



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

February 5, 2019

The Honorable Martha Fuller Clark
Chair, Senate Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: SB 207 – AN ACT relative to rules adopted by the department of environmental services pursuant to the 2014 report of the coastal risks and hazards commission.

Dear Chair Fuller Clark and Members of the Committee:

Thank you for the opportunity to comment on SB 207, which would allow the New Hampshire Department of Environmental Services (NHDES) to adopt by reference in administrative rule a legislatively required scientific report. NHDES strongly supports this bill.

In 2013, the New Hampshire Legislature established the New Hampshire Coastal Risk and Hazards Commission (Commission) to consider key scientific research and prepare recommendations to help the State and its coastal municipalities prepare for coastal flooding risks. The Commission convened a Science and Technical Advisory Panel (STAP) to distill the large volume of published scientific research pertaining to coastal flood risks in New Hampshire. The 2014 STAP report, “Sea-level Rise, Storm Surges, and Extreme Precipitation in Coastal New Hampshire: Analysis of Past and Future Trends” was unanimously adopted by the Commission and sets forth plausible projections of storm surge, sea-level rise, and extreme precipitation and planning guidelines for adapting to these risks.

Recognizing that climate science is dynamic, and that these projections will continue to improve as more data becomes available, the New Hampshire Legislature passed SB 374 (2016) requiring NHDES to supervise the update of the 2014 STAP report at least every five years, beginning July 2019. NHDES has secured funding for and initiated a multi-stakeholder effort comprised of state agency representatives, scientific experts, and technical advisors to update a Coastal Flood Risk Science Summary and Companion Guidance for New Hampshire. These updated publications are expected to be completed and become publicly available by March 2020.

Also in 2016, the New Hampshire Legislature passed SB 452 requiring certain state agencies, including NHDES, to conduct an audit of existing state statutes, rules, and agency policies governing state properties, projects, and actions in the coastal and Great Bay regions to determine any changes necessary to adequately address and enable appropriate state and local actions necessary to prepare

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for flood risks. Additionally, SB 452 requires state agencies, including those involved in environmental activities in the coastal and Great Bay regions of New Hampshire, to reference the 2014 STAP report, as updated, for guidance on all potentially affected activities.

As noted, NHDES and its agency and scientific partners are vested in synthesizing and applying the best available science as required. However, NHDES has determined that due to the ever-evolving science and need to consistently update the STAP, it is administratively burdensome to regularly update all NHDES rules that have been flagged through the SB 452 audit process as potentially needing to reference the 2014 STAP report. Given the statutory requirement and responsibility to update and reference the STAP, NHDES requests the ability to incorporate STAP updates by reference rather than by updating every relevant administrative rule set.

NHDES is available to provide background and technical information to assist the committee as needed. Please feel free to contact Ted Diers, Watershed Management Bureau Administrator, at ted.diers@des.nh.gov or 271-3894, or Steve Couture at steven.couture@des.nh.gov or 271- 8801, if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a stylized flourish at the end.

Robert R. Scott
Commissioner

cc: Sponsors of SB 207: Senators Watters, Fuller Clark, Sherman; Representatives Abramson, Cali-Pitts, Cushing, Somssich