

# New Hampshire Coastal Marine Natural Resources and Environment Commission

NHDES Portsmouth Regional Office  
Pease International Tradeport  
222 International Drive, Suite 175  
Portsmouth, NH 03801

June 24, 2019  
9:00 AM to 11:00 AM

## 1. Introduction and Announcements

### Members in attendance:

Eric Chapman, Chair (NH Sea Grant), Sen. David Watters (District 4), Jenn Dykstra (UNH School of Marine Science and Ocean Engineering), Steve Couture (NH Department of Environmental Services), Sen. Tom Sherman (District 24), Rep. Jason Janvrin (Town of Seabrook), Rep. Renny Cushing (Town of Hampton), Melissa Paly (Conservation Law Foundation).

### Others in attendance:

Chris Williams (NH Department of Environmental Services), Abigail Lyon (Piscataqua Region Estuaries Partnership), Rebecca O'Brien (Surfrider Foundation), Sue Lambert (NH Department of Environmental Services)

Chair Chapman opened the meeting.

### Announcements:

- Rep. Cushing stated that regarding his bill HB 494, relative to removal or containment of contaminants from the Coakley Landfill, they have an agreement with the Committee of Conference on a way to proceed. Sen. Sherman stated that they were able to set a timeline for NHDES to come up with a remedy especially focused on the surface water going into Berry's Brook. The timeline has three components. The first is a remediation plan, the second is a written agreement with the Coakley Landfill Group, and the third is actual implementation by September 1, 2020. The accountability lies with the attorney general's office. Sen. Sherman added that this is a potential huge step forward to contain known contaminants coming off of Coakley. They are hopeful that the governor will sign the bill.

Rep. Cushing also noted that after the NHDES sampled Berry's Brook and found it to be contaminated with PFC's, New Hampshire Fish and Game Department then posted a notice urging people not to consume fish caught in Berry's Brook.

Rep. Cushing added that MCLs (maximum contaminant levels) for surface water standards are still not in place in NH. It was noted by Sen. Sherman that NHDES has reported that it would be more than a year before New Hampshire has surface water standards available.

- Sen. Watters stated that they received \$100,000 in the capital budget for building the monitoring system in the Great Bay. They were not able to obtain additional money from NHDES for the general fund budget for grants for municipalities to help with MS4 and other issues. Progress was made on the offshore drilling ban. Progress

was not made with plastics issues. Sen. Watters' SB 285, to establish a coastal resilience and economic development program, came through the house and senate. The Septic Study Commission passed.

- Rep. Janvrin updated his bill HB 324, which prohibits the operation of personal watercraft in the Hampton-Seabrook Estuary within 300 feet of the shoreline. He stated that it was originally written as a rulemaking idea, which only Marine Patrol can enforce. It was re-written and put into statute through the legislative process, which became effective on June 5, 2019. It is now enforceable by any law enforcement agency to include the local police in Seabrook, Hampton or Hampton Falls, the state police, the sheriff's department, the constable, and marine patrol.
- Sen. Watters reported there has been lot of interest regarding offshore wind. He has had discussions with developers regarding potential projects from Cape Ann up to Cape Elizabeth, but the most likely area will be right off the NH coast. Developers believe there is potential to power approximately 300,000 homes. Some of the related issues are: siting, where the transmission line will come ashore, and assembly and manufacturing. Sen. Watters expressed an interest in pulling together a task force, at the end of summer or the beginning of fall, to identify legislation that may be needed to ensure that the state is prepared for offshore wind development.

Chris Williams gave an update regarding the BOEM site characterization process. He stated that in April BOEM responded to the governor's letter requesting the establishment of an intergovernmental offshore renewable energy task force. BOEM is recommending a regional task force to include the states of Maine and Massachusetts, and they are calling it the Gulf of Maine Renewable Energy Task Force. BOEM recently sent letters to both Maine and Massachusetts requesting participation and both states have agreed. Over the next several months, BOEM will be working on developing a charter and looking at membership for the task force and they are hoping to have their first meeting by the end of the year, maybe sometime in November.

Steve Couture added that the Office of Strategic Initiatives is the lead for New Hampshire, and it looks like the energy offices from Massachusetts and Maine are also the lead for their states. NHDES will also be at the table.

- Erik Chapman reported on some of the recent projects that NH Sea Grant funded. This funding program was not part of their larger funding program grants, which are currently being reviewed. These were a fast turn-around call for proposals to do projects between \$5,000 to \$10,000. They are as follows:
  - A Comparative Study of Eelgrass Monitoring Methods Calibrated with Local Knowledge. Project Lead: Cat Ashcraft
  - Creating a deposition baseline for modeling microplastic particle distribution in Great Bay Estuary. Project lead: Bonnie Brown
  - Comparison between oyster larvae and recruitment in the Great Bay Estuary, NH – Project lead: Jen Dijkstra
  - evaluate the biological stock structure of Atlantic cod to inform fishery management – Project lead: Adrienne Kovach
  - Preliminary Analysis of PFAS Fate in Point Sources Discharging to the Great Bay Estuary – Project lead: Paula Mouser
  - Interviews to modify PowerPlay theater scripts – Project lead: Julia Peterson
  - usefulness of high resolution UAV derived vegetation classification data for Great Bay habitat assessment – Project lead: Michael Routhier
  - Relay to reduce Vibrio abundance in shellstock – Project lead: Cheryl Whistler

- Development and Testing of Alternative Lobster Baits made from Green Crabs – Project lead: Win Watson

### **Surfrider Foundation New Hampshire Chapter, Becca O'Brien, Chair**

Becca O'Brien introduced herself and gave an overview of the history of Surfrider foundation and some of the projects and goals they are working on. Some of the key points of the discussion are as follows:

- Surfrider is a non-profit environmental organization that works to protect and preserve the world's oceans, waves and beaches. It is a network of volunteers, local activists, and local and national legal, policy and environmental experts. It began a little over 35 years ago in Malibu, CA with a group of surfers who got together and protected a local surf break that was being threatened by over development and pollution.
- The main focus of Surfrider Foundation is:
  - Beach access for all
  - Clean beaches
  - Healthy water
  - Healthy oceans
- It has since grown into a chapter-based organization, and the mission of the organization now is to protect 100 percent of the coastline. The organization wants to make sure there is chapter representation at all beach access points around the contiguous United States. They also have chapters located in the Great Lakes. Becca became the local chapter secretary and has been the communicator for the group over the past several years, and was nominated the chair last summer.
- Melissa Gates is the Northeast Regional Manager at Surfrider Foundation. She represents Surfrider and community members on a legislative level on single use plastic bags, plastic straws and offshore drilling. Surfrider has also been active with ocean planning, to include offshore wind.
- Becca O'Brien is a Portsmouth Residence and became involved with Surfrider Foundation in 2014 through a program they are engaged in called Rise Above Plastics, which is designed to eliminate the impacts of plastics in the marine environment, with a primary goal to ban single use plastic bags in the city of Portsmouth.
- Some of the local chapter initiatives are:
  - Beach access for all
  - Rise Above Plastics
  - Offshore drilling, as it relates to clean waters
  - Beach Cleanups
- In addition to their beach access issues, the plastic issue has received a lot of attention here in New Hampshire, and residents throughout the state have become very much involved. People are very interested to see what the state is doing legislatively with single use plastic bags.
- Sen. David Watters stated that we are surrounded by states right now that are taking on single use Styrofoam. He would like to put in an extended producer responsibility bill on plastics, and then fund it with a cap and trade system. This could potentially fund municipal recycling programs by putting the responsibility on the businesses

rather than the municipalities. He would like to work with Altinay Karasapan, Environmental Health Coordinator, from the National Caucus of Environmental Legislators (NCEL) to meet with the Commission and also legislators about drafting some legislation.

- Eric Chapman added that it might be useful to have someone from the waste management municipal organization come in to talk to the group about issues they are facing, which may help with some of these issues surrounding plastics.
- Steve Couture asked if a single use Styrofoam ban has been considered yet. He stated that since it has had some success in other states, it might be a way for New Hampshire to achieve some incremental success to get something out of the waste stream.
- Becca O'Brien said that Styrofoam is listed under the solid waste statute, but noted that the word "plastic" is not listed in the statute. As a result, municipalities do not feel like they have the authority to ban these items. Josh Denton, Portsmouth City Counsellor, has put some draft language through for an ordinance to address Styrofoam and plastic straws.
- Sen. Watters added that it might be worth checking to see if plastics could be considered as a hazard under a towns coastal hazards master planning, which would allow for regulatory authority over it.
- Abigail Lyon enquired if there have been any studies between PFAS and plastics. She states that plastics in the marine environment essentially collect some petrochemicals, and wondered if it could apply to the PFAS chemicals as well.
- Becca O'Brien stated that Surfrider holds monthly local chapter meetings, generally the first Wednesday of every month. The location of the meeting changes every month. Additional information, including their cleanups and other events, can be found on Facebook (Surfrider Foundation New Hampshire chapter), Instagram (surfridernh) and on their chapter website at: <http://newhampshire.surfrider.org/>
- In addition to the Atlantic coast, Abigail Lyon asked if Surfrider does any work in the Hampton-Seabrook Estuary and the Great Bay Estuary? Becca confirmed that they do.
- Regarding marine debris, Becca noted that 80 percent of what they are finding on the beach is derelict fishing gear. Rep. Janvrin suggested that maybe there is something legislatively that can change the law that would allow the cleanup of the fishing gear. Melissa Paly agreed that this is where the focus should be. Sen. Sherman also agreed that maybe there is something they could do legislatively to protect the folks who are cleaning up the fishing gear off the beach.

## **2. Approve notes from April 22, 2019 meeting**

Motion to approve from Erik Chapman. Seconded by Melissa Paly. All in favor. One abstention. None opposed. Notes passed.

## **3. Planning for Next meeting**

- The commission decided that their next meeting would take place on Monday, September 23, 2019 at NHDES in Room A. Monday, October 28<sup>th</sup>, 2019 was chosen as the potential next meeting date.
- Steve Couture suggested that management of derelict fishing gear would be a great topic for the next meeting. Eric Chapman stated that it would be important to invite appropriate people from the fishing community as well as the NH Fish and Game Department (NHF&G) to those meetings. He also added that Erik Anderson was planning to discuss lobster cleanup at today's meeting, and that a member of his staff has worked with NHF&G in the past to try to loosen the rules requiring NHF&G to be present while removing fishing gear off the beaches. Eric stated that bringing the groups together who are involved in the beach cleanups may also help to gain some traction toward the overall effort to loosen these rules.
- Sen. Watters recommended that the September and October meetings focus on advancing previous reports and recommendations, such as plastics, nutrients and fishing gear/marine debris. The November meeting can be a workshop to draft legislative ideas.

#### **4. Public Comment**

None

**Meeting Adjourned 10:50 AM**