



**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**Office for Coastal Management**  
Silver Spring Metro Center, Building 4  
1305 East-West Highway  
Silver Spring, Maryland 20910

**OCT 29 2019**

Mr. Steve Couture  
New Hampshire Coastal Program  
Department of Environmental Services  
222 International Drive, Suite 175  
Portsmouth, NH 03801

Dear Mr. Couture,

Thank you for the August 14, 2019, request for approval of changes to the federally approved New Hampshire Coastal Management Program.<sup>1</sup> This letter is to inform you that the changes are approved.

The changes pertain to the listing of Federal authorizations subject to review under the Coastal Zone Management Act (CZMA) Federal Consistency regulations found at 15 CFR Part 930, specifically, certain authorizations by the Federal Energy Regulatory Commission (FERC) associated with non-federal hydropower projects under the Federal Power Act; FERC authorizations associated with natural gas facilities; and Bureau of Ocean Energy Management (BOEM) authorizations under the Outer Continental Shelf Lands Act. As approved, the changes are for the purpose of correcting citations, and more precisely describing the activities within the scope of the current listing by the state for these authorizations. The revisions do not add activities or authorizations currently listed by the state as subject to review. Please note that the list submitted by the state incorrectly included a citation to 16 U.S.C. 800, and that the state has agreed that this citation should be deleted. See the attached complete list of Federal actions subject to review by the state as approved by the NOAA Office for Coastal Management on October 29, 2019, to be posted by the state.

The state has also revised certain enforceable policies of the New Hampshire Coastal Program used for CZMA review purposes, specifically, policies #1, #2, #3, and #12. The changes are for the purpose of clarifying that effects to coastal uses are reviewable as well as those to coastal resources. These changes are approved.

Please include in the public notice of this approval the list of changes provided in this letter, and send a copy of the notice to the Office for Coastal Management for our records.

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<sup>1</sup> Received August 15, 2019. On August 5, 2019, the Final Rule revising the Coastal Zone Management Act Program Change procedures was published. 84 FR 38118 (Aug. 5, 2019). The rule did not take effect until September 5, 2019, following the submission of these proposed changes.

Thank you for your cooperation in this review. Please contact Becca Newhall at 978-281-9237, if you have any questions. For future correspondence regarding these program changes, please refer to the file number assigned to this action, NH-2019-1.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joelle Gore', with a stylized, cursive script.

Joelle Gore, Chief  
Stewardship Division

Attachments:

Table of Approved Changes;  
Complete List of Federal Actions Subject CZMA Review.

Thank you for your cooperation in this review. Please contact Becca Newhall at 978-281-9237, if you have any questions. For future correspondence regarding these program changes, please refer to the file number assigned to this action, NH-2019-1.

Sincerely,

Joelle Gore, Chief  
Stewardship Division

Attachments:

Table of Approved Changes;  
Complete List of Federal Actions Subject CZMA Review.

**Table of Approved Changes (October 29, 2019)**

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	New, revised or deleted?	CZMA enforceable policy?	Date Effective in State
<b>MODIFIED:</b>				
<p><b>Changes to List of Federal Authorizations</b></p> <p>Revisions to the list of Federal authorizations subject to review pursuant to the Coastal Zone Management Act Federal Consistency regulations at 15 CFR Part 930 to correct citations and more precisely describe the scope of reviews for the following:</p> <ul style="list-style-type: none"> <li>• Licenses and permits, and renewals and amendments thereof, for non-federal hydroelectric projects and primary transmission lines under Sections 3 (11), 4 (e, f), and 15 of the Federal Power Act. (16 U.S.C. § 796 (11), 797 and 808).</li> <li>• Permission and approval for the abandonment of natural gas pipelines under Section 7(b) of the Natural Gas Act. (15 U.S.C. § 717f(b)).</li> <li>• Certificates authorizing construction and operation of interstate natural gas facilities, including both pipelines and terminal facilities, under Sections 3 and 7 of the Natural Gas Act. (15 U.S.C. § 717b and § 717f).</li> <li>• Options and order for permission for import or export of natural gas under Section 3 of the Natural Gas Act. (15 U.S.C. § 717b).</li> <li>• Permits, licenses, easements, rights-of-way, or other grant of authority for construction and maintenance of pipelines of oil and gas transmission on the Outer Continental Shelf under the Outer Continental Shelf Lands Act. (43 U.S.C. § 1334 <i>et seq.</i>).</li> <li>• Plans for the exploration, development and production of Outer Continental Shelf resources, and any other permits or authorizations granted for activities described in detail in Outer Continental Shelf exploration, development and production plans, under the Outer Continental Shelf Lands Act. (43 U.S.C. § 1331 <i>et seq.</i>).</li> </ul>	Not applicable.	Revised.	No.	Date of NOAA approval of revised listing.

Changes to Enforceable Policies	Not applicable.	Revised.	Yes.	Date of NOAA approval.
<p>Revisions clarifying that effects to coastal "uses" are within the scope of the policies.</p> <p>Policy #1 land and water resources;</p> <p>Policy #2 fish and wildlife resources;</p> <p>Policy #3 mining of sand and gravel in offshore and onshore locations;</p> <p>Policy #12 siting of energy facilities.</p>				

**NEW HAMPSHIRE COASTAL PROGRAM  
FEDERAL ACTIVITIES SUBJECT TO CONSISTENCY REVIEW**

**I. FEDERAL AGENCY ACTIVITIES**

**All Federal Agencies**

Any development activity conducted by the agencies listed below on excluded federal lands if that activity affects the coastal zone. (16 U.S.C. §§ 1456(c) (1) and (c) (2))

**Department of Commerce/National Marine Fisheries Service**

Fisheries management plans - consistency reviews of these plans are based on the general policies that address fish and wildlife management. (16 U.S.C. §§ 1801-1882)

**Department of Defense/Air Force, Army and Navy**

Location, acquisition, and design of new or enlarged defense installations. Actions conducted on federal lands with potential impact on non-federal coastal land and water including construction or expansion of buildings or acquisition of land. (10 U.S.C. § 2802)

**Department of Defense/Army Corps of Engineers**

Proposed projects, authorizations for dredging, channel works, breakwaters, other navigation works, erosion control structures, reservoirs, dams, beach nourishment, and other public works projects. (33 U.S.C. § 403)

**Department of Homeland Security/Coast Guard**

Location, design, and acquisition of new or enlarged installations. (14 U.S.C. § 92)

**Department of the Interior/Fish and Wildlife Service**

Acquisition and management including master plans of National Wildlife refuges. (16 U.S.C. §§ 668dd-668ee; Pub. L. No. 105-57)

**Department of the Interior/National Park Service**

Acquisition and management including master plans of national parks and seashores. (16 U.S.C. §§ 1-460)

**Department of Transportation/Federal Aviation Administration**

Construction, maintenance, and demolition of federal aids to navigation. (49 U.S.C. § 44502)

**Environmental Protection Agency**

Designation of ocean dumping and incineration sites, including at-sea incineration. (33 U.S.C. §§ 1412(c))

**General Services Administration**

Disposal of surplus federal land, property acquisition and building construction. (40 U.S.C. §§ 521-593)

## **II. FEDERALLY LICENSED OR PERMITTED ACTIVITIES**

### **Department of Defense/Army Corps of Engineers**

Section 9 permit; Rivers and Harbors Act of 1899 (33 U.S.C. § 401)

Section 10 permit; Rivers and Harbors Act of 1899 (33 U.S.C. § 403)

Section 404 permit; Clean Water Act and amendments (33 U.S.C. § 1344)

Section 103 permit, Marine Protection Research and Sanctuaries Act of 1972 as amended.  
(33 U.S.C. § 1413)

### **Department of Energy/Federal Energy Regulatory Commission**

Licenses and permits, and renewals and amendments thereof, for non-federal hydroelectric projects and primary transmission lines under Sections 3 (11), 4 (e & f), and 15 of the Federal Power Act. (16 U.S.C. § 796 (11), 797, and 808)

Permission and approval for the abandonment of natural gas pipelines under Section 7(b) of the National Gas Act. (15 U.S.C. § 717f(b))

Certificates authorizing construction and operation of interstate natural gas facilities, including both pipelines and terminal facilities, under Sections 3 and 7 of the Natural Gas Act. (15 U.S.C. § 717b and § 717f)

Options and orders for permission for import or export of natural gas under Section 3 of the Natural Gas Act. (15 U.S.C. § 717b)

### **Department of the Interior/Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement**

Permits, licenses, easements, rights-of-way, or other grant of authority, for construction and maintenance of pipelines for oil and gas transmission on the Outer Continental Shelf under the Outer Continental Shelf Lands Act. (43 U.S.C. §1334 et seq.)

Plans for the exploration, development and production of Outer Continental Shelf resources, and any other permits or authorizations granted for activities described in detail in Outer Continental Shelf exploration, development and production plans, under the Outer Continental Shelf Lands Act. (43 U.S.C. § 1331 et seq.)

### **Department of Transportation and Department of Homeland Security/Coast Guard**

License for the construction and operation of deepwater ports; Deepwater Port Act of 1974. (33 U.S.C. § 1503)

Permit for construction or modification of bridge structures across navigable waters of the United States. Section 9, Rivers and Harbors Act of 1899. (33 U.S.C. § 401)

**Department of Transportation/Federal Aviation Administration**

Permit and license for the construction, operation, or alteration of airports.  
(49 U.S.C. § 44702 and 47112)

**Environmental Protection Agency**

National Pollution Discharge Elimination System (NPDES) permit; Section 402 and 403, Federal Water Pollution Control Act. (33 U.S.C. §§ 1342 and 1343) Ocean dumping permit (exercised jointly with Army Corps of Engineers) Section 102 permit, Marine Protection Research and Sanctuaries Act of 1993 as amended. (33 U.S.C. § 1412)

**National Surface Transportation Board**

Abandonment of rail lines. (49 U.S.C. § 10903)

Any state objections or conditions under this activity must be limited to those that do not interfere with interstate rail operations or seek to impose pre-abandonment requirements. This activity was formerly under the jurisdiction of the Interstate Commerce Commission.

**Nuclear Regulatory Commission**

Permit and license required for the construction and operation of nuclear plant.  
(42 U.S.C. § 2133)

**III. FEDERAL FINANCIAL ASSISTANCE ACTIVITIES**

**DEPARTMENT OF AGRICULTURE**

- 10.025 Plant and Animal Disease, Pest Control, and Animal Care
- 10.415 Rural Rental Housing Loans
- 10.664 Cooperative Forestry Assistance
- 10.760 Water and Waste Disposal Systems for Rural Communities
- 10.763 Emergency Community Water Assistance Grants
- 10.768 Business and Industry Loans
- 10.904 Watershed Protection and Flood Prevention

**DEPARTMENT OF COMMERCE**

- 11.300 Investments for Public Works and Economic Development Facilities
- 11.302 Economic Development - Support for Planning Organizations
- 11.303 Economic Development - Technical Assistance
- 11.407 Interjurisdictional Fisheries Act of 1986
- 11.419 Coastal Zone Management Administration Awards
- 11.420 Coastal Zone Management Estuarine Research Reserves
- 11.426 Financial Assistance for National Centers for Coastal Ocean Science
- 11.427 Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Program
- 11.433 Marine Fisheries Initiative



11.463 Habitat Conservation  
11.474 Atlantic Coastal Fisheries Cooperative Management Act

**DEPARTMENT OF DEFENSE**

12.104 Floodplain Management Services  
12.110 Planning Assistance to States

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

14.157 Supportive Housing for the Elderly  
14.181 Supportive Housing for Persons with Disabilities  
14.218 Community Development Block Grants/Entitlement Grants  
14.872 Public Housing Capital Fund

**DEPARTMENT OF THE INTERIOR**

15.506 Water Desalination Research and Development  
15.605 Sport Fish Restoration  
15.611 Wildlife Restoration and Basic Hunter Education  
15.614 Coastal Wetlands Planning, Protection, and Restoration  
15.615 Cooperative Endangered Species Conservation Fund  
15.616 Clean Vessel Act  
15.628 Multi-State Conservation Grant  
15.904 Historic Preservation Fund Grants-in-Aid  
15.916 Outdoor Recreation - Acquisition Development and Planning

**DEPARTMENT OF TRANSPORTATION**

20.106 Airport Improvement Program  
20.205 Highway Planning and Construction\*  
20.316 Railroad Rehabilitation and Improvement Financing Program  
20.500 Federal Transit Capital Investment Grants  
20.505 Metropolitan Transportation Planning and State and Non-Metropolitan Planning and Research

\* Activities funded, wholly or in part, by the Federal Department of Transportation's Highway Planning and Construction Program, commonly referred to as the Federal-Aid Highway Program, are excluded from federal consistency review by the NHCP except for the following:

- Highway construction or reconstruction
- Bridge construction, reconstruction, replacement or rehabilitation
- Construction of truck weigh stations or rest areas

- Construction of bus storage or maintenance facilities
- Work that alters the hydrology of freshwater perennial streams, tidal waters or tidal wetlands
- Work in tidal waters or tidal wetlands to mitigate the impacts of an existing transportation facility

#### **ENVIRONMENTAL PROTECTION AGENCY**

66.001 Air Pollution Control Program Support

66.418 Construction Grants for Wastewater Treatment Works

66.419 Water Pollution Control State, Interstate, and Tribal Program Support

66.432 State Public Water System Supervision

66.454 Water Quality Management Planning

66.456 National Estuary Program

66.802 Superfund State, Political Subdivision, and Indian Tribe Site-Specific Cooperative Agreements

66.818 Brownfields Assessment and Cleanup Cooperative Agreements

#### **DEPARTMENT OF ENERGY**

81.041 State Energy Program

#### **DEPARTMENT OF HOMELAND SECURITY**

97.012 Boating Safety Financial Assistance

97.110 Severe Loss Repetitive Program