# 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 struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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authorizing coastal management provisions in master plans.

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

- 1 New Paragraph; Office of Energy and Planning; Responsibilities for Assistance; Coastal Management. Amend RSA 4-C:8 by inserting after paragraph IV the following new paragraph:
- V. Assist municipalities with implementation of coastal management provisions adopted pursuant to RSA 674:2, III(o). The office of energy and planning shall consider coastal storm, inundation, and flood risk projections when providing assistance, including a review every 5 years of NOAA and other scientific agency projections of coastal storm, inundation, and flood risk to determine the appropriate information, data, and property risk for use by municipalities.
- 2 New Subparagraph; Master Plan; Coastal Management. Amend RSA 674:2, III by inserting after subparagraph (n) the following new subparagraph:
- (o) 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.
  - 3 Effective Date. This act shall take effect 60 days after its passage.

#### SB 164 - AS AMENDED BY THE HOUSE

8May2013... 1366h

#### 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**

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8May2013... 1366h

13-0330

03/09

#### 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 New Subparagraph; Master Plan; Coastal Management. Amend RSA 674:2, III by

inserting after subparagraph (n) the following new subparagraph:

- (o) 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.
- 2 Effective Date. This act shall take effect 60 days after its passage.

#### **CHAPTER 189**

#### SB 164 - FINAL VERSION

8May2013... 1366h

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.

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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.

8May2013... 1366h

13-0330

03/09

#### 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:

189:1 New Subparagraph; Master Plan; Coastal Management. Amend RSA 674:2, III by inserting after subparagraph (n) the following new subparagraph:

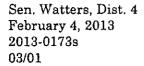
(o) A coastal management section which may address planning needs resulting from projected coastal property or habitat loss due to increased frequency of storm surge, flooding, and inundation.

189:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 2, 2013

Effective Date: August 31, 2013

# Amendments





#### 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.

C

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

#### Amendment to SB 164

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

# Committee Minutes

## AMENDED SENATE CALENDAR NOTICE

#### ENERGY AND NATURAL RESOURCES

Senator Russell Prescott Chairman Senator Bob Odell V Chairman Senator Jeb Bradley Senator Martha Fuller Clark Senator Jeff Woodburn

| For Use by Senate Clerk's<br>Office ONLY |
|------------------------------------------|
| Bill Status                              |
| Docket                                   |
| Calendar                                 |
| Proof: Calendar Bill Status              |

Printed: 02/21/2013 at 9:53 am

Date: February 21, 2013

|                              |                                                                                | HEAR                                                                                                                                                                              | INGS                                                                              |                          |  |  |
|------------------------------|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|--------------------------|--|--|
|                              |                                                                                | Wednesday                                                                                                                                                                         | 3/6/2013                                                                          |                          |  |  |
| ENERGY AND NATURAL RESOURCES |                                                                                |                                                                                                                                                                                   | LOB 101                                                                           | 9:15 AM                  |  |  |
| (Name of                     | Committee)                                                                     |                                                                                                                                                                                   | (Place)                                                                           | (Time)                   |  |  |
|                              |                                                                                | EXECUTIVE SESS                                                                                                                                                                    | ION MAY FOLLOW                                                                    |                          |  |  |
| Commen<br>9:15 AM            |                                                                                |                                                                                                                                                                                   | eviously scheduled hearing ti<br>67 will be rescheduled to a la<br>strategy plan. |                          |  |  |
| 9:30 AM                      | A SB98 authorizing group net metering for limited electrical energy producers. |                                                                                                                                                                                   |                                                                                   |                          |  |  |
| 9:45 AM<br>10:00 AM          | SB163<br>SB164                                                                 | establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal hazards.  authorizing coastal management provisions in master plans. |                                                                                   |                          |  |  |
| Sponsors<br>SB191-F          | <del></del>                                                                    |                                                                                                                                                                                   |                                                                                   |                          |  |  |
| Sen. Bob Odell               |                                                                                | Sen. Nancy Stiles                                                                                                                                                                 | Rep. David Borden                                                                 | Rep. Suzanne Smith       |  |  |
| Sen. Jeanie Forrester        |                                                                                | Rep. Laurence Rappaport                                                                                                                                                           | Sen. Martha Fuller Clark                                                          | Sen. Jeff Woodburn       |  |  |
| Rep. Naida                   | Kaen                                                                           |                                                                                                                                                                                   |                                                                                   |                          |  |  |
| SB98                         | Valle                                                                          | Can Sulvia Largan                                                                                                                                                                 | Sen. David Watters                                                                | Sen. Lou D'Allesandro    |  |  |
| Sen. Molly                   | rie Shepardson                                                                 | Sen. Sylvia Larsen<br>Rep. David Borden                                                                                                                                           | Rep. Candace Bouchard                                                             | Sen. Martha Fuller Clark |  |  |
| SB163                        | nie brieparason                                                                | Rep. Barra Boracii                                                                                                                                                                | Trep: Canade Douellan                                                             |                          |  |  |
| Sen. David                   | Watters                                                                        | Rep. David Borden                                                                                                                                                                 | Sen. Nancy Stiles                                                                 | Sen. Martha Fuller Clark |  |  |
| Rep. Judith Spang            |                                                                                | Rep. Dorothea Hooper                                                                                                                                                              | Rep. Rick Watrous                                                                 |                          |  |  |
| SB164                        |                                                                                |                                                                                                                                                                                   |                                                                                   |                          |  |  |
| Sen. David                   | Watters                                                                        | Rep. Aboul Khan                                                                                                                                                                   | Rep. Harold Reilly                                                                | Rep. Judith Spang        |  |  |
| Sen. Nancy Stiles            |                                                                                | Sen. Martha Fuller Clark                                                                                                                                                          |                                                                                   |                          |  |  |

## SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Chris Cote, Legislative Aide

SB 164 – authorizing coastal management provisions in master plans.

Hearing Date:

3.6.13

Time Opened:

11:13am

Time Closed:

11:25am

Members of the Committee Present: Senators Bradley, Odell, Prescott,

Members of the Committee Absent: Senators Fuller Clark, Woodburn

Bill 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.

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

Who supports the bill: Senator Stiles, Nancy Johnson NH Association of Regional Planning, Senator Watters, Roger Stephenson CACP, Jim O'Brien TNC, Christopher Parker City of Dover, Timothy Corwin NH Planners Association, Rep Judith Spang, Larry Sunderland NH Audubon, Catherin Corkery NH Sierra Club, Rep. David Borden, Steve Comture NHDES, Cliff Sinott Rockingham Planning Commission,

#### Who opposes the bill: none

#### Summary of testimony presented in support:

- Senator Watters, SD 4, would add this language to master plans and clarify those municipalities who would include prevention measures for sea level rise, Office of Energy and Planning wants this, enabling legislation for municipalities, has an amendment,
- Christopher Parker, Dover, in support of good planning, council manager form of government would adopt this, coastal management,
- Steve Couture, DES, in support as proposed to be amended,
- Cliff Sinott, Rockingham planning, supportive of this, did not anticipate the
  amendment, want additional resources to be brought to bear, is an advantage
  to have a separate chapter focusing attention on the issue, and something
  that a community could choose to address, master plans and land use
  planning should be separate, there is an effort going on in coastal
  communities to do this,

### Summary of testimony presented in opposition: none Fiscal Note: see fiscal note

**Future Action:** 

CSC

Date hearing report completed: 3.11.13

[file: SB0164 report]

# Speakers

#### SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

**Date:** 3.6.13

Time: 10am

Public Hearing on SB164

SB164 - authorizing coastal management provisions in master plans.

Please check box(es) that apply:

| SPEAKING FAVOR | OPPOSED    |                 | (Please print) | REPRESEN        |                    |
|----------------|------------|-----------------|----------------|-----------------|--------------------|
|                |            | Senator         | Stiles         | 5024            | ·                  |
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# Testimony

SARRINGTON BROOKFIELD DOVER DURHAM FARMINGTON LEE MADBURY MIDDLETON MILTON



NEW DURHAM
NEWMARKET
NORTHWOOD
NOTTINGHAM
ROCHESTER
FOLLINSFORD
SOMERSWORTH
STRAFFORD
WAKEFIELD

March 4, 2013

New Hampshire State Senate Energy and Natural Resources Committee 107 North Main Street, Concord NH 03301

Dear Chairman Prescott and Committee Members:

The Strafford Regional Planning Commission would like to offer our support for SB 164, a bill authorizing 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.

Strafford Regional Planning Commission has advised communities in regards to storm surges and flooding through the development and updates of every municipal hazard mitigation plan in the region over the last decade. In particular, we are now working with Durham and Newmarket on climate adaptation chapters to be included in their hazard mitigation plans. We appreciate the sponsors of SB164 addressing this planning issue in the coastal watersheds.

This is very timely and important legislation, and the Strafford Regional Planning Commission fully supports it for future planning of the coastal regions.

If you have any questions regarding our letter of support, contact myself at: 603.994.3500 ext. 103

Sincerely,

Cynthia Copeland, AICP

**Executive Director** 

cc: Senator Watters

Senator Fuller Clark

Senator Stiles

Representative Spang



156 Water Street, Exeter, NH 03833 Tel. 603-778-0885 • Fax: 603-778-9183 email@rpc-nh.org • www.rpc-nh.org

March 5, 2013

Senator Russell Prescott, Chair Senate Energy and Natural Resources Committee Legislative Office Building, Room 101 Concord, NH 023301

RE: Support for SB-164

Dear Senator Prescott and Members of the Committee:

On behalf of the Rockingham Planning Commission (RPC), I wish to express our support for SB-164 which will encourage and assist coastal communities to address land and resource planning issues particular to coastal areas.

SB-164 will authorize coastal communities them to include a specific chapter in their master plans to better address special coastal resources and hazards, including future risk of property and resource loss from coastal storms, flooding and inundation. It will also direct the NH Office of Energy and Planning to consider these special resources and hazards, including relevant agency projections, when advising communities. This second provision is especially valuable to communities who can need assurance that the information they may use from OEP in their plans, especially regarding flood and property risks, are properly vetted and up to date.

The Rockingham Planning Commission has been assisting and advising coastal communities on coastal planning issues throughout our history. In recent years we have been increasingly called upon to assist our communities in their planning and mitigation for coastal hazard risks from flooding, especially related to coastal storm surge and sea level rise. It is important that our municipalities have access to trusted, reliable information about future potential risks. We believe that SB-164 will further that goal.

We hope that you will support SB-164. Thank you for the opportunity to comment and your consideration of our views. If you have any questions regarding our positions, please feel free to contact me.

Sincerely,

Cliff Sinnott '

Executive Director

cc: Sen. Watters, District 4, Sen. Stiles, District 24; Sen. Fuller Clark, District 21

Rep. Khan, Rockingham Dist. 20; Rep. Reilly, Grafton Dist. 9, Rep. Spang, Strafford Dist. 6



#### The State of New Hampshire

#### DEPARTMENT OF ENVIRONMENTAL SERVICES



#### Thomas S. Burack, Commissioner March 6, 2013

The Honorable Russell Prescott, Chairman Energy and Natural Resources Committee Legislative Office Building, Room 101 Concord, New Hampshire 03301

Re: SB 164 authorizing coastal management provisions in master plans

Dear Chairman Prescott:

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, as amended today by Senator Watters.

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 means that, under this scenario, a 100-year frequency storm surge under current sea level conditions could become a 10-year frequency event. In other words, with sea level rise, both the frequency when significant storm damage would occur and the annualized costs for damage repair would increase dramatically. In this context, more local planning for sea level rise makes sense to ensure that adjustments can be made gradually to provide reasonable protection for coastal zone properties and infrastructure investments as well as against habitat loss. 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.

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.

Thomas S. Burack
Commissioner

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



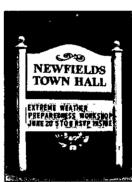
#### Project Summary: Extreme Weather Preparedness in Newfields

March 1, 2013

#### Dear Newfields community member,

In June 2012, the Town of Newfields, UNH Cooperative Extension, and the NH Coastal Adaptation Workgroup began a project to prepare for extreme weather in Newfields. Nearly 40 Newfields residents came together at Town Hall on June 20 to hear about local climate change research from UNH and to talk about how extreme weather like flooding and storms affect the town. Small group discussions from community members were recorded on flipcharts, and by the end of the evening people had identified two key focus areas for action: emergency preparedness and stormwater management.

Community members continued this effort through monthly meetings over the summer and fall to develop an action plan to prepare for impacts of extreme weather on people, infrastructure, and natural resources. The full action plan is available <a href="https://example.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com/hemmins.com



The highlights of the action plan are described below, with recent progress-to-date. If you would like to help with these activities, please talk with the point-of-contact. There are also some relevant projects and resources to be aware of to help continue with these efforts, which are referenced below.

We stand by ready to assist Newfields in the future,

Chris Keeley & Amanda Stone
UNH Cooperative Extension, Natural Resources Outreach Coalition

#### **Emergency Preparedness**

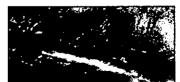
 Generator purchase & installation program for Newflelds residents. Chief of Police Art Reed received selectboard approval for a bulk-order of generators for Newfields residents at a discounted rate. There are 3 power levels available, ranging in price from approximately \$600, \$800, and \$1,000.
 Price includes professional installation. Newfields residents can sign-up at Town Hall or contact Chief Reed.



o Community Calendar with Preparedness Tips. The group decided to have the calendar ready for distribution to Newfields residents in September 2013 as a 16-month calendar. Main Street Art has agreed to help with art work for the calendar. A Newfields graphic designer has volunteered services to design the calendar which will include emergency preparedness tips and contacts. If you are interested in helping with the calendar, contact <u>Sue McKinnon</u>.

#### Stormwater Management

 Inventory of stormwater infrastructure. Members of the planning board are considering having a student from the UNH Civil Engineering Department inventory the town's stormwater infrastructure in 2013. To learn more, contact <u>Mike Todd</u>.



 Stormwater regulation. A model stormwater ordinance developed by the UNH Stormwater Center has been adapted to be more locally relevant for Newfields. It will be incorporated into the Subdivision and Siteplan Review Regulations. To learn more, contact <u>Clay Mitchell</u>.

 Low-impact Development and Stormwater workshop. "Forging the Link" is a FREE low-impact development and stormwater management workshop offered to communities by the UNH Stormwater Center and the Natural Resources Outreach Coalition. Discussions are ongoing about hosting a workshop open to neighboring communities sometime this spring.

 In addition, "A Bird'sEye View: Protecting Water Resources and Managing Stormwater" is a document intended to help communities consider the range of strategies available to help protect water resources. It is designed to help communities recognize and discuss the state of their current water resource management, determine where gaps exist, and consider next steps.

There is also a NEW opportunity to continue to address stormwater management in Newfields. The Newfields planning board has recently attended a meeting about this project. See details below.

• Green infrastructure for Sustainable Coastal Communities project (2012-2014). Through this project, towns and cities of NH's coastal watershed -- including Newfields -- are eligible to participate in a nocost assistance program to implement Green Infrastructure projects and obtain training about a variety of stormwater topics. Over the next two years, the UNH Stormwater Center and its partners will help communities to implement Green Infrastructure, ranging from rain gardens and porous pavement to ordinance changes, outreach, and training programs. Visit the project website to learn more.



A rain garden receives and filters runoff from a parking lot.

Photo: UNH Stormwater Center.

To learn more about this project, please contact:

amanda.stone@unh.edu || chris.keeley@unh.edu UNH Cooperative Extension, Natural Resources Outreach Coalition 220 Nesmith Hall, 131 Main Street Ourham. NH 03824

This project was funded under the Coastal Zone Management Act by NOAA's Office of Ocean and Coastal Resource Management in conjunction with the New Hampshire Coastal Program.







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#### CHRISTOPHER G. PARKER, AICP Director

c.parker@dover.nh.gov



288 Central Avenue Dover, New Hampshire 03820-4169 (603) 516-6008 Fax: (603) 516-6049 www.dover.nh.gov

### City of Dover, New Hampshire

#### DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

March 06, 2013

Senator Russell Prescott Senate Energy & Natural Resources Committee State House Room 302 107 North Main Street Concord, NH 03301

Re: SB164: Authorizing coastal management provisions in master plans

Dear Chairman Prescott:

On behalf of the City of Dover, I am writing in support of SB 164, which proposes to authorize the state, and communities within it, to include coastal management provisions in their long range plans. It is my understanding that this provision will address planning needs and property loss resulting from projected coastal risks due to increased frequency of storm surge, flooding, and inundation.

We believe that it is important to our citizens that our community engages in good, thoughtful planning. This planning should review all aspects of our community, including economic development, transportation and land uses. These themes all rely upon a stable environment. We need to be responsible stewards of the land so that future citizens/property owners are able to enjoy the benefits of land ownership.

By engaging in long range – master plan – work, we are able to better understand the issues our community will deal with and plan for them, in a proactive and responsible way. Dover support's this legislation because we believe that it is always in our citizen's best interest to plan for the future. Legislation which encourages that coastal planning be considered part of the Office of Energy and Planning's mission and encourages communities to review coastal flooding issues as part of the development of their Master Plans is responsible legislation. RSA 674:2 lists fourteen (14) optional components of a Master Plan. I think it is reflective of the New Hampshire common sense approach to dealing with issues, to include coastal management as one more option communities can consider as they develop their strategic plan.

For these reasons, I urge your committee to recommend the passage of SB 164. Thank you for this opportunity to provide comment on this very important bill.

Sincerely,

Christopher G. Parker, AICP

Director of Planning and Community Development

CC: Sen. David H. Watters

Sen. Watters

Testimony in support of SB 164

Senate Bill 164, as amended, 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.

The amendment is brought forward at the request of 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. 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.



#### CITY OF PORTSMOUTH

Community Development Department (603) 610-7232

Planning Department (603) 610-7216

The Honorable Russell Prescott
Chairman of the Senate Energy and Natural Resources Committee
State House Room 302
107 North Main Street
Concord, NH 03301

Dear Senator Prescott:

This letter is in reference to two Senate Bills SB 163 and SB 164. SB 163 provides for the creation of a commission to help guide future legislation and rulemaking with respect to projected coastal hazards and sea level rise. SB 164 authorizes coastal management provisions in local master plans to address coastal flooding hazards. As the Environmental Planner for the City of Portsmouth I am supportive of these two bills and the role they will play in providing assistance to seacoast communities for dealing with coastal hazards.

The City of Portsmouth has undertaken a Coastal Resilience Initiative to examine the City's vulnerability to severe coastal storms and related storm surge, in addition to the impacts from predicted sea level rise scenarios. This project is an important long range planning effort to prepare and protect the City against coastal flooding hazards. As communities in the state of New Jersey, New York, and Connecticut saw from Hurricane Sandy, damages from coastal storms can be severe and there are many challenges to predicting and planning for their impact. By looking at potential impacts to infrastructure, properties and environmental resources, the City will be able to prioritize future actions, which if taken, will mitigate the impacts from severe coastal storms and save the community substantial resources.

By way of this letter I am providing my strong support for these two bills which will provide beneficial support from the state to assist coastal communities as they begin to enhance their preparedness for coastal storm hazards. Thank you for your consideration.

Sincerely,

Peter Britz

Environmental Planner.

Cc: Portsmouth Legislative Delegation John P. Bohenko, City Manager Portsmouth Legislative Subcommittee

> 1 Junkins Avenue Portsmouth, New Hampshire 03801 Fax (603) 427-1593

# Committee Report

#### STATE OF NEW HAMPSHIRE

#### **SENATE**

#### REPORT OF THE COMMITTEE

#### FOR THE CONSENT CALENDAR

Date: 3.21.2013

THE COMMITTEE ON Energy and Natural Resources

to which was referred Senate Bill 164

AN ACT

authorizing coastal management provisions in master

plans.

Having considered the same, the committee recommends that the Bill:

#### **OUGHT TO PASS**

BY A VOTE OF: 5-0

AMENDMENT#

CONSENT CALENDAR VOTE: 5-0

Senator Martha Fuller Clark for the Committee

"Senate Bill 164 allows the Office of Energy and Planning to assist communities in developing coastal management provisions in master plans. This assistance will greatly enhance our municipalities' abilities to address coastal storm impacts."

Chris Cote 271-3067

#### New Hampshire General Court - Bill Status System

#### **Docket of SB164**

**Docket Abbreviations** 

Bill Title: authorizing coastal management provisions in master plans.

#### Official Docket of \$B164:

| Date      | Body | Description                                                                                                     |
|-----------|------|-----------------------------------------------------------------------------------------------------------------|
| 1/31/2013 | S    | Introduced and Referred to Energy & Natural Resources                                                           |
| 2/12/2013 | S    | Hearing: 3/6/13, Room 101, LOB, 9:30 a.m.; SC9                                                                  |
| 2/21/2013 | S    | Hearing: === TIME CHANGE === 3/6/13, Room 101, LOB, 10:00 a.m.; SC10                                            |
| 3/21/2013 | S    | Committee Report: Ought to Pass, 3/28/13; Vote 5-0; CC; SC13                                                    |
| 3/28/2013 | S    | Ought to Pass: MA, VV; OT3rdg;                                                                                  |
| 4/3/2013  | Н    | Introduced and Referred to Resources, Recreation and Development; <b>HJ35</b> , PG.1191                         |
| 4/10/2013 | Н    | Public Hearing: 4/16/2013 1:45 PM LOB 305                                                                       |
| 4/17/2013 | Ħ    | Executive Session: 4/24/2013 1:00 PM LOB 305 == Or One Hour Following House Session ==                          |
| 5/1/2013  | Ħ    | Majority Committee Report: Ought to Pass with Amendment #1366h for May 8 (Vote 11-9; RC); <b>HC36</b> , PG.1203 |
| 5/1/2013  | Н    | Proposed Majority Committee Amendment #2013-1366h; HC36, PG.1221                                                |
| 5/1/2013  | Н    | Minority Committee Report: Inexpedient to Legislate; HC36, PG.1203                                              |
| 5/8/2013  | Н    | Amendment #1366h: AA VV; <b>HJ41</b> , PG.1407                                                                  |
| 5/8/2013  | н    | Lay on the Table (Rep Renzullo): MF DIV 156-194; HJ41, PG.1408                                                  |
| 5/8/2013  | Н    | Ought to Pass with Amendment #1366h: MA RC 210-143; HJ41, PG.1407-1410                                          |
| 6/6/2013  | S    | Sen. Prescott Moved Concur with House Amendment 1366h, MA, VV                                                   |
| 6/12/2013 | Н    | Enrolled, Recess of 6/5/13; HJ49, PG.1654                                                                       |
| 6/12/2013 | S    | Enrolled                                                                                                        |
| 7/3/2013  | S    | Signed by the Governor on 07/02/2013; Chapter 0189; Effective 08/31/2013                                        |

| NH House | NH Senate |  |  |
|----------|-----------|--|--|

## Other Referrals

## 5B 164

### COMMITTEE REPORT FILE INVENTORY

| ORIGINAL REFERRAL RE-REFERRAL                                                                                                                                                                                                                                                                                                                                                                                     |          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <ol> <li>THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.</li> <li>PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTING.</li> <li>THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.</li> <li>THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.</li> </ol> | 31       |
| DOCKET (Submit only the latest docket found in Bill Status)                                                                                                                                                                                                                                                                                                                                                       |          |
| COMMITTEE REPORT                                                                                                                                                                                                                                                                                                                                                                                                  |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                   |          |
| HEARING REPORT                                                                                                                                                                                                                                                                                                                                                                                                    |          |
| $\overline{\hspace{1cm}}^{\hspace{1cm}}$ HANDOUTS FROM THE PUBLIC HEARING                                                                                                                                                                                                                                                                                                                                         |          |
| PREPARED TESTIMONY AND OTHER SUBMISSIONS SIGN-UP SHEET(S)                                                                                                                                                                                                                                                                                                                                                         |          |
| ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:                                                                                                                                                                                                                                                                                                                                                           | <b>-</b> |
| ALL AVAILABLE VERSIONS OF THE BILL:  AS INTRODUCED AS AMENDED BY THE HOUSE FINAL VERSION AS AMENDED BY THE SENATE                                                                                                                                                                                                                                                                                                 |          |
| OTHER (Anything else deemed important but not listed above, such a amended fiscal notes):                                                                                                                                                                                                                                                                                                                         | ıs       |
| DATE DELIVERED TO SENATE CLERK \$.8.13  By COMMITTEE AIDE                                                                                                                                                                                                                                                                                                                                                         | _        |

Revised 2011