

## CHAPTER 8

### SPECIAL REQUIREMENTS

#### A. PUBLIC INTEREST FACILITIES AND RESOURCES

##### Uses of Regional Benefit

The federal Coastal Zone Management Act contains provisions which require that the regional benefit from certain resources and activities be considered in the development and implementation of state coastal zone management programs.

In New Hampshire, authority to prevent the arbitrary exclusion of uses of regional benefit includes:

- Exemption of state and federal activities from local zoning: while state statutes are silent as to the applicability of local zoning to state conducted activities, case law clearly exempts state activities from local zoning. Federal activities are also exempt from local zoning.

- Eminent Domain: RSA 4:29 empowers the Governor and Executive Council to acquire, on behalf of the state, either by purchase or other means (including eminent domain), any real estate within the state which is necessary for any military purpose, public parks, public buildings, or any other public improvement purposes in the name of the state. The procedures for taking land will be in accordance with RSA 498-A, the Eminent Domain Procedures Act.

- Public Utilities Procedures: Planning Enabling Legislation RSA 31:62 provides for the exemption from adherence to local zoning of structures used or to be used by public utilities, after a public hearing, if the Public Utilities Commission decides that the situation of the structure is necessary for the convenience or welfare of the public. Hearings will be in accordance with RSA 365. Public utilities can also acquire land through condemnation procedures established under RSA 371.

The following activities are uses of regional benefit which cannot be arbitrarily excluded under New Hampshire state laws:

1. Electrical generating facilities of more than 50 megawatts (RSA 371, RSA 31:62).
2. Electrical high voltage transmission lines in excess of 100 kilovolts (RSA 271, RSA 31:62).
3. Public utility pipelines (oil and gas) (RSA 371 and RSA 31:62).
4. Regional waste treatment plants (RSA 149:B-1a, State Activity).
5. State beaches and parks (RSA 4:30 State Activity).
6. Highways (RSA 232, State Activity).

7. Public port facilities (RSA 271-A:13, State Activity).
8. Land for propagation of fish and game (RSA 212:2, State Activity).
9. Defense and Coast Guard Installations (Federal Activity).

#### National Interest Facilities and Resources

The Federal Coastal Zone Management Act contains provisions which require that the national interest in certain resources and activities be considered in the development and implementation of state coastal zone management programs.

Articulation of the national interest is the responsibility of the federal government. The Congress and the Executive Branch, through legislation and executive orders and programs, express and represent the interest of the entire nation. Federal agencies, therefore, generate national interest information for consideration by the states.

New Hampshire recognizes that certain activities are in the national interest and seeks to assure that there is a balance between protection and development by giving full consideration for siting, in the coastal area, of all facilities of national interest and requiring that environmental concerns be fully considered as well.

The following sources were used to develop national interest information.

- . Federal laws and legislation
- . Presidential policy statements and executive orders
- . Federal agency consultation
- . Plans, reports, and studies from federal, state, or inter-state agencies

Facilities and resources in the coast which are in the national interest are discussed below:

Facilities in the National Interest:

- a) National Defense Facilities - New Hampshire accommodates several national defense facilities in or affecting the coastal area - Pease Air Force Base, New Castle Coast Guard Station and the Portsmouth Naval Shipyard. However, any new or expanded national defense facility can be located anywhere by eminent domain authority of the U.S. Department of Defense. The regulation of those activities listed in this document shall not prohibit any activity conducted by the Department of Defense that is essential for national defense or because of emergency. Such activities shall be conducted consistently with all regulations to the maximum extent practicable.
- b) Energy Facilities - Given the size of the State's coastline, New Hampshire already accommodates the national interest in the siting of

energy facilities in the seacoast: six facilities for oil product transfer, storage, and distribution; two electric generating plants; one LPG facility; one oil refinery; and one nuclear power plant under construction. Along the three mile shoreline of the only deep water channel which can accommodate water-borne commerce, over 2 miles are owned and developed for water dependent energy industries.

Due to the state's limited shoreline and the extent of existing energy facilities, only coastal dependent energy facilities will be in the national interest. (An oil refinery, for example, is not coastal dependent.)

The state has a one-stop permit process for all energy facilities and is required to consider the public interest in all such sitings. RSA 162-F:9 and RSA 162-H:11 require the appointment of a counsel for the public to represent its interests in protecting the quality of the environment and in assuring an adequate electric power supply. These laws further require that environmental and other relevant factors be reviewed when determining whether objectives of the law are best served by issuance of a permit.

- c) Recreation - The national interest in recreation facilities in New Hampshire as determined through review of the Nationwide Outdoor Recreation Plan, the Historic Preservation Act, the Land and Water Conservation Fund Act, and the New Hampshire Statewide Comprehensive Outdoor Recreation Plan. Some of the major objectives identified through this review include the recognition that recreation should be an equal among competing uses of the coastal area; high quality recreational opportunities should be provided to all citizens while protecting the coastal environment and public recreation opportunities should be increased in high density areas.

In New Hampshire's seacoast, recreation constitutes a major industry and opportunity. Public beaches, state parks, and public mooring areas all provide recreational opportunities for New Hampshire citizens and out-of-state visitors. New Hampshire meets the national interest in recreation through:

- direct state ownership and management of coastal parks and recreation areas (See Tables 3-1 and 3-2 in chapter 3 for lists of state lands).
- acquisition and eminent domain authority to expand or acquire recreation areas. (RSA 216-A)

The New Hampshire program relies on the recreation policies of the State Comprehensive Outdoor Recreation Plan (SCORP) and its planning process to provide continuing consideration of the national interest in recreation. The salient policies in the plan are provided in Chapter 3, Policy 7.

- d) Transportation - National interest in transportation is determined through the review of the Department of Transportation Act, the Railway Safety Act, and the Coast Guard, Primary Duties (14USC). The major objective in transportation is to provide fast, safe, efficient, and convenient access via one or more modes of transportation for the movement of goods, people and services to, from, and through the coastal region.

In New Hampshire, the Portsmouth Harbor channel and Interstate 95 are transportation corridors in the national interest and are protected by public interest over-ride statutes or direct federal control:

- The Portsmouth-Piscataqua River channel is maintained by the Corps of Engineers as a navigable channel for water dependent industries. The Corps provides a public notice to OSP on all major projects proposed in the State Review and comment by OSP through the Corps public notice and comment procedures shall constitute intergovernment coordination and national interest consideration.
- Interstate 95 is maintained by the state. Expansion and eminent domain authorities are covered under RSA's 120, 229, 232, 233, and 256-C. Any major highway expansion or construction requiring the acquisition of additional rights-of-way is subject to extensive public review procedure pursuant to the Department of Public Works and Highway Action Plan, Federal Consistency Review under the Coastal Program, and other relevant state laws.

Resources in the National Interest:

- e) Water and Air - The coastal program incorporates, by reference, the requirements of the Clean Air and Clean Water Acts. These standards will be maintained or achieved through issuance of state and federal air emission and waste water discharge permits.
- f) Wetlands - The national interest for the protection of wetlands is contained in section 404 of the federal Water Pollution Control Act, the National Environmental Policy Act of 1969, and the May 24, 1977, Executive Order #11990 on the Protection of Wetlands. The New Hampshire program recognizes the importance of wetlands for habitat and food sources, for waterfowl and aquatic life, and other natural functions. Existing state law (RSA 483-A) already provides state policies and a permit program for the protection of wetlands. National interest consideration in wetlands is met through this permit process.

Continued consideration: The New Hampshire Coastal Program continues to consider the national interest in coastal resources through a number of different avenues. The Program has funded in the past two full time wetland inspectors who enforce the State's wetland laws, and a full time inspector for the Water Supply and Pollution Control Division. Part of the State's first year Federal Award will be used to continue to fund these positions. The Office of State Planning provides technical and financial assistance to local communities in order to improve local land use controls to better manage and protect coastal resources. In the past funds have been use for wetland restoration,

public education, and strengthening local wetlands regulation. Land acquisition is also an eligible use of coastal funds.

The incorporation of parts of the Great Bay into the National Estuarine Research Reserve Program will help ensure that the national interest in the Great Bay is considered.

- g) Fish and Wildlife Resources - Existing federal legislation and studies clearly demonstrate the national interest in conserving, enhancing, and managing commercial fishing, strengthening the contribution of marine resources to recreation, and developing and protection marine resources and wildlife habitats. The New Hampshire Department of Fish and Game under RSA's 206-215 is empowered to protect and preserve the fish, game, bird and wildlife resources of the state. As noted in Policy 2, the seacoast and estuarine areas of the State represent habitat to many diverse wildlife species.
- h) Great and Little Bay Estuarine System - In addition to the above Federal and State authorities which clearly demonstrate the national interest in these components of the Great and Little Bay Estuarine System, large parts of Great Bay have been Federally approved for inclusion in the National Estuarine Research Reserve Program.

Continued Consideration of the National Interest:

Continued consideration of the national interest in facilities and resources identified above will be assured during program implementation as follows:

The Office of State Planning has been designated by the Governor as the lead agency for the coastal program and is responsible for ensuring adequate consideration of the national interest in all state decisions.

OSP shall ensure continuing consideration of the national interest by providing national interest information during public interest proceedings, through the Intergovernmental Review Process and other permit, plan review and coordination proceedings:

- a) National Defense Facilities - OSP will be notified of any consistency determinations made by appropriate Department of Defense agency through the Intergovernmental Review Process (IRP). OSP will coordinate items of national interest consideration with the appropriate Department of Defense agency contact.
- b) Energy Facilities - Under RSA 162-F:1 and RSA 162-H:1, the New Hampshire Legislature requires a public interest finding to balance environmental protection and the need for energy. This public interest finding, as incorporated in the New Hampshire Coastal Program, speaks to and constitutes the continued consideration of the national interest in the planning for, and siting of, energy facilities in the coast, as required under Section 306 (e) (2) of the Federal Coastal Zone Management Act.

Based on its geographical location, New Hampshire has traditionally considered national and regional energy needs in making its siting decisions. With the state's utilities participating in the New England Power Pool, shared energy supply with surrounding states is an ongoing fact. In recognition of this fact, state law under RSA 162-F:4 requires the identification of all tentative sites within the State for power supply in relation to the location of existing plants and tentative sites planned or announced by utilities within a two hundred mile radius. Further, in the final determination of need for a specific facility and in the subsequent permit order under the bulk power facilities siting process, the economies of scale available by building a large plant to meet state and regional energy demand is fully considered in the siting decision.

- c) Recreation - New Hampshire provides continued consideration of recreation in the coast through the planning and management of existing parks and through the purchase of additional areas. OSP will be notified through the SCORP and IRP review of all such proposed activities.
- d) Transportation - Any proposed activity in a navigable channel is subject to a Corps of Engineers permit based on public notification and review. OSP receives such notifications and will coordinate directly with the Corps on any national interest considerations.

Any expansion of Interstate 95 requiring the acquisition of additional rights-of-way is subject to extensive review and public input under the State Highway Action Plan. For the coastal program, this review process provides continuing consideration of the national interest in the siting of highways to ensure that the needs, economy, and safety of the public are served by the best general transportation facilities available. OSP is notified of all such proceedings.

- e) Resources in the National Interest - The national interest in water, air, wetlands and living marine resources is considered through the existing state or federal water quality, air quality of wetlands permit process. Issuance or denial of a permit constitutes adequate consideration of the the national interest.

## B. FEDERAL CONSISTENCY

In addition to state and local government, federal agencies also play a significant role in New Hampshire's coast. In recognition of this fact, the federal Coastal Zone Management Act provides for the review of federal activities that impact a state's coastal area to ensure that they are being conducted in a manner consistent with the state's approved management program. These activities are:

- Federally conducted or supported activities, including development projects, which directly affect the coastal zone. These must be consistent to the maximum extent practicable;
- Activities requiring Federal licenses or permits affecting any land or water uses in the coastal zone;
- OCS exploration, production and development plans affecting any land or water uses in the coastal zone; and
- Federal assistance to state and local governments for projects or activities affecting the coastal zone.

The Office of State Planning (OSP) is the lead agency for issuing all federal consistency determinations in New Hampshire. OSP will also ensure that state agencies and local governments have the opportunity to participate in federal consistency reviews by including them on the reviewers list for projects affecting their interests. If the state determines that an activity will be inconsistent with the management program, OSP will work with the federal agency and other interested parties to determine how the activity, project, or plan can be consistent with the approved management program.

The basis for all consistency reviews of federal actions are the policies contained in Chapter 3 of the federally approved New Hampshire Coastal Program and the existing state laws and procedures contained in the appendices. OSP will continue to carry out the federal consistency provisions without additional burdensome responsibilities on applicants and federal agencies. In this regard, OSP will use, to the maximum extent possible, information required by existing federal regulations such as environmental impact statements, environmental assessments, permit applications and grant applications. This information, however, must include the necessary information outlined in the National Oceanic and Atmospheric Administration (NOAA) federal consistency regulations at 15 CFR - Part 930. In addition to federal activities conducted within the defined coastal boundaries described in Chapter 2, Federal actions on excluded federal lands, activities on the Outer Continental Shelf with the exception of OCS lease sales, and actions on inland areas which directly affect the coastal area are subject to consistency review. The need for a consistency review of these federal activities is based on the extent to which the activities directly affect the coastal zone.

### Federally Conducted or Supported Activities

Federal agencies are responsible for determining whether federal activities directly affect the coastal zone and whether they are consistent to the maximum extent practicable with the state's approved program. Federal activities outside the coastal boundary which directly affect the coastal zone are also subject to this review.

Consistency review determinations made by federal agencies for activities directly affecting the coastal zone will be submitted to OSP as the designated coastal agency. The federal activities listed in Part I of Figure 8-1 are likely to require a federal consistency determination. Unlisted activities will be monitored through the Intergovernmental Review Process. In those cases where a consistency determination and review is needed for any unlisted activities, OSP will notify the federal agency in accordance with procedures specified in NOAA regulations.

Federal agencies are required to notify the state of proposed activities that will directly affect the coastal zone and must provide OSP with a consistency determination at the earliest practicable time in the planning of the activity, preferably when the analysis of alternatives is still ongoing. In any case, the consistency determination must be provided to OSP no later than 90 days before final approval of the activity. Federal agencies may use existing mechanisms such as IRP and NEPA environmental review processes to satisfy the notification requirements.

If a federal agency determines that an activity listed in Part I of Figure 8-1, or otherwise identified by the State, does not directly affect the coastal zone, and thus a consistency determination is not needed, the agency must notify OSP at least 90 days before final approval of the activity setting forth the reasons for its negative determination as described in Section 920.35(d) of NOAA's regulations.

Upon receipt of a consistency determination from a federal agency, OSP will review the determination and inform the federal agency of its agreement or disagreement with the consistency determination within 45 days. If needed, OSP may request, and the agency shall grant, a one time extension of 15 days. Any further extensions may be granted at the discretion of the federal agency. The consistency determination will be based upon the enforceable program policies as described in Chapter 3.

In the event OSP is in disagreement with a federal agency's consistency determination, OSP will inform the agency of its reasons for disagreement, supporting information, and alternatives, which, if adopted, would make the activity consistent with the coastal program.

Section 307(c) (1) and (2) of the CZMA authorize the State to require a federal agency consistency determination for federal activities occurring outside of, but directly affecting, the State's coastal zone. NOAA regulations at 15 CFR 930.35(a) direct states to generally describe, in their management programs, the location of such activities.

New Hampshire has determined that federal activities located seaward of the

3 mile Territorial Sea lying off New Hampshire's coast are likely to directly affect the coastal zone and may be reviewed for consistency. Particularly proposed are existing ocean incineration sites and designated ocean transportation corridors for materials destined for at sea incineration.

#### Federal Licenses and Permits

Federal agencies may not issue a license or permit for any activity affecting land or water uses in the coastal zone unless the state concurs with the applicant's consistency certification, or is conclusively presumed to concur or unless the U.S. Secretary of Commerce finds that a proposal is consistent with the purpose of the federal Coastal Zone Management Act or is necessary in the interest of national security. Licenses and permits subject to consistency review are listed in Part II of Figure 8-1. In addition, OSP will continue to monitor other federal licenses and permits and any unlisted activities requiring federal permits to determine whether they are likely to affect the Coastal Zone and will require a consistency review. If a consistency review is necessary, OSP will notify the applicant, the federal agency, and the director of OCRM of NOAA within 30 days of receiving notice of the activity notification that an unlisted license or permit will be subject to a consistency review.

At the same time an application for a license or permit is submitted to a federal agency, the applicant shall transmit a copy of the application together with the necessary data and information including that described in Section C (page 8-26) for facilities subject to the energy facility siting process and the consistency certification to OSP.

In the absence of an applicable state license or permit, OSP shall review the consistency certification based on the state's enforceable coastal policies, regulations and procedures. OSP will make a decision or notify the applicant of the status of the review within 3 months, as provided in NOAA regulations. State concurrence must be issued no later than six months after receipt of the consistency certification. If a decision is not issued within six months, consistency will be presumed.

In order to ensure public input, public notice will be given for any license or permit being reviewed for consistency. For activities which are subject to a similar state permit, OSP will use the applicable agency's notification process. Should this or other reasonable forms of public notification not be available or if the nature of the permit being applied for is of sufficient interest, OSP will carry out the public notice.

When OSP does not concur to a consistency certification, it will notify, in writing, the applicant, the federal agency and the Director of OCRM. The notification will describe how the proposed activity is inconsistent and alternatives, if any, which would make the activity consistent with the New Hampshire Coastal Program. The notification will also advise the applicant of the right to appeal the state's decision to the Secretary of commerce.

## OCS Plans

Plans for the exploration, development and production of Outer Continental Shelf (OCS) resources and all associated license and permits for activities described in detail in such plans which affect any land or water uses in the coastal zone will be evaluated for consistency with New Hampshire's coastal program in accordance with the NOAA federal consistency regulations. OCS oil and gas leasing activities are not subject to consistency review. The review will be coordinated by OSP and based on the enforceable policies and standards of the state's federally approved coastal program. As in the previous section, OSP will ensure all the public notice necessary for review of the OCS activities.

OSP will process all OCS plans as soon as reasonably possible. The maximum review period as established by federal regulations, is three months following commencement of state review, with an additional three month period available to the state upon notification to the appropriate parties of the status of the review and the basis for further delay. Total review time cannot exceed six months. If the State does not issue a decision within six months, consistency is presumed. In the event that the state objects to a consistency certification for an OCS activity, the federal agency may not approve the plan or issue any license or permit for activities described in detail in the plan unless the U.S. Secretary of Commerce finds that the proposal meets the objectives of the federal Coastal Zone Management Act or is necessary in the interest of national security. If the State objects, it will notify the applicant, the Department of Interior and the Director of OCRM of the reasons for the objection and the existence of any available alternatives which would be consistent with the New Hampshire Coastal Program.

## Federal Assistance to State and Local Government

As the Intergovernmental Review Process review agency, OSP will receive all applications for federal assistance. All state or local government applications for projects affecting the coastal zone including planning, design, construction, alteration or expansion of physical development projects will be subject to a consistency review and the applicant must certify consistency with the policies of the program. This certification must be contained in the narrative submitted for IRP review.

Within the time limits provided for IRP review, OSP, as the state clearinghouse, will notify the appropriate federal agencies and applicants of any objections to proposed projects. The objection will describe how the proposed project is inconsistent with enforceable policies and shall recommend alternative measures, if any, which would make the project consistent. Applicants will also be notified of appeal procedures under NOAA regulations.

FIGURE 8-1

FEDERAL ACTIVITIES SUBJECT TO CONSISTENCY REVIEW  
UNDER THE NEW HAMPSHIRE COASTAL PROGRAM

PART I. FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS LIKELY TO DIRECTLY AFFECT  
THE COASTAL ZONE

Department of Commerce/National Marine Fisheries Service

- . Fisheries management plans - consistency reviews of these plans are based on the general Fish and Wildlife Management Policy contained in this program on page 3-8.

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.

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.

Department of the Interior/Fish and Wildlife Services

- . Acquisition and management including master plans of National Wildlife Refuges.

Department of the Interior/National Park Service

- . Acquisition and management including master plans of national parks and seashores.

Department of Transportation/Coast Guard

- . Location, design, and acquisition of new or enlarged installations.

Department of Transportation/Federal Aviation Administration

- . Construction, maintenance, and demolition of federal aids to navigation.

Environmental Protection Agency

- . Designation of Ocean dumping and incineration sites, including at-sea incineration.

General Services Administration

- . Disposal of surplus federal land, property acquisition and building construction.

FIGURE 8-1 (CONTINUED)

All Federal Agencies

- . Any development activity conducted by the above mentioned agencies on excluded federal lands if that activity effects the coastal zone.

PART II. FEDERALLY LICENSED AND PERMITTED ACTIVITIES

Department of Defense/Army Corps of Engineers

- . Section 10 permit; Rivers and Harbors Act of 1899.
- . Section 9 and 10 permits; Rivers and and Harbors Act of 1899.
- . Section 404 permit; Clean Water Act and amendments.
- . Section 103 permit, Marine Protection Research and Sanctuaries Act of 1972 as amended.

Department of Energy/Federal Energy Regulatory Commission

- . License for non-federal hydroelectric projects; Section 4(e), Federal Power Act.
- . Abandonment of gas pipeline; Section 7, National Gas Act.
- . Certificates authorizing construction, or operation of, or facilities for transportation or storage of natural gas; section 7, Natural Gas Act.

Department of Energy/Economic Regulatory Administration

- . Options and orders for permission for delivery of imported LNG.

Department of the Interior/Bureau of Land Management and Mineral Management Service

- . Permit for pipeline rights-of-way for oil and gas transmission on Outer Continental Shelf.

Department of Transportation/Coast Guard

- . License for the construction and operation of deepwater ports; Deepwater Port Act of 1974.
- . Permit for construction or modification of bridge structures across navigable waters of the United States.

Department of Transportation/Federal Aviation Administration

- . Permit and license for the construction, operation, or alteration of airports.

Environmental Protection Agency

- . National Pollution Discharge Elimination System (NPDES) permit; Section 402 and 403, Federal Water Pollution Control Act.
- . Ocean dumping permit (exercised jointly with Army Corps of Engineers) Section 102 permit, Marine Protection Research and Sanctuaries Act of 1972 as amended.

Nuclear Regulatory Commission

- . Permit and license required for the construction and operation of nuclear plant.

Interstate Commerce Commission

- . Abandonment of rail lines.

Department of the Interior/Minerals Management Service

- . Plans for the exploration, development and production of OCS resources. Oil or gas leasing activities are specifically excepted.

PART III. FEDERALLY ASSISTED ACTIVITIES (Reviewed through the Intergovernmental Review Process)

DEPARTMENT OF AGRICULTURE

Animal Plant and Health Inspection Services

10.025 Plant and Animal Disease and Pest Control

Agricultural Marketing Service

10.156 Federal-State Marketing Improvement Program

Farmers Homes Administration

10.405 Farm Labor Housing Loans and Grants  
10.411 Rural Housing Site Loans  
10.414 Resource Conservation and Development Loans  
10.415 Rural Rental Housing Loans  
10.416 Soil and Water Loans  
10.418 Water and Waste Disposal Systems for Rural Communities  
10.419 Watershed Protection and Flood Prevention Loans  
10.420 Rural Self-Help Housing Technical Assistance  
10.422 Business and Industrial Loans  
10.423 Community Facilities Loans  
10.427 Rural Rental Assistance Payments  
10.433 Rural Housing Preservation Grants

- 10.475 Cooperative Agreements with States for Intrastate Meat and Poultry Inspection

Food and Nutrition Service

- 10.550 Food Distribution (Food Donation Program)  
10.553 School Breakfast Program  
10.555 National School Lunch Program  
10.556 Special Milk Program for Children  
10.557 Special Supplemental Food Program for Women, Infants and Children (WIC Program)  
10.558 Child Care Food Program  
10.559 Summer Food Service Program for Children  
10.560 State Administrative Expenses for Child Nutrition  
10.561 State Administrative Matching Grants for Food Stamp Program  
10.564 Nutrition Education and Training Program (NET Program)  
10.565 Commodity Supplemental Food Program  
10.567 Needy Family Program  
10.568 Temporary Emergency Food Assistance (Administrative Costs)

Forest Service

- 10.664 Cooperative Forestry Assistance (National Forest System Land - Management Practices Which Involve Direct Development Activities)

Soil Conservation Service

- 10.901 Resource Conservation and Development  
10.904 Watershed Protection and Flood Protection (Small Watershed Program)  
10.906 River Basin Surveys and Investigations (River Basin Program)

**DEPARTMENT OF COMMERCE**

Economic Development Administration

- 11.300 Economic Development - Grants for Public Works and Development Facilities  
11.301 Economic Development - Business Development Assistance  
11.302 Economic Development - Support for Planning Organizations (Development District Program; Redevelopment Area Program)  
11.303 Economic Development - Technical Assistance (when the application is by or for the benefit of a state or local government)  
11.304 Economic Development - Public Works Impact Projects  
11.305 Economic Development - State and Local Economic Development Planning (302(a) Grants - State and Urban Planning Programs)  
11.307 Special Economic Development and Adjustment Assistance Program - Sudden and Severe Economic Dislocation or Long-Term Economic Deterioration

National Oceanic and Atmospheric Administration

- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.419 Coastal Zone Management Program Administration Grants
- 11.420 Coastal Zone Management Estuarine Sanctuaries
- 11.426 Financial Assistance for Marine Pollution Research (State and Local Government Applicants)
- 11.427 Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Program (State and Local Government Applicants)
- 11.428 Intergovernmental Climate - Programs

National Telecommunications and Information Administration

- 11.550 Public Telecommunications Facilities - Grants and Planning (PTFP)

Minority Business Development Agency

- 11.800 Minority Business Development - Management and Technical Assistance (State and Local Government Applicants)

**DEPARTMENT OF DEFENSE**

- No # Installation Comprehensive Master Planning
- No # Military Construction
- No # Family Housing
- No # Real Property Acquisition and Disposal
- No # Withdrawals of Public Domain Land for Military Use
- No # Substantial Changes in Existing Use of Installations
- No # Air Installation Compatible Use Zone (AICUZ) Studies
- No # Natural Resources Plans
- No # Floodplain Management and Wetlands Protection
- No # Appropriate Information and Data for Regional Plans, Programs, and Projects

Army Corp of Engineers

- No # Planning, Design and Construction of Civil Works Projects Specifically Authorized by Congress
- No # Recreation Facilities at Completed Projects

Continuing Authorities Program Planning, Design and Construction of Small Projects Not Specifically Authorized by Congress

- 12.101 Beach Erosion Control (Section 103 Program)
- 12.105 Emergency Streambank and Shoreline Protection of Public Works (Section 14 Program)
- 12.106 Flood Control (Section 205 Program)

- 12.107 Navigation (Section 107 Program)
- 12.108 Snagging and Cleaning for Flood Control (Section 208 Program)
- 12.109 Snagging and Cleaning for Navigation (Section 3 Program)
- No # Mitigation of Shore Damage Attributable to Navigation Projects  
(Section 111 Program)
- 12.100 Aquatic Plant Control

Federal Financial Assistance (Technical Assistance)

- 12.104 Floodplain Management Services Program (FPMS Program)
- 12.110 Planning Assistance to States (Section 22 Program)

Office of Economic Adjustment

- 12.607 Military Base Reuse Studies and Community Planning Assistance  
(Community Planning Assistance)

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Public Health Service

- 13.116 Project Grants and Cooperative Agreements for Tuberculosis Control  
Programs (Section 317, Public Health Service Act)
- 13.118 Acquired Immunodeficiency Syndrome (AIDS) Activity
- 13.120 Mental Health Services for Cuban Entrants
- 13.125 Mental Health Planning and Demonstration Projects
- 13.128 Refugee Assistance - Mental Health (RAP-MH)
- 13.129 Technical and Non-Financial Assistance to Community Health Centers
- 13.130 Primary Care Services - Planning and Development Cooperative  
Agreements (Primary Care Services Cooperative Agreements)
- 13.133 Health Services Delivery to Aids Victims - Demonstration Grants (AIDS  
Service Demonstration Grants)
- 13.137 Minority Health Coalition Grants - Demonstration Projects
- 13.217 Family Planning Projects - Services (Umbrella Councils)
- 13.224 Community Health Centers
- 13.246 Migrant Health Centers Grants
- 13.258 National Health Service Corps
- 13.260 Family Planning - Personnel Training
- 13.268 Childhood Immunization Grants
- 13.293 State Health Planning and Development Agencies
- 13.294 Health Systems Agencies
- 13.392 Cancer Construction
- 13.676 Surplus Property Utilization (Federal Property Assistance Program)
- 13.888 Home Health Services and Training
- 13.965 Coal Miners Respiratory Impairment Treatment Clinics and Services  
(Black Lung Clinics)
- 13.977 Preventive Health Services - Sexually Transmitted Diseases Control  
Grants
- 13.978 Preventive Health Services - Sexually Transmitted Diseases Research,  
Demonstrations, and Public Information and Education Grants

- 13.985 Eye Research - Facility Construction
- 13.987 Health Programs for Refugees (Immigration and Nationality Act)
- 13.988 Cooperative Agreements for State-Based Diabetes Control Programs
- 13.990 National Health Promotion Training Network
- 13.995 Adolescent Family Life Demonstration Projects

Office of Human Development Services

- 13.600 Administration for Children, Youth and Families - Head Start (Head Start)
- 13.623 Administration for Children, Youth and Families - Runaway and Homeless Youth
- 13.630 Administration on Developmental Disabilities - Basic Support and Advocacy Grants
- 13.631 Administration on Developmental Disabilities - Special Projects
- 13.633 Special Programs for the Aging - Title III, Parts A and B - Grants for Supportive Services and Senior Centers
- 13.635 Special Programs for the Aging - Title III, Part C - Nutrition Services
- 13.645 Child Welfare Services - State Grants
- 13.646 Work Incentive Program (WIN)
- 13.669 Administration for Children, Youth and Families - Child Abuse and Neglect State Grants (Child Abuse and Neglect State Grants)
- 13.670 Administration for Children, Youth and Families - Child Abuse and Neglect Discretionary Activities (Child Abuse and Neglect Discretionary Activities)
- No # Coordinated Discretionary Funds Program

Office of Community Services

- 13.663 Community Development Credit Union Revolving Loan Fund (CDCU)
- 13.665 Community Services Block Grants
- No # Community Services Discretionary Grants

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Assisted Housing (200+ urban units) (50+ non-urban units)

- 14.112 Mortgage Insurance - Construction on Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14.116 Mortgage Insurance - Group Practice Facilities (Title XI)
- 14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance - Land Development (Title X)
- 14.126 Mortgage Insurance - Management Type Cooperative Projects
- 14.127 Mortgage Insurance - Manufactured (Mobile) Home Parks
- 14.134 Mortgage Insurance - Rental Housing
- 14.135 Mortgage Insurance - Rental Housing for Moderate Income Families
- 14.137 Mortgage Insurance - Rental and Cooperative Housing for Moderate Income Families, Market Interest Rate
- 14.138 Mortgage Insurance - Rental Housing for the Elderly

- 14.139 Mortgage Insurance - Rental Housing in Urban Renewal Areas
- 14.151 Supplemental Loan Insurance - Multifamily Rental Housing
- 14.157 Housing for the Elderly or Handicapped
- 14.176 Section 221(d) Coinsurance for the Construction or Substantial Rehabilitation of Multifamily Housing Projects

Public Housing and Section 8 Programs (50+ urban units) (25+ non-urban units)

- 14.156 Low Income Housing Assistance Program (1)
- 14.158 Public Housing - Comprehensive Improvement Assistance Program
- 14.170 Congregate Housing Services Program
- 14.174 Housing Development Grants (1)

1) Review only if land use change, increase in project density or change from rental to condominium housing

Community Planning and Development

- 14.218 Community Development Block Grants/Entitlement Grants (Water and Sewer Projects only)
- 14.221 Urban Development Action Grants

Fair Housing and Equal Opportunity

- 14.401 Fair Housing Assistance Program - State and Local (FHAP)

Public and Indian Housing (50+ urban units) (25+ non-urban units)

- 14.850 Public and Indian Housing (2)
- 14.851 Low Income Housing - Homeownership Opportunities for Low Income Families (Turnkey III, Mutual-Help Housing for Indian Areas) (2)
- 14.852 Public and Indian Housing - Comprehensive Improvement Assistance Program (Public and Indian Housing Modernization)

(2) Review only if land use change, increase in project density or change from rental to condominium housing.

Office of Policy Development and Research

- 14.509 Mortgage Insurance - Experimental Rental Housing

**DEPARTMENT OF THE INTERIOR**

- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration (Dingell-Johnson Program or D-J Program)
- 15.611 Wildlife Restoration (Pittman-Robertson Program or P-R Program)
- 15.612 Endangered Species Conservation
- 15.904 Historic Preservation - Grants-in-Aid

- 15.916 Outdoor Recreation - Acquisition Development and Planning (Land and Water Conservation Fund Grants)
- 15.919 Urban Park and Recreation Recovery Program

#### DEPARTMENT OF JUSTICE

- No # Bureau of Prisons - Construction projects such as correctional institutions and detention centers
- No # Immigration and Naturalization Service - Construction projects such as border patrol stations
- No # U.S. Marshals Service - Cooperative Agreement Program
- No # Office of Justice Assistance, Research, and Statistics - Categorical Grants for Crime Prevention and Criminal Justice Improvement
- 16.006 Drug Enforcement Administration - Suppression of Diversion of Substances Program
- 16.201 Cuban and Haitian Entrant Resettlement Program
- 16.540 Juvenile Justice and Delinquency Prevention - Allocation to States (State Formula Grants)
- 16.541 Juvenile Justice and Delinquency Prevention - Special Emphasis and Technical Assistance
- 16.543 Missing Children's Assistance
- 16.550 Criminal Justice Statistics Development
- 16.573 Criminal Justice Block Grants
- 16.574 Criminal Justice Discretionary Grants
- 16.575 Crime Victim Assistance
- 16.576 Crime Victim Compensation
- 16.603 National Institute of Corrections - Technical Assistance Grants, except contracts to individuals for specialized assistance
- No # Bureau of Justice Assistance - Transfer of Surplus Real Property for Correctional Purposes (See Cat. 39.002 under General Services Administration)

#### DEPARTMENT OF LABOR

- 17.207 Employment Service
- 17.235 Senior Community Service Employment Program
- 17.247 Migrant and Seasonal Farmworkers (Migrant and Other Seasonally Employed Farmworker Programs)
- 17.250 Job Training Partnership Act (JTPA)
- 17.600 Mine Health and Safety Grants
- 17.801 Disabled Veteran's Outreach Program (DVOP)
- 17.802 Veterans Employment Program
- 17.804 Local Veterans Employment Representative Program (LVER Program)

#### DEPARTMENT OF TRANSPORTATION

- 20.001 Boating Safety Program
- 20.005 Boating Safety Financial Assistance
- 20.106 Airport Improvement Program

- 20.205 Highway Planning and Construction (Federal-Aid Highway Program)
- 20.214 Highway Beautification (Control of Junkyards and Outdoor Advertising)
- 20.303 Grants-in-Aid for Railroad Safety - State Participation (State Participation in Railroad Safety)
- 20.308 Local Rail Service Assistance (National Rail Service Continuation Grants)
- 20.500 Urban Mass Transportation Capital Improvements Grants
- 20.502 UMTA Grants for University for University Research and Training (Section 11)
- 20.503 UMTA Management Training Grants
- 20.505 Urban Mass Transportation Technical Studies Grants (Tech Studies)
- 20.507 Section 5 Formula Grant Program Urban Mass Transportation Capital and Operating Assistance Grants
- 20.509 Section 18 Formula Grant Program for Non-Urbanized Areas
- 20.511 Human Resource Program (Section 20)
- 20.512 Section 6 Research, Development and Demonstration Grant Program Urban Mass Transportation, Technical Assistance
- 20.600 State and Community Highway Safety Program
- 20.700 National Gas Pipeline Safety Grants
- 20.801 Development and Promotion of Ports and Intermodal Transportation

**GENERAL SERVICES ADMINISTRATION**

Public Buildings Construction

- No # 41 CFR 101-18.100 (e) Lease Construction Projects
- No # 41 CFR 101-19.100 Intergovernmental Consultation on Federal Projects

Real Property Disposal Program

- 39.002 41 CFR 101-47.303-2 Disposals of Federal Surplus Real Property

Records Management

- No # 41 CFR 105-65.203 State Records Program Organization

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

- No # Direct Federal Development - To Be Identified As It Arises

**NATIONAL ENDOWMENT ON THE ARTS AND THE HUMANITIES**

- 45.003 Promotion of the Arts - Artists-in-Education  
45.007 Promotion of the Arts - State Programs  
45.023 Promotion of the Arts - Test Program of Support for Local Arts Agencies

**NATIONAL SCIENCE FOUNDATION**

- No # Precollege Science and Mathematics Education  
47.066 Teacher Preparation and Enhancement (Except for Research, Studies and Analyses)  
47.067 Materials Development, Research, and Informal Science Education (Except for Research, Studies and Analyses)  
47.068 Studies and Program Assessment (Except for Research, Studies and Analyses)

**SMALL BUSINESS ADMINISTRATION**

- 59.037 Small Business Development Center

**VETERANS ADMINISTRATION**

- 64.005 State Home Facilities Furnishing Domiciliary Nursing Home and Hospital Care  
No # Acquisition of Real Property for National Cemeteries and Memorials, where the burial expansion area is 20 acres or more

Acquisition and Disposition of Property:

- A building addition or new structure (Minor utility pads or equipment and projects for additions, alterations, or modernization which do not substantially alter the scale, the type of, or intensity or use of a facility are not included)
- A major facility modernization that may require new primary sources of discharge points from the community
- An acquisition of real property, including the acquisition of real property for medical facilities under 38 U.S.C. 621 and 38 U.S.C. 5003
- A major building demolition project exceeding \$500,000 expenditure
- A project for inpatient care purposes exceeding \$2,000,000 and either:

- a. Increases the bed capacity by 25,
- b. Modifies the primary function of the facility, or
- c. Provides a major new medical care service

64.203 Aid to States for Establishment, Expansion, and Improvements of Veterans' Cemeteries, where the burial expansion area is 20 acres or more

## ENVIRONMENTAL PROTECTION AGENCY

### State and Local Assistance Program

- 66.001 Air Pollution Control Program Support
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.419 Water Pollution Control - State and Interstate Program Support (Section 106 Grants)
- 66.432 State Public Water System Supervision - Program Grants
- 66.433 State Underground Water Source Protection - Program Grants
- 66.438 Construction Management Assistance
- 66.454 Water Quality Management Planning (205[jj])
- 66.456 Comprehensive Estuarine Management
- 66.600 Environmental Protection Consolidated Grants - Program Support
- 66.603 Loan Guarantees for Construction of Treatment Works
- 66.700 Pesticides Enforcement Program Grants
- 66.701 Toxic Substances Compliance Monitoring Cooperative Agreements
- 66.702 Asbestos Hazards Abatement (Schools) Assistant Program
- 66.801 Hazardous Waste Management Financial Assistance to States, State Inventories of Uncontrolled Hazardous Waste Sites
- 66.802 Superfund Cooperative Agreements (Remedial Clean Ups) CERCLA Hazardous Substance Response Trust Fund
- 66.804 State Underground Storage Tanks Program (UST Program)

### Research Development and Demonstration Projects

- 66.500 Environmental Protection - Consolidated Research Grants
- 66.501 Air Pollution Control Research Grants
- 66.502 Pesticides Control Research Grants
- 66.504 Solid Waste Disposal Research Grants
- 66.505 Water Pollution Control - Research, Development, and Demonstration Grants
- 66.506 Safe Drinking Water Research and Demonstration Grants
- 66.507 Toxic Substances Research Grants
- 66.508 Senior Environmental Employment Program (SEE)

### Direct Development Activities

- No # Real Property Acquisition or Disposition, Including Obtaining Major Leases or Easements
- No # Construction of New EPA Facilities
- No # EPA Issued Plans and Permits Which do not Impact Interstate Areas

## ACTION

### Included Programs and Activities

72.001 Foster Grandparent Program (FGP)  
72.002 Retired Senior Volunteer Program (RSVP)  
72.003 Volunteers in Service to America (VISTA)  
72.005 Service-Learning Programs  
72.008 Senior Companion Program (SCP)

## DEPARTMENT OF ENERGY

81.041 State Energy Conservation  
81.042 Weatherization Assistance for Low-Income Persons  
81.049 Basic Energy Sciences, High Energy and Nuclear Physics, Magnetic Fusion Energy, Health and Environmental Research, Program Analysis and Field Operations Management  
81.050 Energy Extension Service  
81.052 Energy Conservation for Institutional Buildings  
81.057 University Coal Research

## FEDERAL EMERGENCY MANAGEMENT AGENCY

83.403 Emergency Management Institute Training Assistance  
83.502 Acquisition of Flood Damaged Structures  
83.503 Emergency Management Assistance  
83.504 State and Local Maintenance and Services  
83.505 State Disaster Preparedness Grants  
83.506 Earthquake and Hurricane Preparedness Planning Grants  
83.508 Radiological Systems Maintenance  
83.509 Facility Survey, Engineering and Development (Shelter Surveys)  
83.511 State Radiological Defense Officers  
83.512 State and Local Emergency Operating Centers  
83.513 State and Local Warning and Communications  
83.514 Population Protection Planning  
83.516 Disaster Assistance

## POSTAL SERVICE

No # New Facility Construction, Owned or Leased  
No # Expansion of an Existing Facility  
No # Purchase or Lease of an Existing Building if a New or Substantially Enlarged Occupancy is Involved.  
No # Real Property Disposals  
No # Other postal facility actions that might directly affect state or local community plans

DEPARTMENT OF EDUCATION

- 84.002 Adult Education - State Administered Program
- 84.003 Bilingual Education
- 84.004 Civil Rights Technical Assistance and Training
- 84.011 Migrant Education Program - State Formula Grant Program
- 84.014 Follow Through
- 84.024 Handicapped Early Childhood Education (Early Education Program)
- 84.025 Deaf Blind Centers (Services for Deaf-Blind Children and Youth)
- 84.026 Handicapped Media Services and Captioned Films
- 84.027 Handicapped Preschool and School Programs
- 84.028 Handicapped Regional Resource Centers
- 84.030 Handicapped Teacher Recruitment and Information
- 84.034 Public Library Services
- 84.035 Interlibrary Cooperation
- 84.040 School Assistance in Federally Affected Areas - Construction
- 84.041 School Assistance in Federally Affected Areas - Maintenance and Operation (Impact Aid; Disaster Aid)
- 84.048 Vocational Education - Basic Grants to States
- 84.049 Vocational Education - Consumer and Homemaking Education
- 84.053 Vocational Education - State Advisory Councils
- 84.073 National Diffusion Network (NDN; National Diffusion Network)
- 84.077 Bilingual Vocational Training
- 84.078 Post-Secondary Education Programs for Handicapped Persons (Post-Secondary Programs)
- 84.083 Women's Educational Equity
- 84.086 Innovative Programs for Severely Handicapped Children (Programs for Severely Handicapped Children and Youth)
- 84.091 Strengthening Research Library Resources
- 84.099 Bilingual Vocational Instructor Training
- 84.100 Bilingual Vocational Instructional Materials, Methods, and Techniques
- 84.126 Rehabilitation Services (Basic Support)
- 84.128F Rehabilitation Services - Client Assistance Projects
- 84.128G Rehabilitation Services - Migratory Worker Vocational Rehabilitation Service Projects
- 84.132 Centers for Independent Living
- 84.142 College Housing Loans
- 84.145 Federal Real Property Assistance Program
- 84.146 Transition Program for Refugee Children
- 84.154 Public Library Construction (LSCA - Title II)
- 84.158 Secondary Education and Transitional Services for Handicapped Youth
- 84.159 Handicapped - Special Studies
- 84.161 Client Assistance for Handicapped Individuals (CAP)
- 84.164 State Grants for Strengthening the Skills of Teachers and Instruction in Mathematics, Science, Foreign Languages, and Computer Learning
- 84.165 Magnet Schools Assistance
- 84.167 Library Literacy (LSCA Title VI)
- 84.169 Comprehensive Services for Independent Living (Comprehensive Services - Part A)
- 84.172 Construction, Reconstruction, and Renovation of Academic Facilities (Academic Facilities Program)
- 84.173 Handicapped - Preschool Incentive Grants
- 84.174 Vocational Education - Community Based Organizations
- 84.175 Rehabilitation Services - Innovation and Expansion (I and E)

84.177 Rehabilitation Services - Independent Living for Older Blind  
Individuals

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

89.003 National Historical Publications and Records Grants

Federally Assisted Activities listed in Part III are numbered in accordance with the Catalog of Federal Domestic Assistance.

### C. ENERGY FACILITY PLANNING PROCESS

A variety of energy facilities are already located in New Hampshire's coastal zone: six facilities for oil product transfer, storage, and distribution; two electric generating plants, one LPG facility; one oil refinery; and one nuclear power plant. Section 305(B)(8) of the Coastal Zone Management Act of 1972, as amended, requires the New Hampshire Coastal Program to contain an energy facility planning process for any future proposals. An efficient, balanced, and enforceable energy facility planning process is in effect through the use of two existing energy facility siting laws, RSA's 162-F and 162-H. These laws establish two energy facility site evaluation committees composed of identical members from nine state agencies, which represent the state in the selection and utilization of sites for energy facilities. In addition, under RSA 482, small hydroelectric projects are permitted.

CZMA sets certain minimum requirements that a state's energy facility planning process must meet. These requirements and how the New Hampshire process meets them are discussed below.

#### Identification of energy facilities which are likely to locate in, or which may significantly affect, a state's coastal area.

RSA 162-F identifies electric generating stations and transmission lines as being subject to the law, including all bulk power supply facilities such as nuclear, coal, oil, and hydroelectric generating stations. RSA 162-H covers any industrial structure used substantially to extract, manufacture, or refine sources of energy, such as oil refineries, liquified natural gas processing plants and coal conversion plants; and any ancillary facilities used in transporting or storing raw materials or products of such industrial structures such as onshore and offshore loading and unloading facilities, pipelines, and storage tanks. OCS oil and gas activities covered under this process will include pipelines, gas processing plants, and similar facilities. These definitions are sufficiently comprehensive to cover any energy facility that would locate in New Hampshire's coast.

Two fossil fuel electric generating facilities, Schiller and Newington Stations, are located along the Newington bank of the Piscataqua River. The only energy facilities likely to locate within the Great Bay area, however, are a host of relatively small hydropower facilities which could effect a cumulative impact and possibly a cogeneration or refuse-to-energy plant.

Dams are present at the point of tidal influence on the Lamprey, Oyster, Bellamy, Cocheco, Squamscott, Winnicutt and Salmon Falls rivers. Only the Cocheco and Salmon Falls sites have active hydropower facilities, but applications have been filed for the Lamprey, Bellamy and Oyster River structures, and the town of Exeter has expressed an interest in the Squamscott structure. All but the Salmon Falls and Bellamy dams have fish ladders, but the operation of these sites as hydropower facilities presents potential conflicts with programs to restore anadromous fish, such as salmon, shad, and alewives. Recent experience has demonstrated that even when dam owners provide adequate flow through a fish ladder to allow passage of fish, other engineering problems can crop up. An example of this is fish being attracted to a greater flow of water out of a penstock, preventing them from noticing the fish passage facility. Small hydroelectric projects of less than 50

megawatts are reviewed under RSA 482. This law governs the erection and rehabilitation of dams to be used for industrial purposes.

Procedures for assessing the suitability of sites

RSA 162-F, the law that governs the siting of electric generating facilities, establishes the following site suitability procedures:

- Approval by Public Utilities Commission (PUC) and the site evaluation committee of a five-year plan for utilities that includes proposed sites for generation facilities and general areas for transmission lines; plan must include how adverse impacts caused by planned sites and facilities will be lessened.
- Certificate of approval for site and facility requested from PUC: site must be on five-year plan, application must contain information needed to satisfy the permit requirements of all state agencies, and the application must be received two years prior to construction.
- Joint hearings held by PUC, site evaluation committee, and other state agencies with permit authority.
- Within fourteen months from the date of the application, the site evaluation committee, having considered available alternatives and the environmental impact of the facility, must approve or disapprove the site, except that the committee cannot approve a portion of the development which has been disapproved by a state agency. In approving the site, the committee must find that the construction of the facility:
  - 1) will not unduly interfere with the orderly development of the region,
  - 2) is required to meet present and future demand for electric power,
  - 3) will not adversely affect system stability and reliability and economic factors, and
  - 4) will not have an unreasonably adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and the public health and safety.
- After approval of the site, the site evaluation committee sends its finding to the PUC which has up to two additional months to issue or deny a certificate of site and facility. The PUC is bound by the findings of the committee but may attach any terms or conditions which are supplied to it by the committee or other state agencies. Monitoring and enforcement of the provisions of the certificate is done by the PUC.

Under RSA 162-H, the law that governs energy facilities other than power plants, the following site suitability procedures are used:

- Permit application received by energy facility siting committee; must contain all information required by other state agencies with corollary permit authority. Application must contain description of type and size of each major part of facility; identify both first choice and other

choice for site of each part of facility; describe environmental impact of each part of facility, describe proposals to study and ameliorate environmental problems, and describe applicant's financial, technical, and managerial capability.

- Joint hearings are held on application by siting committee and any other agency with permit authority.
- Within fourteen months from date of application, the committee must approve or disapprove the application except that it cannot approve a portion of the application which has been lawfully disapproved by a state agency. In approving the facility, the committee must find:
  - 1) the facility will not unduly interfere with the orderly development of the region and will not have an unreasonable environmental, aesthetic, or public impact; and
  - 2) the applicant has adequate financial, technical, and managerial ability to construct and operate the facility.

The committee may attach any term or condition it deems necessary to the permit and is authorized to enforce compliance with the permit.

For purposes of the federal consistency review under both energy facility siting laws, the data and information obtained at the statutorily required public hearings is considered as "necessary to assess the consistency of federal license and permit activities" for purposes of 15 CFR 930.56(b). Consequently, the time period for concurring with a consistency certification starts at the conclusion of the last public hearing. The final decision on a project by the site evaluation committee will be made within 120 days of the hearing and will constitute the federal consistency decision under the New Hampshire Coastal Program. Therefore, New Hampshire will conduct its consistency review for energy facilities within a four-month review period. The Office of State Planning is responsible for ensuring that all federal consistency requirements are met in accordance with the Federal CZM Act.

Public utilities can be exempt from local zoning by the Public Utilities Commission under RSA 31:62. All other energy facilities which are liable to locate in the New Hampshire coast are subject to the normal local and state permit processes. In the case of oil refineries, optional local siting is permitted under RSA 31:109 for towns and under RSA 47:27 for cities. See Chapter 4 for a list of state agency permits which may be applicable in the coast.

Small utilities projects are approved through a filing with the New Hampshire Water Resources Board describing the location, height and description of the new or rehabilitated dam. Information, submitted by the applicant to the Board covers all necessary plans and specifications including test borings, stability analyses, hydrologic and structural design. The Water Resources Board will schedule a public hearing on the petition where all the facts in the proposal are discussed. The Water Resources Board must then make a determination whether approval will be of public use and benefit. In making this decision, the Board balances the need for renewable energy production with the effect on scenic and recreational values, fishing, bathing, hazards

to navigation and other public uses. The project must be consistent with the New Hampshire Coastal Program. When the project is found to be in the public good, it is approved and issued a permit with all necessary findings, restrictions and requirements attached.

Articulation and identification of enforceable state policies, authorities, and techniques for managing energy facilities and their impacts

State energy facility siting laws, RSA's 162-F and 162-H, provide general policy guidance for the siting of energy facilities. In general, state policy is to review the merits of each proposal and ensure that the facility does not cause an unreasonable environmental, aesthetic, or public impact. For the state's energy facility siting policy statement see Policy 12 in Chapter 3. Under RSA 481, it is State policy to, among other water policies, promote the state's economic welfare by enhancing water power production.

Identification of how interested and affected public and private parties may be involved in the planning process

The opportunity for participation by interested and affected public and private parties is mandated under the existing energy facility siting laws. State agency involvement is required through the participation of the following state agencies on the siting committees:

- Executive Director, Water Supply and Pollution Control Division
- Chief Aquatic Biologist, Water Supply and Pollution Control Division
- \* Commissioner, Department of Resources and Economic Development
- \* Director, Fish and Game
- \* Director, Office of State Planning
- Chairman, Water Resources Board
- Director, Radiation Control Agency
- Director, Air Pollution Control Division
- Commissioner, Department of Health and Welfare
- Director, Division of Parks and Recreation (DRED)
- Director, Division of Forests and Lands (DRED)
- Chairman, Public Utilities Commission
- Chief Engineer, Public Utilities Commission

\* These state agencies are also represented on CORD, the coordinating state agency for problems in the field of natural resources and development.

Any of these agencies or other state agencies, which have permit authority over a part of the facility being reviewed, must issue that permit or the facility cannot be built.

Public and private involvement in the decision-making process on energy facility siting is also encouraged in the following areas:

- Under RSA 162-F hearings are held by the site evaluation committee on any site to be included in a utility's five-year plan. Five-year plans must document the utility's effort to involve environmental and land use agencies in the planning process and all plans and demand projections are filed with the PUC and available to interested groups upon request.
- Under both RSA 162-F and RSA 162-H, all certificate and permit applications are subject to public hearings held by the siting committee, the first one must occur no later than sixty (60) days after the date of application. The first hearing is informational and all subsequent hearings are adversary proceedings. All information presented to the committee is available for public inspection.
- Under both laws, a counsel for the public is appointed to represent the public in seeking to assure an adequate supply of energy and protection of the environment. The counsel has the same rights or privileges of an attorney representing a party in a formal action.
- All decisions of the siting committees are reviewable subject to state law.
- In approving small scale hydropower facilities, the Water Resources Board must make a finding whether such facilities are in the public interest. A formal public hearing is held to develop the public interest findings.

#### D. SHOREFRONT ACCESS AND PROTECTION PLANNING

Under Section 305(b)(7) of the Coastal Zone Management Act of 1972, as amended, states are required to develop a shorefront access and protection planning process. The New Hampshire Coastal Program will use existing state laws to meet the following federal requirements:

##### A procedure for assessing public areas requiring access or protection

All areas along the Atlantic shorefront in public ownership or commonly used by the public without fee or restriction have been identified and evaluated for their access or protection needs. The areas identified include beaches and dunes, rocky shores, and other areas that provide public access to the shorefront. A special study was conducted to analyze public mooring and launching areas. All areas identified under this evaluation have been mapped. The evaluation included the present use and ownership of the area, the recreational, ecological or historical value of the area, the existing capacity of the area to accommodate people and/or parking, and the future demand for the area. The following conclusions can be drawn from these evaluations:

- There is additional beach capacity at many of the public shorefront areas; the availability of parking and traffic congestion are the major impediments to increased use of these areas.
- The rights of the public to use certain beaches need to be clearly established and where appropriate, the rights of public access to these areas should be established and protected.
- There is a need for the provision of additional public moorings for recreational boating in the harbor areas.
- In the Great Bay, public access is presently adequate but must be protected and improved to meet future needs.

The assessment of public shorefront areas points out where the coastal program will have to concentrate its efforts in protecting and promoting access in order to ensure that New Hampshire's residents and visitors can enjoy a diversity of recreational, historical, cultural, and aesthetic pursuits.

Efforts have been initiated by OSP to identify existing access points to the Great Bay and its tributaries, and also to identify areas where there is potential or need for access. More definitive analysis and study will be conducted after program approval.

For areas presently identified as having access see Map 3-2 and Figure 3-2.

In addition to identifying other spots which would be suitable for access, forthcoming study may indicate that expansion is desirable to these facilities and areas.

The State Comprehensive Outdoor Recreation Plan (SCORP) includes a process for assessing and selecting public areas requiring access or protection. The procedure provides for public involvement and an equitable, competitive selection process objectively judged against a series of weighed criteria. These criteria are:

1. Project is in an area of high resident/seasonal population.
2. Project protects/improves life, health and safety.
3. Optimizes use of funding sources.
4. Complies with long-ranged planning.
5. Provides opportunities not otherwise available in the area.
6. Project accrues benefits to two or more agencies and their programs.
7. Project provides for water access.
8. Facility at project location has multiple and year-round use.
9. Project improves or increases protection of critical natural resources, including water.
10. Project acquires inholdings, contiguous or connector lands, or water parcels.
11. Project contributes to a self-supporting park system.
12. Project meets high recreational demand.
13. Improves or expands recreation through renovation or rehabilitation at existing park facilities.
14. Project increases accessibility to facilities by providing for handicapped.
15. Provides support or additional recreation at existing facility.
16. Exceptional merit of proposal.

A definition of the term "beach" and an identification of public areas meeting that definition

For the purposes of this program, "beach" is defined as the zone of unconsolidated material extending landward from mean low water to the place where there is a change in material or physiographic form or to the line of permanent vegetation. The beach is further divided into two important components. The dry sand beach portion is the area lying between mean high tide and the seaward edge of permanent vegetation, sand dunes, seacliff, or seawall. The wet sand portion is the intertidal area. The mean high tide mark is generally considered to be the point where ownership changes. Under

state case law, the intertidal area belongs to the public, subject to reasonable use by the abutting owner.

New Hampshire has 10.0 miles of wet sand beach and 10.2 miles of dry sand beach along the Atlantic Ocean. (.2 miles of dry sand beach abuts a rocky intertidal area). Of the dry sands area, 9.4 miles is available for use by the public without fee or restriction. Not all is necessarily publicly owned, but public use is historic in nature, use is not impeded, and it is generally felt that the public has prescriptive rights to these areas. See Figure 3-1 for a listing of beaches that provide public access. There are no beaches in the Great Bay area.

Identification and description of enforceable policies, legal authorities, funding programs and other techniques that will be used to provide shorefront access and protection

Existing state authority provides the basis to ensure that the quality of public access is maintained and to work towards solutions for the problems that do exist under the access issue.

1. Policies - See Chapter 3, Policy 7 for a detailed discussion of the policies that underlie this authority.
2. Legal - New Hampshire has the following legal means to maintain and enhance access to public beach and other public access points.
  - public ownership under state law of all tidelands, submerged lands, and navigable waters.
  - recourse through the courts to reassert state authority over public access areas that are being encroached upon. The state, through the doctrine of prescription, has the ability to enforce the public right to use private land that has been continuously used by the public over a period of years.
  - local ordinances and enforcement of flood insurance regulations can be used to provide additional parking or preferential parking for buses and car poolers to ease the parking problem.
3. Funding - Four sources of funds that can be used for shorefront access and protection are:
  - Section 306 Coastal Zone Management funds can be used to research the legal basis for asserting public rights to the shorefront.
  - Section 306A Coastal Resources Improvement funds can be used to provide access to public beaches and other public coastal areas and to coastal waters.
  - DOI's Park Service 50% matching funds can be used to acquire and improve shorefront areas including new boat launching areas and parking at recreational sites.

- the state Fish and Game Department is eligible for Dingle Johnson 50% matching funds for the purchase of wildlife and hunting areas and access points.

Taken together the above mechanisms will enable New Hampshire to maintain the use of public shorefront areas and increase use of the shorefront through the acquisition of parking and additional recreational areas.

## E. SHORELINE EROSION/MITIGATION PLANNING

Under Section 305(b)(9) of the Coastal Zone Management Act of 1972, as amended, state coastal programs must develop a shoreline erosion/mitigation planning process. To meet this requirement the New Hampshire program will use existing state statutes and agency regulations to meet the following federal requirements.

### A method for assessing the effects of shoreline erosion and alternatives to control erosion areas.

New Hampshire's tidal shorefront was assessed for the effects of erosion. This assessment included: comprehensive review of the available literature to identify information pertinent to New Hampshire; analysis of Army Corps of Engineers' data on shoreline change to obtain historical trends on erosion and accretion in the seacoast; comprehensive field reconnaissance, but no actual monitoring, of the area; and interviews with coastal residents and experts in the field of erosion processes, which were then checked with the available written information.

The information gathered was synthesized and the following areas were identified for additional attention:

- areas of significant and potentially critical erosion or accretion;
- areas of dynamic activity but little net change;
- areas where stabilization measures are presently working; and
- areas where stabilization measures are causing unintended impact.

Specific locations identified as experiencing shorelines change include:

Seabrook Beach - The southern arm of Hampton-Seabrook barrier system, this beach contains the last remaining large dunes in the seacoast. The system is experiencing erosion from the numerous trails that exist through the dunes and result in the destruction of beach grass that would normally stabilize the dunes. The resulting depressions result in more frequent breaching of the dune system and the removal of sand by wind and wave transport.

Hampton Harbor Inlet - Natural breach in Hampton-Seabrook Barrier System, which provides an area for tidal circulation. The inlet would normally move north and south in response to fluctuations in the longshore current. The stabilization of the inlet by two jetties results in the longshore current depositing its sediment within the Harbor, which results in rapid shoaling and the need for frequent dredging.

Hampton Main Beach - Barrier bar extending from Great Boars Head using sand from the natural erosion of Great Boars Head. As a result of the stabilization of Great Boars Head and the destruction of the natural dunes, no material is available to replace sand that is removed.

Boars Head - An unconsolidated glacial deposit subject to large scale erosion. Erection of continuous riprap revetment to protect houses and property has resulted in the virtual cessation of erosion with a resulting lack of material for nourishment of bordering beaches.

Hampton North Beach - Barrier beach between two headlands, that previously supplies material for beach. Stabilization of headlands and erection of continuous bulkheads and seawalls system has ended the natural recession of the beach and resulted in beach starvation, causing excessive erosion.

Straws Point - Low lying glacial headland that is subject to extensive natural erosion.

Varrel's Point - Glacial headland that is almost totally eroded. Stone revetment has been placed on point to anchor to the shore the south jetty which protects Rye Harbor.

Rye Harbor - Ragged Neck is an unconsolidated glacial deposit that forms the natural protection of the Harbor. Extensive use of the Harbor has resulted in installation of protective devices and the stabilization of Ragged Neck by riprap. Configuration of the jetties directs southeast swells into the Harbor, causing erosion through the breakup of the north shoreline.

Foss Beach - Closed barrier system with material supplied by longshore currents from erosion of the headlands. Severe erosion is caused due to riprap on Ragged Neck that limits supply of sand and limited flow sediment from north of beach. Originally a natural shingle ridge formed behind the beach. The ridge is now maintained by DPW&H for protection of the adjacent road and to limit recession. A man-made cove has been placed inside the ridge which has also been replenished by seastones transplanted from other areas.

Great Bay - Ice scouring, a process where moving ice flows gouge, scour and transport shoreline materials, is an annual occurrence in Great Bay and Piscataqua River areas. Scouring and occasional storm damage take a gradual, but measurable toll on the shore. A 1983 N.H. Fish and Game Department study done with Coastal Energy Impact Program funds, "Pilot Studies for the Restoration of Spartina Alterniflora Beds in Great Bay Estuary," (Nelson, Miller and Perry) mentions areas that have been eroded (some were test beds for the experiment), but does not speculate on the cause.

Loder and Mayewski, of the Department of Earth Sciences, University of New Hampshire, are currently conducting a study through the Sea Grant College Program called "An Assessment of the Importance of Marine Ice in the Estuarine Environment." One of the goals of this study is to better understand the role of ice in erosion and transportation of sediment, for, as the study puts it, ice is in Great Bay 20% to 35% of the time, yet little is known about it's effects.

Shoreline Erosion/Mitigation Management and Assessment in Great Bay - Initial assessment by general surveillance of the Great Bay shoreline indicates that no areas of significant erosion exist. Erosion that is apparent results from natural causes such ice scoring and wave energy, and is a cyclical occurrence.

Impact of the erosion on adjacent shorelines and land and water uses is minimal, and may be important as a source of sediment supply to estuarine flats. Ice rafting is an erosional process where chunks of fringe marsh and bank turf are torn loose by floes and deposited along downstream banks. These natural processes are gradual enough that an assessment of their overall effects will necessitate a long term study. Impacts of any mitigation efforts or shoreline restoration efforts on adjacent shorelines, land and water uses, wetlands, natural habitat and flat replenishment are generally unknown and may require both broad and case-by- case evaluation.

Potential impacts of erosion mitigation efforts on the Great Bay shoreline have been addressed and provided for in the Coastal Wetlands Regulations (Chapter 600) of the Wetlands Board. This chapter provides criteria for determining the necessity for control versus noncontrol of erosion, and whether structural or nonstructural controls are appropriate.

There are no locations in the Great Bay area which have been identified as flood related erosion prone areas under the National Flood Insurance Program and the regulations of the Federal Insurance Administration.

Landside erosion sources are dealt with under the auspices of the Water Supply and Pollution Control Division, the Wetlands Board, the Division of Forests and Lands. Projects which may cause erosion are regulated with the Alteration of Terrain Permit, if the projects affect more than 100,000 square feet, even though they may not be located directly on the waterfront. If they are on the waterfront, the Dredge and Fill Permit system and the Alteration of Terrain permit system are used. These powers are enabled under RSA 149. If siltation or turbidity is likely to occur, the project is required to receive a Water Quality Certificate.

The Wetlands Board regulates any dredging, filling, or erection of structures in or on the banks or buffer zone of any coastal wetlands, which may cause that wetland to be effected by erosion. This law, RSA 483-A, also gives the Board regulatory power over any erosion control measures implemented in those areas.

The Division of Forests and Lands, in the Department of Resources and Economic Development regulates cutting of trees and forestry operations which may cause erosion, under RSA 224.

Shoreline Protection Districts and Conservation Districts have been enacted into the zoning and ordinances of several of the Great Bay Towns, including: Dover, Durham, Newmarket, Stratham. These serve as effective deterrents to landside erosion.

Though erosion in the Bay has not been a source of prime concern in the past, the development pressure which has come to being recently may nudge this issue into the limelight.

All Other Shoreline Areas - While these previously identified areas of shoreline change are of primary interest in the management of the effects of erosion, it must be recognized that shoreline erosion may also occur in any location from improper construction techniques. This type of erosion is usually a one-time event that is assessed and managed under existing permit

authorities on a case-by-case basis. Competent professional personnel should be available for the review of construction activities which may effect shoreline change.

In assessing and evaluating the issue of erosion, the state considered both shoreline and estuarine bank erosion and whether it was natural or manmade. The impacts of mitigation on existing uses and natural processes were also considered, as was whether erosion is regularly occurring, cyclical or a one time event.

For those areas along the Atlantic shoreline identified as experiencing shoreline change, a more extensive evaluation was made of the causes and effects of the problem. A range of alternatives to solve these problems were identified in response to specific goals. Based on the available techniques for managing the problem in each specific area, the benefits and impact of each alternative were identified. Where applicable both structural solution (i.e., bulkheads, seawalls, revetments, jetties, and groins) and nonstructural solutions (i.e., beach nourishment, revegetation of dunes and land use controls) were considered. In all cases, the alternatives considered for the specific areas included the pending need for erosion control and the cost for each solution. It is clear from the analysis that erosion, even in areas experiencing shoreline change, is not a critical issue in the seacoast. Furthermore, all management options have costs and benefits. Any decision to proceed with the management of erosion and the selection of an erosion control alternative can only proceed on a site specific basis, upon evidence that erosion in the identified location has become a critical problem.

#### Techniques to manage the effects of erosion

"Assessment, Impact and Control of Shoreline Change Along New Hampshire's Tidal Shoreline," the comprehensive study discussed above clearly indicated that erosion and accretion problems are limited to only certain areas along the New Hampshire Atlantic shoreline and will be neither a high priority nor an expensive aspect of the coastal program. The study identified the extent and location of the specific problems and described and assessed the existing management techniques. The information in the report will provide the basis for site specific proposals that might be required for any future activity at these locations. In the event of exceptional and unusual natural occurrences, 306 funds could be used for more detailed analysis.

To manage the effects of shoreline changes and ensure that new erosion problems do not occur, the coastal program shall coordinate with and utilize the agencies and authorities listed under Policies 1, 9, 11, and 14, Chapter 3.

Two state permits will be especially effective for ongoing development and construction activities that might occur along the coast. Under RSA 149:8- a, the state Water Supply and Pollution Control Division has responsibility for protecting surface and groundwater from degradation. A permit is required for any activity that would significantly alter the terrain

or affect runoff or cause erosion or sedimentation along the surface waters of the state.

A permit must be issued by the state Wetlands Board for any dredge or fill activities in the tidal wetlands. Conditions attached to such permits prevent adverse effects on stream channels and their ability to handle runoff and prevent silting of open water channels.

The Department of Public Works and Highways has a major role in the control of coastal erosion through a variety of programs and activities. State Route 1-A borders the ocean along much of the Atlantic shoreline, placing great emphasis on the effectiveness of the Department's maintenance program. Purchase, planting, and maintenance of trees and shrubs by the Highway Department to prevent soil erosion are specifically required by RSA 229. Corrective projects to restore damaged beach areas resulting from coastal erosion on Hampton Beach between Great Boar's Head and Hampton River are handled jointly by the Department of Public Works and Highways and the Department of Resources and Economic Development, with technical assistance from the U.S. Army Corps of Engineers.

On an ongoing basis, the Department is responsible for investigating and devising effective means to prevent erosion by waves and currents.

This combination of existing state policies and regulations deal with the important, although very limited, immediate and long-term erosion problems along the New Hampshire coast.

## F. OTHER SPECIAL MANAGEMENT CONSIDERATIONS

### Geographic Areas of Particular Concern

The federal Coastal Zone Management Act recognizes that there are certain areas in the coast which provide unique coastal-related values and require special management attention. Section 305(b) (3) of the CZMA requires that each coastal state include in its management program "an inventory and designation of areas of particular concern within the coastal zone." While no specific management techniques are required for these areas, sufficient authority must exist and other techniques must be available to protect these resources and encourage uses for which they are best suited.

New Hampshire's approach to the designation and management of areas of particular concern takes into account both the physical nature of the coast and the state's approach to coastal management. The primary objective for designating areas of particular concern is to focus public attention on certain significant areas that are distinguished by their unique coastal-related values including their economic and ecological importance.

The initial inventory of potential areas of particular concern was completed by the Strafford-Rockingham Regional Council during the early stage of program development. Further evaluation of these resource areas, conducted by the coastal program staff working with the Coastal Advisory Committee, has resulted in the designation of the following areas of particular concern for inclusion in the New Hampshire Coastal Program:

- . coastal and estuarine waters
- . tidal and freshwater wetlands
- . floodplains
- . beaches and sand dunes
- . rocky shores
- . unique and natural areas
- . port of Portsmouth
- . shoreline of Great and Little Bay's

These resource areas, managed by state agencies in accordance with state law, are described in policies 1 thru 6 in Chapter 3. A summary of state management authorities, policies and use guidelines for activities in each resource area is provided below.

Coastal and estuarine waters are in state ownership. Safe use of these surface waters is controlled under RSA 271-A. Water quality is managed under RSA's 483-A, 146-A, 147, 149 and 211. The state regulates the discharge of point sources of pollution as well as nonpoint sources such as urban runoff and terrain alteration associated with construction projects. Oil spillage prevention and control is also subject to state management. Low priority is given to projects which are deleterious to water quality, while project which promote better water quality are given high priority, such as sewage treatment plants.

Tidal and freshwater wetlands are managed under RSA 483-A to preserve the integrity of these areas because of their proven productivity and past encroachment. The freshwater wetlands of concern are those which are now or were formerly connected to tidal waters, since these have a significant impact on contiguous tidal wetlands by containing and filtering upland run-off. High priorities are protection and restoration. Low priorities are any despoilation, unregulated alteration, habitat destruction, alteration of groundwater and stream channels and natural flood absorption areas, and any other uses which otherwise adversely affect the interest of the general public in the wetlands.

Floodplains are managed by the state, in part, under RSA 107 and 149-E. Local management of development in flood plain areas is carried out through zoning powers. High priority is given to nonstructural development and use in floodplain areas. Low priority is given to construction of structures which will cause flood waters to be restricted.

Beach and Sand Dunes are managed under RSA 483-A and RSA 216-A to protect their value as public recreation and erosion control areas. The beaches are under public ownership, with highest priority given to public sunbathing, swimming, and recreation, beach maintenance and beach renourishment. Sand removal and beach destruction are of low priority. The few remaining sand dunes are managed with high priority given to preservation and passive recreation. Low priority is given to structures or any activities which would further destroy these dunes areas. A 1985 amendment to RSA 483-A prohibits alteration of or operation of recreational vehicles on sand dunes, and empowers any law enforcement officer to enforce this law.

Rocky shores are managed under RSA 482-A to protect the marine habitat of the intertidal zone. The rocky shores as natural storm barriers and provide passive recreation areas. Low priority is given to structures and any other activities which destroy the value of rocky shores as marine habitats, storm barriers and public ocean vistas.

Unique natural areas are generally managed under statutes which address other environmental protection values such as wetlands or wildlife habitat. The New Hampshire Natural Areas Council, an association of state and private agencies, is concerned with coordinating protection efforts, promoting research and improving public awareness and understanding. Low priority is given to activities which will destroy or reduce the value of these areas.

Port of Portsmouth is maintained and developed, under RSA 271-A, as the only state ocean port terminal with access and facilities to accommodate port operations and other water dependent activities. Shoreline structures are regulated under RSA 483-A. High priority is given to shipping, ocean commerce and water dependent activities, including port expansion to serve these activities. Low priority is given to all other activities. Port activities will be consistent with existing state coastal policies as described in Chapters 3 and 5.

Shoreline of Great and Little Bays is subject to state management under RSA's 483-A and 224. At present, the shoreline is largely undeveloped. High priority is given to maintaining the natural character of the shoreline. Low priority is given to structure which would detract from the aesthetic quality

of the Bay.

Areas for Preservation Restoration Certain Areas of Particular Concern that have special features, such as rare or interesting flora and fauna, unusual geological formation, or significant value to wildlife, may require preservation and restoration.

Based on extensive studies that have been conducted over the past six years, the Office of State Planning thus developed the following criteria and procedures to be utilized in the designation process:

Criteria: a) Must be one of the natural resource areas specified in Policy 1, Chapter 3: coastal and estuarine waters, tidal and freshwater wetlands, beaches, sand dunes, rocky shores; b) Must have conservation, recreation, ecological, or aesthetic value which require preservation or restoration; c) Must be either acquirable by a state agency, regulated by state statute, or owned in part or whole (i.e. conservation easements or development rights) by a nonprofit conservation group.

Procedure: a) Solicitation of potential candidates from state and local interests; b) Review of candidates by Office of State Planning, and Coastal Advisory Committee; c) Public comment on proposed candidates; d) Presentation of candidates to CORD and appropriate agencies with authority to acquire areas or to require preservation or restoration; e) The designations will act as a guide for programs, funded or unfunded, which are designed to develop, preserve, or restore these areas.

The following sites have been established as Areas of Preservation Restoration (APR's) based on the identification of those sites by the Great Bay Research Reserve Program.

1) Adams Point/Crommet Creek

Town - Durham

Size and Ownership - ~ 217 acres: 82 acres State land (Fish and Game Department); 135 acres private land (one landowner)

General Description - Approximately one half of this site is Adams Point, an open area of land managed as wildlife habitat by the Fish and Game Department. The site is comprised of 20 acres of field, 15 acres saltmarsh and 45 acres of woodlands (see Figure 6). The property was originally acquired as a waterfowl hunting and management area in 1961. Hunting of other wildlife species is not permitted. The University of New Hampshire has been granted a 99 year lease for 2 acres of land at the Point on which the Jackson Estuarine Laboratory was constructed. The remaining portion of the site is the adjacent Crommet Creek, a very pristine tidal creek/marsh complex. The Creek has been the object of many studies by Jackson Laboratory Researchers.

Any Special Features - Adams Point offers panoramic views of both Little Bay and Great Bay. The area represents a range of

habitats in a small area, including a rocky shore, mud flats, islands, salt marsh, tidal creek and upland fields and woodlands.

Also, five rare plants\*\* have been identified along the shores of the Point and the Creek.

\*\*Rare plants identified by the Natural Heritage Inventory, NH Department of Resources and Economic Development, 1985

#### Adams Point

- Hairy Brome Grass (Bromus pubescens) - found at 5 sites in New Hampshire, one here at Adams Point.
- Lined Bulrush (Scirpus pendulus) - found at 5 sites in New Hampshire, 2 sites at Adams Point.
- Lens Sedge (Carex lenticularis)
- Robust Knotweed (Polygonum robustius)

#### Crommet Creek

- Prolific Knotweed (Polygonum prolificum) - found at 3 sites in New Hampshire, all in the estuary.
- Saltmarsh Gerardia (Agalinus maritima) - found at 12 sites in New Hampshire, only 1 in Reserve.
- Dwarf Glasswort (Salicornia bigelovii) - found at 8 sites in New Hampshire, only 1 in Reserve.
- Southern New England Talus Forest/Woodland
- Great Blue Heron (Ardea herodias) rookery
- Four-toed Salamander (Hemidactylium scutatum)
- Hog-nosed Snake (Heterodon platyrhinos)

Primary Use/Benefit - For Adams Point, the continuing management of the area as wildlife habitat will be supported by inclusion as a Reserve site - general public access, which exists now, will be provided for in such a way that it does not interfere with the primary use and that people visiting the area learn about the wildlife management practices and needs - also, the continuing research efforts of Jackson Lab will be supported by the Reserve. For Crommet Creek, the primary benefit of inclusion as a key area will be long-term protection for this important natural area. Five acres of the subject property have been donated by the landowner to the UNH for the construction of an Outdoor Education Center. Some of the Reserve's educational activities will take place from this site.

Other Resources/Uses/Benefits -

Historic Site  
Rocky Shore  
Scenic Landscape  
Boat Access (existing)  
Education Opportunities (potential)  
Recreation-passive (existing with potential for improvements)

2) Lubberland Creek

Town - Newmarket

Size and Ownership - ~ 65 acres private land - (one landowner)

General Description - The marsh at the mouth of this tidal creek is one of the three largest stands of saltmarsh around the estuary, and with the adjacent open land is a very scenic area. The fringe marshes and stands of *Iva frutescens* growing along the strand lines represent 80 - 85 percent of the total population of this plant in New Hampshire. There are two rare plants located along the Moody Point shoreline:

- Marsh Elder (*Iva frutescens*) - see above comment

Any Special Features - The site is very popular with many different species of waterfowl. The area has been identified by Fish and Game Department as important habitat. A great deal of research at the marsh has been conducted by Jackson Laboratory personnel.

Primary Use/Benefit - Including this site in the Project can provide long-term protection for one of the more important stands of saltmarsh in the estuary. A nature/interpretive trail is planned for the site.

Other Resources/Uses/Benefits -

Agricultural Land  
Woodlands

3) Squamscott River Wetlands

Town(s) - Newmarket, Newfields, Stratham

Size and Ownership - ~ 350 acres private land - (7 landowners)

General Description - The saltmarsh along both sides of the mouth of the Squamscott River represents approximately one quarter of all the marsh in the estuarine system (over 200 acres here) - the predominant land uses in this area are

agricultural and large-lot residential.

Any Special Features - This complex of extensive saltmarsh and adjacent farmland is prime migratory waterfowl habitat. In close proximity to this site is one of the best documented wintering sites for bald eagles in New England. In addition, four rare plants have been identified in this area:

- Marsh Elder (*Iva frutescens*) - found at 6 sites in New Hampshire, 5 in the estuary.
- Stout Bulrush (*Scirpus robustus*) - found at 4 sites in New Hampshire, all in the estuary.
- Small Spike-rush (*Eleocharis parvula*) - found at 4 sites in New Hampshire, 1 in the estuary. Only 3 sites exist for the plant in the state. The site is an undisturbed, *Spartina* salt marsh of high scenic quality.
- Exserted Knotweed (*Polygonum exsertum*) - found at 2 sites in New Hampshire, both in the estuary.

Primary Use/Benefit - including this site within the Project will preserve a very productive part of the estuarine system.

Other Resources/Uses/Benefits -

Open Fields  
Riverine Environment  
Scenic Landscape  
Wetlands - freshwater  
Woodlands  
Boat Access (existing)