

## Session 5 Maine and New Hampshire Legislation

### ***Protecting Maine's Beaches for the Future: 2017 Report Update***

Bob Marvinney, *Maine Geological Survey, Dept. of Agriculture, Conservation and Forestry*

Tina Zabierek, *Maine Department of Environmental Protection*

Maine legislature looking to address value of beaches and reduces risk to life and property

- 2004-2006 Stakeholder groups generated a report with recommendations, many implemented, some delayed
  - The 2004-2006 goals of the Report: Reduce erosion risk, enhance habitat, recreation & tourism, improve public safety & access, protect development & infrastructure
- A lot of recommendation implemented
  - E.g. Sand Dune Rules improve balance between development & hazard mitigation; habitat awareness, beach mapping, education materials for homeowners
  - Not implemented - Beach Nourishment, due to funding limitation
- Benefits of Beaches key to communicating to residents why this is a state issue
  - \$ from beach tourism - #s come from Maine State Office of Tourism
- 2016 passed a Resolution to further study implementation & funding
  
- Timeline - passed in March, Work Group identified in April, official meetings began in June, and in November, a stakeholder workgroup to ensure that update wasn't occurring in a bubble, including reps from tourism association, innkeepers, retail, Ski Maine, etc.

### *Data & Findings*

- Updated data & findings, economic assessment of the Beaches Area
- Data for beaches comes from voluntary Maine Geological Survey to look at changes over the years

### *Comprehensive Beach Nourishment Strategy*

- Looked at Beach nourishment volume & cost estimate of \$250 million
- ID "important beaches" based on wildlife and accretion/erosion rates, then looked at what other states are doing - often dependent on state legislature funding
  - Florida uses RFPs from municipalities & other jurisdictions for beach nourishment, allows either 1 or several to be funded based on current funding levels
  - Also recommended updating dredging use (Chapter 418 Beneficial Use of Solid Waste) and development of a funding mechanism
  - IDd 10 potential criteria for beach nourishment - erosion severity, wildlife habitat, project longevity, matching funding, recreation & economic benefit, marine resources, access opportunities, threats to development, future change considerations & Applicable Design standards

- Also, consideration of public access easements for funding coming from state and requirement for monitoring twice a year for 5 years to show if project was success or not for future consideration
  - Funding determines timeline
- Top funding recommendation was an Environmental Bond for Maine's Beaches of \$10 million to demonstrate successful nourishment projects
- NJ uses a Real Estate Transfer Tax - \$25 million/year
- Florida Trust Fund - \$ from environmental disaster funds and the like

***Preparing NH for Projected Storm Surge, Sea Level Rise, and Extreme Precipitation: A Summary of the New Hampshire Coastal Risk and Hazards Commission Report and Ongoing Implementation Initiatives***

Nathalie Morrison, *New Hampshire Department of Environmental Services, Coastal Program*

State's efforts to address Storm Surges & SLR  
CAW and network key to local needs to drive policy

- Giving municipalities coastal flood maps, but there is a "Dillon Rule Dilemma" where municipalities can only act if explicitly authorized in state statute, but NH is not home-rule state
- Due to limited authority municipalities always look to state (i.e. blame state when adaptation becomes contentious)
- Coastal municipalities wanted state guidance → SB 163 of 2013
  - Attractive feature - clear and focused mission to prepare state & muni's to address coastal flood risks - storm surge, slr and extreme precipitation
  - 2nd feature - heavily bi-partisan and sectors like real estate & insurance groups as well as all 17 coastal communities
  - 3rd - sunset date of 12/1/2016 which helped commission focus efforts for short time frame - from education to developing report with recommendations
  - Unattractive feature - unfunded mandate
- Commission efforts largely dealt with vocal opposition of science at nearly all stages of the process - end results was unanimously supported Guiding Missions - but this kept it palatable and understandable in the end for commission members and general public
- Report goes over *What NH is Facing, Risks and Vulnerability, What To Do, and Goals and Recommendations*
- *What NH is Facing* involved 2014 Science and Technical Advisory Panel Report
- *Risks and Vulnerability* used existing economic indicators & existing Regional Vulnerability Assessments looking at vulnerabilities in economy, built landscape, natural resources and Heritage
  - Economics example: \$.4 billion assessed property values vulnerable under a 6.3 SLR scenario with storm surge

- Natural resources example: w/6.6 ft SLR scenario, 95% of marshes will be lost by 2100
- *What to Do* - act early to reduce additional costs, incremental response, collaborate and coordinate internally and across jurisdictions & level of government, base planning & design on risk tolerance, make no regrets decisions - value added decisions regardless of what scenarios occurs
- *Goals and Recommendations*
  - 35 in Set SAIL Report
  - Examples that are already underway - periodically review the STAP report - DES required by law to do this at least every 5 years - NERRS grant proposal process
- State agencies to review statutes to see whether they were enabled to take action against coastal flood risks

From here - outreach needed, and technical assistance

- NOAA Merit grant helping with implementation through outreach & technical assistance, under Setting SAIL
- DES & Fish & Game assessments to determine assets vulnerable to coastal flood risks
- Working with 10 Great Bay municipalities - willing to look at options that may have not been considered without commission's unanimous backing of the report

Maine Representative Blume & New Hampshire Senator Watters attended the session and made additional comments:

### ***Maine Representative Blume***

Report inspired Blume to put in a bill proposal for Maine to do the same

Takeaways - have separate scientific panel that was externally reviewed led to credibility

Key difference - home rule

Maine Commission going to present in October annual meeting on coastal hazards and risk

MMA putting together stakeholders for meetings - word will be out shortly - contact her if you want information when she finds out as well

### ***New Hampshire Senator Watters***

Two bills underway at state level

One bill sets up commission to look at acidification, nutrient loading and other emerging issues for GB estuary and nearshore issues as well as blue carbon and other issues.

Another bill is SB 185 (recently signed by Governor) referring this NH report to be in guidelines at looking at these coastal flood risks, outlines how tax and assessor codes can be used to make changes - modeled after abatement for restoring historical area - allows for changes to be made to reduce flood risk (restore salt marshes, move electrical off of base floor) as well as long-term bonding mechanisms for impacts to tax based that might come up

Questions/Comments

Nourishment - resources really depend on resources - amount of sand, and what it's used for, e.g. if it's habitat, that's an additional use

Seawalls - 70% of NH shoreline is hardened

In Maine, no new ones allowed, but maintenance okay - in sand dune systems, in other systems, sometimes vertical structures allowed but not always, but revetment like rip-rap is allowed

System with eroding clay looking at what "green" approaches would address erosion without compromise marine environment

Attention given to options besides dredging and dumping, something like more focused on wave attenuation devices to slow down waves

Question is that sand might affect somewhere else in the system - need to be considered as part of the system

Issues with losing sand - not just at a site, but globally - options like reefs or vegetations, combined with SLR - no "one-time" solution