

Senate Finance Committee

Deb Martone 271-4980

SB 241-FN-A, relative to construction of a public pier on Hampton Beach and making an appropriation therefor.

Hearing Date: February 11, 2025

Time Opened: 1:51 P.M.

Time Closed: 2:24 P.M.

Members of the Committee Present: Senators Gray, Carson, Birdsell, Pearl, Lang, Rosenwald and Watters

Members of the Committee Absent: Senator Innis

Bill Analysis: This bill establishes and makes an appropriation to the Hampton Beach State Park pier fund, a dedicated fund to be administered by the department of natural and cultural resources for the purpose of siting, permitting, design, and construction of a public pier at Hampton Beach.

Sponsors:

Sen. Avard

Sen. Lang

Rep. Hill

Rep. Rice

Who supports the bill: Senator Avard; Chase Eagleson.

Who opposes the bill: Representative Muns; Gordon Springate; Curtis Howland; Janet Lucas; James Gardner; Anthony Ferrantello.

Who is neutral on the bill: Brian Wilson

Summary of testimony presented in support:

Senator Avard, Prime Sponsor:

- SB 241-FN makes an appropriation to the Hampton Beach State Park pier fund, a dedicated fund to be administered by the Department of Natural and Cultural Resources, for the purposes of siting, permitting, design and construction of a public pier at Hampton Beach.
- Individuals in a wheelchair on the beach struggle to touch the water.
- The appropriation will enable individuals to go out approximately 500 feet onto the water to enjoy the ocean spray on their face or simply to fish.
- New Hampshire doesn't have a pier.
- It would be a revenue generating investment, and be a big draw to the state of New Hampshire.

- With a pier, those with disabilities would be able to enjoy what we take for granted so often.
- A study was done on this proposal which spelled out a number of options, with price tags of \$2 million to \$24 million to build the pier. Senator Avarad is asking for \$2 million for permitting. The pier itself would be funded through grants and donations. This bill sets up the fund to allow this to occur. If not enough grants are generated within a few years the money is returned to the General Fund.
- Senator Gray advised Senator Avarad he would need an amendment to revise the bill's fiscal note.
- Senator Rosenwald wondered how such a bill could truly be a revenue generator. She agrees our public spaces should be accessible to everyone. Senator Avarad believes a pier will draw people to the beach and extend the summer season. He doesn't want SB 241-FN to be looked at primarily as a revenue source. He believes the revenue would be a byproduct of the pier. Senator Rosenwald reminded Senator Avarad of previous Fish and Game Department testimony stating Hampton Beach was the prime nesting spot for 2 different species of endangered birds. The department had further concerns regarding the possible death of baby seals due to abandonment by mother seals. Senator Avarad expressed he had no concerns on that level. The plan would be to go out 500 feet from where the restrooms are located on the beach. Senator Rosenwald remarked about wide tire wheelchairs and some sort of hard surface to get individuals down to the water. Senator Avarad claimed the pier would act as an alternative to the rocky jetty.
- Senator Lang suggested the proposed amendment would revise Section 3 of the bill regarding the appropriation, the purpose and perhaps adding a sunset clause. Senator Lang volunteered to assist Senator Avarad on such an amendment.
- Senator Watters sought confirmation that such a project would need siting and construction plans prior to seeking permits. Senator Avarad pointed out a \$150,000 feasibility study was done on the project. He believes that would be enough information to apply for a permit. Senator Watters inquired if Senator Avarad was aware of the Science Technical and Advisory Panel's requirement to meet every 5 years to establish the anticipated sea level rise and storm surge of coastal areas. The DOT and other organizations are bound to accommodate those recommendations in any construction. The last meeting anticipated between 1.5 and 3 feet of sea level rise by the year 2100. Our neighbors to the north and south are anticipating one foot in the next ten years, and 3-5 feet by 2100. If that were to occur at Hampton Beach, parking, access and perhaps even the boulevard would not be viable within a few decades. Senator Watters asked how committee members can justify spending money in such a case.

Summary of testimony presented in opposition:

Representative Chris Muns, Rockingham District 29:

- Representative Muns represents the town of Hampton. He offers the perspective of an individual who has lived in Hampton--3 miles down Ocean Boulevard from the main beach--year-round for the past 28 years.
- Most of his constituents have neither asked for this project, nor are interested. The majority of the residents of Hampton who do know about the project are opposed to it. It is not necessary, and they are concerned about what it will do to traffic and to the already difficult task of finding parking at the beach.
- Their greatest concern is with the two locations at the north end of the main beach. These locations are in front of mostly residential properties; far away from the main entertainment and businesses along the beach. It is also where the plovers nest.
- Year-round Hampton residents are also very concerned about the additional burden a pier would place on their existing roads, wastewater and water systems, and police and fire infrastructure.
- The taxpayers of Hampton are already absorbing a greater share of the costs associated with visitors to Hampton Beach State Park than the share of state revenues they are receiving. They are looking for assurances that when those costs go up if a pier is constructed, they will be appropriately compensated.
- This project is no where ready for prime time.
- If the goal is to improve accessibility for those with disabilities, there are more cost effective and visitor-friendly ways to do that.
- If there is extra funding in our next budget to invest in Hampton, the strong preference and recommendation would be to address the significant flooding issues so many of Representative Muns' constituents who live in the Hampton Harbor area experience every time there is a storm or an unusually high tide.
- If we want to restrict that investment to our State Parks system, the most prudent and fiscally responsible action would be to use the money to help replace the Canon Mountain Tramway. It would protect a significant source of year-round revenue for our State Parks System at one of our state's top tourist destinations.
- Hampton has other pressing priorities that should be addressed first.
- Senator Lang inquired as to our 13-mile coastline, is there any way a disabled individual could get over the water versus just at the edge of the water. Representative Muns stated there is no way he knows of that they could get over the water. With a little bit of creativity and funding we could improve their access to get to the edge of the water.

Neutral Information Presented:

Brian Wilson, Director, Division of Parks and Recreation, Department of Natural and Cultural Resources:

- A \$150,000 study was conducted as to the feasibility of the pier. Another \$150,000 went to an accessibility study at Hampton Beach State Park.
- During the last year a stakeholder commission has been refining the accessibility improvement study. It also contemplated where a pier would fit in regarding the recommended improvements. That study is available.

- During the assessment there were many low cost and no cost accessibility improvements discussed throughout the park. The pier was classified as an innovative high cost, similar to reconstruction of staircases and converting them to ramps.
- Much of the information the commission received related to parking. The division is currently working closely with the DOT to finalize the Ocean Boulevard Master Plan as it relates to the DOT's 10-Year Plan. Much of the parking is owned by DOT, under the management of Natural and Cultural Resources. As they realign Ocean Boulevard that will reconfigure the majority of the parking at Hampton Beach. It will be the opportunity to create many new access points. They will ensure many of the accessibility study findings will be incorporated into the Transportation project.
- A pier may provide for an additional attraction that could increase visitation. However, as outlined in the pier feasibility study, further discussion is needed regarding ownership and partnership interests and responsibilities to move the project forward.
- Ongoing operating costs, including repair and maintenance over the lifespan of the pier is important because of the impact of winter storms on seacoast facilities.
- The proposed appropriation is less than half of estimates to construct the pier in the feasibility study.
- To move a project forward for permitting, a full design would need to be in place. Typically, in a large capital project the full funding for the scope of the project needs to be in place before moving forward with permitting. The design and engineering could be appropriated upfront. During that effort all the permitting would be identified.
- Senator Rosenwald inquired of previous testimony of Director Wilson regarding a better location for the pier, such as north of the beach. Director Wilson confirmed in the pier feasibility there were 3 primary locations identified. They were south of Boars Head on the main part of Hampton Beach. The first one was immediately south of Boars Head, which has many parking constraints. The second location was in the very center of the beach, coming off of the Seashell complex. The main concern with that location is that it is one of the busiest areas of the beach. There are swimming boundaries to either side of the pier if individuals are on the pier fishing. The south beach area at the State Park near where the current jetty is located seemed to be the most viable option. That is the area where the piping plovers annually nest. Regarding sea level rise, that area is extremely vulnerable.
- The Army Corps of Engineers has been reconstructing the jetty. They are installing 6,000 pound rocks that get shifted around every winter. The location of a pier in that immediate area would need to be very robust and large to hold up to Mother Nature each winter season.
- There has been much studied at the local level and regionally throughout the Seacoast relative to risk mitigation and other strategies. The Department would be concerned with the pier's longevity and viability, as well as

maintenance and funding. Their priorities lie with maintaining the existing infrastructure.

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Date Hearing Report completed: February 14, 2025