



The State of New Hampshire
Department of Environmental Services



Thomas S. Burack, Commissioner

February 12, 2015

The Honorable Robert Introne, Chair
Science, Technology and Energy Committee
Legislative Office Building, Room 304
Concord, NH 03301

RE: HB 379, An Act establishing a commission to study the effects of ocean acidification on commercially harvested species.

Dear Chair Introne and Members of the Committee:

Thank you for the opportunity to testify on HB 379. This bill would create a legislative commission to study the effects of coastal and ocean acidification on species that are commercially harvested and grown along the New Hampshire coast and estuaries. The Department of Environmental Services (DES) takes no position on this bill but offers the following information as background for your discussion as well as a number of recommendations for consideration should the Committee and Legislature be favorably inclined toward creation of such a commission.

Regional Info:

The Northeast Coastal Acidification Network (NECAN), formed in 2013, is the leading organization in the northeast for the synthesis and dissemination of regional ocean acidification data and information. NECAN's mission is to provide rigorous and balanced scientific information to decision makers and user groups regarding the current state of knowledge of ocean acidification and its potential environmental and socio-economic impacts to the northeast region. NECAN is comprised of scientists, state and federal agency representatives, including DES, resource managers, and industry partners. Additional information about NECAN can be found at <http://www.neracoos.org/necan>.

In 2014, with the passage of Resolve 2013, Chapter 110, the Maine Legislature established the Commission to Study the Effects of Coastal and Ocean Acidification and its Existing and Potential Effects on Species that are Commercially Harvested and Grown along the Maine Coast. The duties of the 16-member commission included, but were not limited to, a review of the scientific literature to identify what is known about ocean acidification and steps that are needed to enhance scientific research and monitoring, and developing mitigation strategies and steps that could be taken to increase public awareness of coastal and ocean acidification. Additional information about the commission and its final report, which includes goals and recommendations, can be found at <http://www.maine.gov/legis/opla/oceanacidificationstaff.htm>.

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Other State Info:

In May 2014, Maryland's legislature passed House Bill 118 establishing a task force to study the impact of ocean acidification on state waters. The task force was charged with analyzing the best available science regarding ocean acidification and the potential effects of acidification on the ecology of state waters and on state fisheries. The task force issued a final report with its findings and recommendation on January 9, 2015. The report and other information about the task force can be found at <http://mddnr.chesapeakebay.net/mdoatf>.

In December 2011, Washington's Governor convened a Blue Ribbon Panel made up of state, federal, local, and tribal policy makers, scientific experts and industry representatives to advance and document the understanding of the effects of ocean acidification. The Panel issued a final report with its findings and recommendations in November 2012. In July 2013, the Washington State Legislature passed Senate Bill 5603 establishing a marine resources advisory council to increase the state's ability to work to address impacts of ocean acidification and to conduct ongoing technical analysis on the effects and sources of ocean acidification. Also in July 2013, under the direction of the Washington State Legislature and the Governor, the Washington Ocean Acidification Center was established at the University of Washington. Finally, in December 2013, in response to the Panel's report, the Governor issued Executive Order 12-07 entitled Washington's Response to Ocean Acidification. The Panel's report, Executive Order 12-07, and details regarding the marine resources advisory council and the Washington Ocean Acidification Center can be found at <http://www.ecy.wa.gov/water/marine/oceanacidification.html>.

Federal Info:

Recognizing the need for a comprehensive interagency plan to address the increasing impacts of ocean acidification, Congress passed the Federal Ocean Acidification Research and Monitoring Act of 2009.

The Act called for the Subcommittee on Ocean Science and Technology of the National Science and Technology Council to establish an Interagency Working Group on Ocean Acidification. The Act also called for development of a strategic research plan to guide "federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems." The Interagency Working Group's Strategic Plan was issued in March 2014 and can be found at <http://oceanacidification.noaa.gov/IWGOA.aspx>.

Recommendations:

Should the Committee and Legislature be favorably inclined toward enactment of this bill, DES would recommend the following matters be given due consideration:

- HB 379 identifies both the DES Commissioner and the New Hampshire Coastal Program (NHCP) Manager (or their respective designees) as commission members. Given that the

NHCP is a program within DES, DES would be adequately and appropriately represented on the commission by a single representative, namely the Commissioner or his/her designee.

- Adding a marine aquaculture scientist from the University of New Hampshire to the commission.

- Because the effects of ocean acidification could have significant effects on New Hampshire's burgeoning commercial oyster aquaculture industry, add a member of the commercial oyster aquaculture industry to the commission.

- Given the fact that commercial fishermen and aquaculturists are busiest during the summer and fall months, extend the term of the commission through the spring of 2016 to facilitate participation by the representatives of these industries.

- Requiring the commission to coordinate with the Northeast Coastal Acidification Network to reduce duplication of effort.

Thank you for your consideration in this matter. If you have questions or need additional information, please contact either Ted Diers, Watershed Management Bureau Administrator, (ted.diers@des.nh.gov, 271-3289) or Steve Couture, Coastal Program Manager, (steven.couture@des.nh.gov, 271-8801).

Sincerely,



Thomas S. Burack
Commissioner

CC: Rep. Borden
Rep. Cushing
Sen. Fuller Clark