: OTP/A Amendment #: 2013-1366 h

MEMBER	YEAS	NAYS
Chandley, Shannon E, Chairman	✓	
Smith, Suzanne J, V Chairman	✓	
Parkhurst, Henry A. L.	✓	
Lovett, Sid	✓	
Aguiar, James D	✓	
Thomas, Yvonne D	✓	
Gottling, Suzanne H	✓	
Hubbard, Pamela J	✓	
Beaulieu, Jane E, Clerk	✓	
Webb, Leigh A	✓	
Wazlaw, Brian	✓	
Renzullo, Andrew ,		✓
Ahlgren, Christopher J		✓
Merrow, Harry C		✓
Schroadter, Adam R		✓
Ferrante, Beverly A		✓
Cormier, Jane		✓
Holmes, Stephen		✓
Mullen, John A		✓
Wright, Donald S		✓
TOTAL VOTE:	<u>11</u>	<u>9</u>

Committee Report

REGULAR CALENDAR

May 1, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on RESOURCES,
RECREATION AND DEVELOPMENT to which was
referred SB164,**

**AN ACT authorizing coastal management provisions in
master plans. Having considered the same, report the
same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. Suzanne J Smith

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee: **RESOURCES, RECREATION AND
DEVELOPMENT**
Bill Number: **SB164**
Title: **authorizing coastal management provisions in
master plans.**
Date: **May 1, 2013**
Consent Calendar: **NO**
Recommendation: **OUGHT TO PASS WITH AMENDMENT**

STATEMENT OF INTENT

SB 164 as amended allows municipalities to include a coastal management section in their master plans. Municipalities who choose this option can then address planning needs resulting from projected coastal property or habitat loss due to increased frequency of storm surge or flooding.

Vote 11-9

Rep. Suzanne J Smith
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

RESOURCES, RECREATION AND DEVELOPMENT

SB164, authorizing coastal management provisions in master plans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne J Smith for the **Majority** of RESOURCES, RECREATION AND DEVELOPMENT.

SB 164 as amended allows municipalities to include a coastal management section in their master plans. Municipalities who choose this option can then address planning needs resulting from projected coastal property or habitat loss due to increased frequency of storm surge or flooding. **Vote 11-9.**

Original: House Clerk
Cc: Committee Bill File

SB 164

MAJORITY

OTP/A

SB 164 as amended allows municipalities to include a coastal management section in their master plans. Municipalities who choose this option can then address planning needs resulting from projected coastal property or habitat loss due to increased frequency of storm surge or flooding.

Suzanne Smith

A handwritten signature in black ink, appearing to be 'JSC', located in the bottom right corner of the page.

COMMITTEE REPORT

COMMITTEE: RR7D

BILL NUMBER: SB 164

TITLE: authorizing coastal management provisions in master plans

DATE: 4-24-13 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd-year-of-biennium)

Amendment No. <u>2013-1366h</u>

STATEMENT OF INTENT:

SB164 as amended allows municipalities to include a coastal management section in their master plans. Municipalities who choose this option can then address planning needs resulting from projected coastal property or habitat loss due to increased frequency of storm surge or flooding.

[Handwritten signature]

COMMITTEE VOTE: 11-9

RESPECTFULLY SUBMITTED,

- | |
|---|
| <ul style="list-style-type: none"> • Copy to Committee Bill File • Use Another Report for Minority Report |
|---|

Rep. Suzanne Smith
 For the Committee

REGULAR CALENDAR

May 1, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on RESOURCES,
RECREATION AND DEVELOPMENT to which was
referred SB164,**

**AN ACT authorizing coastal management provisions in
master plans. Having considered the same, and being
unable to agree with the Majority, report with the
following Resolution: RESOLVED, That it is
INEXPEDIENT TO LEGISLATE.**

Rep. Andrew Renzullo

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee: **RESOURCES, RECREATION AND
DEVELOPMENT**
Bill Number: **SB164**
Title: **authorizing coastal management provisions in
master plans.**
Date: **May 1, 2013**
Consent Calendar: **NO**
Recommendation: **INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

SB 164 authorizes coastal management provisions in master plans based on projected coastal risks and increased frequency of storm surge, flooding and inundation. The bill is very specific. These risks and frequency are not happening at present, but are based solely on someone's theory. Whereas local ordinances are based on a master plan, and whereas local ordinances limit property uses, this bill authorizes the limitation on property rights based on a theory and not fact. In addition, a related bill, SB 163, has passed the committee which establishes a commission to recommend legislation to prepare for projected sea level rise. As the SB 163 commission has yet to do its work, it is reasonable to argue that the provisions of this bill (SB 164) are, at best, premature as they are not based on a recommendation of the SB 163 commission who have not yet rigorously vetted the science behind the theory.

Rep. Andrew Renzullo
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

RESOURCES, RECREATION AND DEVELOPMENT

SB164, authorizing coastal management provisions in master plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew Renzullo for the **Minority** of RESOURCES, RECREATION AND DEVELOPMENT. SB 164 authorizes coastal management provisions in master plans based on projected coastal risks and increased frequency of storm surge, flooding and inundation. The bill is very specific. These risks and frequency are not happening at present, but are based solely on someone's theory. Whereas local ordinances are based on a master plan, and whereas local ordinances limit property uses, this bill authorizes the limitation on property rights based on a theory and not fact. In addition, a related bill, SB 163, has passed the committee which establishes a commission to recommend legislation to prepare for projected sea level rise. As the SB 163 commission has yet to do its work, it is reasonable to argue that the provisions of this bill (SB 164) are, at best, premature as they are not based on a recommendation of the SB 163 commission who have not yet rigorously vetted the science behind the theory.

Original: House Clerk
Cc: Committee Bill File

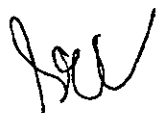
SB 164

MINORITY

ITL

SB 164 authorizes coastal management provisions in master plans based on projected coastal risks and increased frequency of storm surge, flooding and inundation. The bill is very specific. These risks and frequency are not happening at present, but are based solely on someone's theory. Whereas local ordinances are based on a master plan, and whereas local ordinances limit property uses, this bill authorizes the limitation on property rights based on a theory and not fact. In addition, a related bill, SB 163, has passed the committee which establishes a commission to recommend legislation to prepare for projected sea level rise. As the SB 163 commission has yet to do its work, it is reasonable to argue that the provisions of this bill (SB 164) are, at best, premature as they are not based on a recommendation of the SB 163 commission who have not yet rigorously vetted the science behind the theory.

Andrew Renzullo

A handwritten signature in black ink, appearing to be 'AR', located in the bottom right corner of the page.

MINORITY REPORT

COMMITTEE: _____

BILL NUMBER: SB 164

TITLE: _____

DATE: _____ CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

SB-164 authorizes coastal management provisions in master plans based on projected coastal risks and increased frequency of storm surge, flooding and inundation. ~~Please read~~ The bill is very specific. These risks and frequency are not happening at present, but are based ~~on~~ solely on someone's theory. Whereas local ordinances are based on a master plan, and whereas ^{local} ordinances limit property uses, this bill authorizes the limitation on property rights based on a theory and not fact. In addition, a related bill, SB-163, ~~was~~ ^{has passed} the committee which establishes a commission to recommend
(over)

COMMITTEE VOTE: _____

• Copy to Committee Bill File

RESPECTFULLY SUBMITTED,

Rep. Andy Bull
For the Minority

legislation to prepare for projected sea level rise. ~~this is~~

~~Commission has to be approved and do its work,~~
~~as this~~ as the SB-163 commission has yet to do its
work, it is reasonable to argue that the ~~contents~~ ^{provisions} of
this bill (SB-164) are, at best, premature as they are
not based on a recommendation of the SB-163 commission
who have not ^{yet} rigorously vetted the science behind the
theory.