

# COMMISSION MEETING

Friday, February 19, 2016

9:00AM – 11:30AM

NHDES Portsmouth Regional Office – Room A

Pease International Tradeport  
222 International Drive, Suite 175  
Portsmouth, NH

## DRAFT MINUTES

### Attendance

Present	Name	Representation
Yes	Arcieri, William	Town of Newmarket
Yes	Bird, Steve	City of Dover
	Borden, Rep. David	Town of New Castle
	Bowman, Peter	NH DRED -Division of Forests and Lands - Alternate
	Kasnet, Peter <sup>i</sup>	Homebuilders Association of New Hampshire
	Caron, David	NH Municipal Association
	Carroll, Patrick	Town of Rollinsford
Yes	Couture, Steve	NH Department of Environmental Services - Alternate
	Cushing, Rep. Renny <sup>ii</sup>	Representative – District 21
Yes	Durfee, Liz	Strafford Regional Planning Commission - Alternate
	Feighner, Edna	NH Division of Historical Resources
	Fitzgerald, Brian	Town of Rye - Alternate
Yes	Gilbert, Jennifer	NH Office of Energy and Planning
Yes	Godlewski, Sherry <sup>iii</sup>	NH Department of Environmental Services (Commission Clerk)
Yes	Hawkins, Donald <sup>iv</sup>	Town of Seabrook
	Houle, James	Town of Durham
Yes	Huber, Dick	Town of Exeter
Yes	Kinner, Peter	Town of Greenland
	Kipp, Jonathan	NH Public Risk Management Exchange (Primex)
	Kroner, Shep	Town of North Hampton
	Kupper, Theodore	NH Department of Admin Services - Bureau of Pub Works Design
	Melanson, Paul	Town of Hampton Falls
Yes	Miller, Steven	City of Portsmouth
Yes	Morgan, Thomas	Town of Newington
Yes	Nyhan, Kevin	NH DOT Bureau of Environment
	O’Sullivan, Michael	Town of Madbury
	Pennock, Jonathan	UNH Marine Program & NH Sea Grant Program
	Pimental, Kyle	Strafford Regional Planning Commission
	Rice, Rep. Frederick	Representative – District 21
	Rice, John	Seacoast Board of Realtors

Present	Name	Representation
Yes	Riley, Cory	NH Fish & Game, Great Bay NERR
Yes	Ryan, Mary Kate	NH Division of Historical Resources - Alternate
	Scholz, Ann	NH DOT Bureau of Environment - Alternate
Yes	Sinnott, Cliff	Rockingham Planning Commission (Commission Chair)
Yes	Stanwood, Sabrina	NH DRED -Division of Forests and Lands
Yes	Stephenson, Roger	Town of Stratham
	Stiles, Sen. Nancy	Senator, District 24
Yes	Wake, Cameron Dr. <sup>v</sup>	University of NH
Yes	Watters, Sen. David	Senator, District 4
Yes	Winslow, Phil	Town of Rye
Yes	Wolek, Gail	NH DRED – Division of Parks and Recreation
	Wood, Rep.David	Town of Hampton

**Other attendees:**

Kirsten Howard, NHDES  
Nathalie Morison, NHDES  
Julie LaBranche, RPC  
Rebecca Newhall, NOAA

**1. Call to Order – Cliff Sinnott, CRHC Chair**

Meeting was called to order 9:07am. Quorum was confirmed.

Sinnott welcome members and said this is an important meeting where he hopes the Commission will approve the draft report and recommendations for release for public comment. He indicated he would have to leave the meeting at 11:00 and that Senator Watters had agreed to chair afterwards.

**2. Approval of Minutes from November 13th, 2015 Meeting [5 min] (Attachment)**

A **motion** to approve was made by Peter Kinner. Motion was **seconded** by Dick Huber.

Sinnott asked for discussion. One edit: on page 2 under the section about the update on the draft report, delete the word “we” in the last sentence. SO VOTED (4 absentions).

**3. Summary/Discussion of Results for Municipal Discussion Groups [10 min] (Attachment: Summary of Comments) –Sherry Godlewski; Steve Miller, CAW Co-Chairs**

Sherry summarized the discussion group findings & comments:

- Term “peer-reviewed science” was changed, defined
- Common question: Who will pay?
- Incentives would be helpful to stimulate readiness
- There were questions about who the responsible parties were
- General agreement that the group would support the recommendations if legislative group allows it.
- Municipalities won’t have to do much right now.
- Consistent messaging in efforts is needed along with technical assistance.

Steve Miller added there were 36 participants, a lot of people were interested but couldn't make it work with their schedules. Generally there was strong support for things they read. One weakness of the sessions was that there wasn't a lot of time to dig really deep into the content.

Sherry added that staff was trained in facilitation by Molly Donovan at the UNH Cooperative Extension. Amanda Stone should also be recognized for making these effective discussion groups.

Julie mentioned that the participants didn't have benefit of reading the draft report. You will see based on the comments that despite that they've picked up on a lot of things that are stressed in the report.

Cliff asked whether there was any substantive rethink or change in the recommendations. Sherry responded that not really—a few marginal changes.

Commission expressed appreciation to Sherry and Steve Miller and all those who facilitated for their efforts.

#### **4. Draft Report Update—** – *Kirsten Howard; Nathalie Morison, NHCP [70 min] (Attachment: Distributed separately)*

Kirsten and Nathalie went over the changes since last meeting using PPT slides

- New numbering system; assigned lead responsible parties; consolidation; separated the municipal and state recommendations
- Most substantive: S5 and CC1 were dedicated to funding, highlights the need, and BL2

*On BL2:*

- Senator Watters mentioned that Senate bill asks for an audit, 1.5 years away. This recommendation suggests another approach—would one track preempt the other? Should we amend the Executive Order? Maybe governor is interested. Or we say this is what will need to be done after the report of Senate Bill 452. Unclear what to recommend until the outcome of SB452 is clear.
- Kevin Nyhan asked if an EO would be jumping the gun? It makes more sense to do an audit of what legislation is affected or affecting you, before you go ahead and do things this way. I think the bill should come first.
- Gail Wolek added that funding needs to follow, given that DRED is a self-funded agency
- Nyhan responded that from a DOT perspective, there is a new 10-year plan that's almost approved. It would be the next 10-year plan that would identify the funding needs for this—updated every two years.
- Senator Watters mentioned that Senator Stiles and he have continuing conversations about whether to provide technical assistance language about SLR and storm surge into 10-year highway plan.

Bill Arcieri asked is the 500-year floodplain commonly established?

- Julie responded that on the coast it's pretty minimal difference because of the elevation changes.
- Dick Huber mentioned that South Carolina just experienced a 1000-year flood.
- Senator Watters mentioned we should indicate who will provide technical assistance in Action C.
- Nathalie explained that the FEMA guidance does mention a preference for the climate science approach.
- Cliff responded that we're saying the first option for NH is using the STAP report or its successors.
- Senator Watters responded that perhaps we should state the STAP when we use phrase climate-informed science report.
- Nathalie responded that the STAP doesn't have the hydraulic and hydrologic data—the STAP is one source of several that would be needed.

- Cam Wake agreed with Nathalie and added that the STAP is one point in time and not the complete picture.
- Steve Couture encouraged the Commission not to state a preference at this point. The technical assistance we develop later could talk about the preference and highlight that there are options.
- Sinnott mentioned that it's hard to tease out exactly what the climate science approach actually means in terms of design standards without defining the risk tolerance of the facility.
- Nathalie Morison responded that's why they have multiple options listed. There is a lot of guidance.
- Jennifer Gilbert mentioned that guidelines are advisory. We're waiting for agencies to propose their own plans. For non-critical actions they'll probably use freeboard. For critical actions they'll propose using climate or freeboard (whichever is higher elevation). I am currently working on revised model ordinance with higher regulations. Haven't figured out the climate approach yet.
- LaBranche mentioned that the devil is in the details here. Action C refers to updating floodplain management standards. Maybe could tweak to clarify that it is for municipal structures and private property standards. Also be aware that we have to tailor approaches in many communities. We could perhaps write a white paper to give more detailed guidance on how communities could apply this.
- Wolek agreed and emphasized that the water isn't going to rise everywhere. Municipalities could prioritize where they want to have the discussion to prioritize most at-risk areas.
- Phil Winslow gave an example from Rye, stating that from a municipality standpoint, we're considering a lot of this stuff already. One problem is if you raise freeboard by 2 feet, and there's a height constraint on the community. Some standards are interrelated.

Sinnott asked if there any other comments from municipalities.

- Don Hawkins mentioned Seabrook Beach. It would be useful to have a model ordinance to deal with height restrictions. Allow them to reduce risk of flood and allow them to go up above 30 foot limit. Maybe the height limitation should be defined as the height of the building from base up rather than ground up.

Senator Watters—are municipalities looking at Action F.

- Steve Couture mentioned he thinks a safe assumption is no

Sherry Godlewski mentioned that the US Department of Homeland Security is conducting a vulnerability assessment of electrical infrastructure in New England. They used NH as example. DHS is doing this over several years. That will inform the site evaluation committee. They will need our data for T2S and C-RiSe.

Huber mentioned that as a municipality, he senses the need for a document for municipalities, slideshow, hard to go through the document and figure out if it relates to municipalities.

Winslow mentioned that the draft document is an admirable job, super job in terms of clarity. He had one suggestion for substantive change—the definition of new construction on page 66: replacement of structure or facility which has been destroyed. Not sure what other towns have. If we have a reconstruction, you have to address new rules. In Rye, if this definition applied, 95% of homes couldn't be rebuilt. Unintended consequences would apply to setbacks.

- Julie responded that Rye (and other communities) have provisions for grandfathering non-conforming structures and uses. Says that you can build in kind for two years and maintain grandfathered rights.
- Phil asked for editors to add something to the definition. Doesn't override municipal regulation.
- Phil also mentioned that the No regrets definition: is a false concept. Sometimes this might incur a new cost or shift it from one place to other. He suggested adding the caveat "We acknowledge that cost and cost schedule will be factored into any decision."
- Group suggested putting No regrets after Risk Tolerance section at the bottom of the page after Risk Tolerance.
- Sinnott and Wake agreed to help redraft the no-regrets definition.

Phil also mentioned that in Rye we can't do reverse 911 calls because the cell towers aren't there. Can't reach everybody. Evaluate emergency communications preparedness in the seacoast municipalities. CC3d, page 50. Cam had a similar comment and suggested this be addressed in critical infrastructure section, adding reference to the entire communications system. Add wastewater treatment plants too. (Page 24)

Senator Watters suggested that on page iii in beginning: mention Steering Committee, on page 2, mention that Steering Committee was established.

- Also noted a problem with Appendix E: Dover info is broken in half. Chart repeats. Page 80.
- STAP report on pages 8-9: crucial guidance beyond the SLR projections about the tolerance for risk. Put sentence on page 39 in middle. Add reference to the guidance. (Cory agreed)
- On Page 10, let's use an example of an expensive asset or commercial asset. Wastewater treatment plant in Seabrook. Replace culvert (18 inch to 4 foot box culvert).
- Mary Kate agreed that it should be something more relatable.
- Senator Watters will give more edits in writing.
- Tom Morgan highlighted Appendix D which talks about other hazards and risks. Suggested adding population migration that might occur into NH due to other climate impacts, such as drought. References will be researched for that prediction and Cam suggested using the NCA and scenarios by UNH.

Edits are due to Kirsten and Nathalie by the end of Tuesday, February 23

Sinnott suggested we write up paragraph about NY State's approach in the Guidance section which was presented to the commission and inadvertently left out.

Cory asked if Section 5.2.3 Other guidance section might not be necessary? Group agreed to delete Comprehensive Shoreline Management Plan and Consistent Minimum Development Standards

Senator Watters made a **motion** to approve draft report and release for public comment. Tom Morgan **seconded** the motion. Discussion: Cory confirmed that approval is inclusive of edits today and conforming edits by Tuesday. SO VOTED (unanimous approval, no abstentions)

## 5. Communications & Outreach Plan -- *Communications Workgroup* [20 min]

Nathalie Morison mentioned that the communications team is meeting regularly; Cam Wake, Kirsten Howard, Nathalie Morison, Roger Stephenson, Sherry Godlewski, Julie LaBranche, Senator Watters

Julie shared Commissioner 'talking points', very rough draft, somewhat modeled after Executive Summary as well

- Cam commented and others agreed that it's important to provide context, but it buries the lead, encouraged Julie to put the key points at the top. "We're working to help protect the future of NH's coastal communities"
- In background section, purpose and problem issues are mixed together. Then how will report be used and jumping into recommendations.
- Julie asked if we should include something about timing?
  - Highlight public comment period and when final report will be released, how people can comment
  - General agreement that the talking points are useful
  - Julie reminded the group that we'll make some audience-specific fact sheets later on
  - Recruit Roger to write FAQs—Cory encouraged group to write FAQs based on questions we get rather than what we think we'll get

## **6. CRHC Milestone and Meeting Schedule** – February through November 2016 *Nathalie Morison* [15 min]

Nathalie shared the tentative schedule and agreed to send it around electronically:

- Public release is Friday, March 18 9-11:30am, Brown's Lobster Pound
- Public comment period: March 18-June 30

Checking the dates for the public meetings—there will be two: one on the coast and one in Great Bay community

Gail mentioned that there should be a press packet, media will be interested, you want them working from the same reference material

Julie: RPC will be compiling the comments with Excel spreadsheet, how received, etc.

Peter Kinner suggested reminders as comment deadline approaches.

Legislative Briefing at State House in early April

- Senator Watters hopes to have dates and locations from aide next week some time, lunch break of House on Wednesday

Longer term: in November, following election, it would be nice to bring legislators up to speed. And/or orientation, first week of December.

Reach out to Governor's office in transition after the election.

Watters: Maybe we should see if chair and legislative members could meet with Governor around March 18.

Executive Councilor for the District should be invited.

- Roger mentioned that elements of this should be part of the transition team's portfolio.

Senator Stiles and Watters will likely do a joint editorial around March 18.

Senator Watters mentioned that our official duty will be to transmit the report to the legislature

- Asked would we make a recommendation to establish a permanent Commission and create certain duties?
- Phil mentioned that it would be helpful from a municipal standpoint, because as state agencies work and possible legislation comes down, we could be aware of all those updates.

## **7. Other Business [30 min]**

Update on CRHC related Legislation (SB-374 & SB-452) - Senators Watters and Stiles

- 374 Passed Senate from policy committee, sent to finance
- 452 passed natural resources and energy committee 3 to 1, against Senator Sanborn (who suggested this is already their job)
- Bill on ocean acidification has passed Committee.

*Weathering Change Report – NH Business Responses to Climate Change – Roger Stephenson*

- PPT on Commission website
- Handed out hard copies of report

**8. Public comment:** No comments.

## **9. Adjourn**

Adjourned at 11:39am

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<sup>i</sup> Replaced Kendall Buck in December 2015

<sup>ii</sup> Replaced former representative Christopher Muns in January 2015

<sup>iii</sup> Replaced former Asst. Commissioner Vicki Quiram as NHDES CRHC representative in April 2015

<sup>iv</sup> Replaced Raymond Smith as Seabrook CRHC representative in June 2015

<sup>v</sup> Replaced Dr. Paul Kirshen as the University of New Hampshire CRHC representative in October 2015