

NEW HAMPSHIRE COASTAL PROGRAM

and FINAL ENVIRONMENTAL

IMPACT STATEMENT



**U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Office of Ocean and Coastal Resource Management**

July 1988

UNITED STATES DEPARTMENT OF COMMERCE
FINAL ENVIRONMENTAL IMPACT STATEMENT
FOR THE
NEW HAMPSHIRE COASTAL PROGRAM FOR OCEAN, HARBOR
AND GREAT BAY AREAS

Prepared by:

Office of Ocean and Coastal Resource Management
National Oceanic and Atmospheric Administration
Department of Commerce
1825 Connecticut Avenue, N.W.
Washington, D. C. 20235

and

New Hampshire Office of State Planning
2 1/2 Beacon Street
Concord, New Hampshire 03301



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

STATE HOUSE · CONCORD, NEW HAMPSHIRE 03301

JOHN H. SUNUNU
GOVERNOR

May 20, 1988

Mr. Peter Tweedt, Director
Office of Ocean and Coastal Resource Management
National Oceanic and Atmospheric Administration
1825 Connecticut Avenue, N.W.
Washington, D.C. 20235

Dear Mr. Tweedt:

I am pleased to submit New Hampshire's Coastal Program for Ocean, Harbor and Great Bay Areas for your approval under Section 306 of the Federal Coastal Zone Management Act.

The New Hampshire Program is based on existing state authorities and has been organized to meet all the requirements of your office's program approval regulations, 15CFR923, as amended. The state's coastal program is an enforceable instrument of state policy which I am committed to carrying out. The Office of State Planning has been designated as the lead agency to receive and administer coastal grants and to coordinate the implementation of the program.

We look forward to federal approval and federal funding to assist our state agencies and coastal municipalities in implementing this valuable program. Please contact Mr. John Dabuliewicz, Director of the Office of State Planning or Mr. William S. Ray, Coastal Program Manager, if you have questions or need assistance.

Sincerely,



John H. Sununu
Governor

JHS:WSR/da

Enclosure

DESIGNATION: Final Environmental Impact Statement

TITLE: Federal Approval of an Amendment to the New Hampshire Coastal Program Ocean and Harbor Segment.

ABSTRACT: The State of New Hampshire has submitted an amendment entitled the New Hampshire Coastal Program. This is an amendment to the existing federally approved New Hampshire Coastal Program Ocean and Harbor Segment. Approval of this amendment will geographically expand the coastal program to include the Great Bay Area. Approval will result in combining all areas under tidal influence in the State into a single unified program: The New Hampshire Coastal Program. If approved, the New Hampshire Coastal Program will replace the New Hampshire Coastal Program Ocean and Harbor Segment in its entirety. Approval would allow program administrative grants to be awarded to the State, and would require that federal actions be consistent with the New Hampshire Coastal Program. Part II of this document contains a copy of the amendment (the New Hampshire Coastal Program) which is a comprehensive management program for coastal land and water use activities. It consists of numerous policies on diverse management issues which are administered under existing state laws and is the culmination of several years of program development. The effect of these policies is to condition, restrict or prohibit various uses in parts of the coastal zone while encouraging development and other uses in other parts. The New Hampshire Coastal Program will improve decision-making processes for determining appropriate coastal land and water uses in light of resource considerations and increase public awareness of coastal resources. It may result in some short-term economic impacts on coastal users but will lead to increased long-term protection of the state's coastal resources and improve the responsiveness of state programs.

Approval and implementation of the New Hampshire Coastal Program will enhance governance of the state's coastal land and water areas and uses according to the coastal policies and standards contained in existing statutes, authorities and rules. Federal alternatives to approving the amendment include delaying or denying approval, if certain requirements of the Coastal Zone Management Act have not been met. The state could modify parts of the amendment or withdraw their application for federal approval if either of the above federal alternatives result from circulation of this document.

APPLICANT: State of New Hampshire, Office of State Planning

LEAD AGENCY: U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office of Ocean and Coastal Resource Management

CONTACT: Ms. Kathryn Cousins, North Atlantic Regional Manager
Office of Ocean and Coastal Resource Management
1825 Connecticut Avenue, NW
Washington, DC 20235 (202/637-5152)

William S. Ray, Coastal Program Manager
Office of State Planning
2 1/2 Beacon Street
Concord, NH 03301 (603/271-2155)

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Note to Reviewers: Below are the State authorities printed in the Draft Environmental Impact Statement (May 1987). Those marked with an asterisk have been superseded by authorities printed in this document (see Appendices listed above).

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PART I

OVERVIEW

SUMMARY OF THE NEW HAMPSHIRE COASTAL PROGRAM:

The New Hampshire Coastal Program has been developed based on a series of existing state laws and policies which provide for effective state management along the New Hampshire coast. Six coastal topics provide the framework for state and federal agency actions, with nine core state regulatory and management programs providing the day-to-day protection and management of coastal resources in these areas.

The purpose of the Coastal Program is to improve the administration of existing state laws in order to provide for the optimal use of New Hampshire's coastal resources. While many state agencies have been operating within the coast, this program is the first to coordinate activities among agencies. Federal coastal funds will be passed through to state and local agencies to improve their management of coastal resources and development.

The New Hampshire Coastal Program was completed in two phases. The first phase, the Ocean and Harbor Segment, received federal approval in June of 1982. It covered the Atlantic Ocean, the Hampton Estuary, and the Portsmouth Harbor portion of the New Hampshire coast. The New Hampshire Coastal Program unifies the entire coast including all areas under tidal influence, the Piscataqua River, Great and Little Bays and all of their estuaries, into one coastal program.

The Coastal Program boundaries include all coastal waters to the seaward limits of state jurisdiction and all land along the state's Atlantic Ocean shoreline from Seabrook to the Portsmouth/Newington town line, extending inland 1,000 feet or to the limits of the Wetlands Board jurisdiction over tidal waters, whichever is farther inland. The boundaries in the Great Bay area extend one thousand feet back around Great and Little Bays (or to physical features which effectively separate shoreland from inland areas) and to the limits of the Wetlands Board's jurisdiction along estuarine rivers.

The six coastal topics, into which the Coastal Program is categorized, are:

1. Natural Resources
2. Recreation and Public Access
3. Managing Coastal Development
4. Coastal Dependent Use
5. Historic and Cultural Resources
6. Marine and Estuarine Research and Education

The New Hampshire Coastal Program relies exclusively on existing state laws

and policies. (See Chapter 5)

A key aspect of the New Hampshire Coastal Program is coordination of agency actions in the coast. The Office of State Planning has overall responsibility for the implementation of the Coastal Program. Designated by the Governor as the lead agency, the Office of State Planning receives and distributes coastal program funds and coordinates all local, state and federal involvement in the program. The Office serves as the key contact for federal agencies on coastal issues and will conduct federal consistency reviews. The Director of the Office of State Planning is designated, by statute, to serve as the chairman of the Council on Resources and Development. The Council, also by statute, is responsible for coordinating state policies and actions in the coast and resolving agency conflicts where necessary. (See Appendix A)

Local participation in the coastal program is voluntary. Communities may request both technical and financial assistance to address critical coastal management issues at the local level. An advisory committee will provide citizen input in the ongoing implementation of the coastal program. The committee will help set priorities for locally funded projects and provide links between local communities and the state on coastal issues.

CHANGES THE PROGRAM WILL MAKE

The major changes this program will make are:

1. Expanding the coastal boundary to include the Great Bay Area in the Coastal Program (see Chapter 2);
2. Rewriting the coastal policies to incorporate experience gained through five years of program implementation (see Chapter 3);
3. Adding a new Policy 8 Rural Quality of Great Bay, which limits public investment in infrastructure in the Great Bay Area (see Chapter 3); and
4. Incorporating new Wetlands Board regulations (Chapter 600) on coastal wetlands and new Historic Preservation regulations (see Chapter 5 and the Appendices to the FEIS).

As the New Hampshire Coastal Program is based on existing state laws, implementation of the authorities of the state program precede federal approval and will continue to be administered as required by state statutes. Federal approval will strengthen and enhance the effectiveness of the authorities by providing funding to support better coordination and enforcement of the laws. The program will continue to:

- * integrate state policies, investments, funding and actions in the coast;
- * increase enforcement capabilities of existing state programs which protect natural coastal resources; manage activities which affect coastal waters; provide public recreation, access, and water dependent facilities; enhance urban waterfronts; protect historic resources; and

promote water dependent activities;

- * coordinate state and federal agency actions in the coast and ensure consistency of federal projects with the state coastal program;
- * improve technical assistance capabilities of state agencies to provide assistance to local communities in solving coastal problems;
- * provide financial assistance to local communities to improve local management of coastal resources and development;
- * address coastal issues such as dredging, commercial fishing, port operations, and growth management; and
- * ensure public information and participation in state coastal management.

THE FEDERAL COASTAL ZONE MANAGEMENT ACT

In response to intense pressure and because of the importance of coastal areas of the United States, Congress passed the Coastal Zone Management Act of 1972 (CZMA) (P.L. 92-583). The Act authorizes a federal grant-in-aid program to be administered by the Secretary of Commerce, who in turn delegated this responsibility to the National Oceanic and Atmospheric Administration's (NOAA) Assistant Administrator for National Ocean Service and Coastal Zone Management.

The CZMA was substantively amended on July 26, 1976 (P.L. 94-370), October 17, 1980 (P.L. 96-464), and on April 7, 1986 (P.L. 99-272). The Act and its amendments affirm a national interest in the effective protection and careful development of the coastal zone by providing assistance and encouragement to coastal states (and U.S. territories) to voluntarily develop and implement management programs for their coastal areas. Financial assistance grants under Sections 305 for program development and 306 for program implementation were authorized by the CZMA to provide coastal states and territories with the means for achieving these objectives.

Both guidelines and the basic requirements of the CZMA provide the necessary direction to states for developing their coastal management programs. The program development and approval provisions are contained in 15 CFR Part 923, revised and published March 28, 1979, in the Federal Register. In summary, the requirements for program approval are that a state develop a management program that:

1. Identifies and evaluates those coastal resources recognized in the Act that require management or protection by the state or territorial government;

2. Re-examines existing policies or develops new policies to manage these resources. These policies must be specific, comprehensive, and enforceable, and must provide an adequate degree of predictability as to how coastal resources will be managed;
3. Determines specific uses and special geographic areas that are to be subject to the management program, based on the nature of identified coastal concerns. Uses and areas to be subject to management should be based on resource capability and suitability analyses, socio-economic considerations and public preferences;
4. Identifies the inland and seaward areas subject to the management program;
5. Provides for the consideration of the national interest in the planning for and siting of facilities that meet more than local requirements; and
6. Includes sufficient legal authorities and organizational arrangements to implement the program and to ensure conformance to it.

In arriving at these substantive aspects of the management program, states are obliged to follow an open process which involves providing information to and considering the interests of, the general public, special interest groups, local governments, and regional, state, interstate and federal agencies.

Important sections of the CZMA are:

Section 303 of the CZMA provides guidance of specific national objectives that warrant full consideration during the implementation of approved state coastal management programs.

Section 306 requires states to devote increasing portions (up to 30 percent) of their grant funds to activities leading to significant improvements in achieving national coastal management objectives. Section 306A also authorizes the award of grants for preservation of important natural areas, provision of public access, redevelopment of urban waterfront, and resource management and improvement. Section 306(i) encourages states to inventory coastal resources of national significance and develop standards to protect them.

Section 307 of the Act stipulates that federal agency activities shall be consistent, to the maximum extent practicable, with approved state management programs. Section 307 further provides for mediation by the Secretary of Commerce when a serious disagreement arises between a federal agency and a coastal state with respect to a federal consistency issue.

Section 309 allows the Secretary to make grants to states to coordinate, study, plan, and implement interstate coastal management programs.

Section 312 directs OCRM to evaluate the performance of state coastal management programs on a continuing basis.

Section 315 authorizes grants to states for the acquisition of islands for preservation, and for estuarine research reserves to preserve a representative series of undisturbed estuarine areas for long-term scientific and educational purposes.

CROSS REFERENCE TO PROGRAM REQUIREMENTS (306)

**How the New Hampshire Coastal Program Meets the Requirements
of the Coastal Zone Management Act**

<u>Requirements</u>	<u>Regulations</u>	<u>NH Coastal Program</u>
Sec. 306(a), which includes the requirements of Sec. 305:		
305(b)(1): Boundaries	923.21-923.34	Chapter 2
305(b)(2): Uses subject to management	923.11	Chapter 3, Chapter 4, Figure 4-1, Chapter 8, Section F
305(b)(3): Areas of particular concern	923.21-923.23	Chapter 8, Section F
305(b)(4): Means of control	923.41	Chapter 3, Chapter 5
305(b)(5): Guidelines on priorities of uses	923.21	Chapter 3, Policies
305(b)(6): Organizational structure	923.46	Chapter 3, Chapter 5, Page 5-3
305(b)(7): Shorefront planning process	923.24	Chapter 8, Section D
305(b)(8): Energy facility planning process	923.13	Chapter 8, Section C
305(b)(9): Erosion planning process	923.25	Chapter 8, Section E
Sec. 306(c), which includes:		
306(1): Notice; full participation; consistent with Sec. 303	923.3, 923.51	Chapter 7
305(c)(2)(A): Plan coordination	923.56	Chapter 5, Pages 5-3, Chapter 7
306(c)(2)(B): Continuing consultation mechanisms	923.57	Chapter 7, Chapter 8, Section F
306(c)(3): Public hearings	923.58	Chapter 7, Chapter 8, Section F
306(c)(4): Gubernatorial review and approval	923.48	
306(c)(5): Designation of recipient agency	923.47	Chapter 5, Page 5-3
306(c)(6): Organization	923.46	Chapter 3, Chapter 5
306(c)(7): Authorities	923.41	Chapter 3, Chapter 5
305(c)(8): Adequate consideration of national interest	923.52	Chapter 8, Section A
306(c)(9): Areas for preservation/restoration	923.22	Chapter 8, Section F
Sec. 306(d), which includes:		
305(d)(1): Administer regulation, control development; resolve conflicts	923.41	Chapter 3, Policies, Chapter 4, Chapter 5, Page 5-3
305(d)(2): Powers of acquisition, if necessary	923.41	Chapter 5, Governor and Council

Requirements

Regulations

NH Coastal Program

Sec. 306(e), which includes

306(e)(1): Technique of control

923.42, 923.44

Chapter 3, Policies,
Chapter 5, Page 5-1
Chapter 8, Section A

306(e)(2): Uses of regional benefit

923.12

Sec. 307, which includes:

307(b): Adequate consideration of
federal agency views

923.51

Chapter 7, Chapter 8

307(f): Incorporation of air and
water quality requirements

923.45

Chapter 3, Policy 11,
Policy 7, Chapter 5

PART II

DESCRIPTION OF THE
NEW HAMPSHIRE COASTAL PROGRAM

CHAPTER 1

INTRODUCTION

Purpose

In June, 1982, the State of New Hampshire received federal approval for the Ocean and Harbor Segment of its Coastal Program. Since that time the State has managed a work program for the approved segment and has worked toward completing a management program for the Great Bay segment. This document represents the combined coastal program for the Ocean and Harbor and Great Bay Segments of the New Hampshire Coastal Program.

New Hampshire's use of the option to pursue federal approval in a segmented approach recognized the fundamental adequacy of the state's coastal program on the Atlantic Ocean front, and Portsmouth Harbor, while anticipating adoption of additional measures for the Great Bay Segment to qualify for federal approval. These additional measures have been the adoption of a specific set of coastal wetland regulations, the development of interagency agreements on investment in infrastructure, and Council on Resources and Development (CORD) policies that specifically address the Great Bay area.

The New Hampshire Coastal Program has been fashioned from existing state laws and, therefore, only decisions of statewide significance (i.e. those concerning major investments in infrastructure which have regional and statewide impact) are made by state agencies. Active participation by local governments in the program is voluntary. This approach recognizes the importance of local land use and development programs but does not place additional requirements on those coastal communities choosing to participate in the program.

While many federal, state, and local agencies have been operating within the coast, this program is the first to coordinate activities among agencies. The critical value of the coastal program will be to provide the state with a coordinated program for balancing coastal resource protection and needed development.

Although existing state statutes and regulations address key coastal issues and provide direct state management over coastal resources and activities, no comprehensive approach has been taken heretofore to coordinate state management in the seacoast. Ample state coastal policies and regulations exist, but more effective management is needed.

Through an approved program covering New Hampshire's entire coastal area, the state will have the opportunity and incentive to coordinate management functions. At a time when many state and federal programs are being cut back, the New Hampshire coastal program will be in a good position to integrate coastal management, reduce fragmentation, increase effective management practices, enhance utilization of state coastal properties, and focus funding on topics like those described in Chapter 3.

With an approved program, New Hampshire benefits by receiving federal funds

for coastal management and low cost construction projects which support program goals. The state is also able to exert consistency control over federal actions which directly affect New Hampshire's coast, such as proposed highway projects constructed with federal funding. This document reflects New Hampshire's interest and commitment to improving existing state and local capabilities to manage its coastal resources through the national coastal management program.

The Coast

New Hampshire has only 18 miles of Atlantic shoreline and a total of 131 miles of tidal coastline. Most of the Atlantic shoreline is intensely developed and much is state owned. Public access to coastal waters is impressive with 78% of the Atlantic shoreline under public ownership. Furthermore, over 60% of the land within 1,000 feet of the Atlantic shoreline is public or managed by the state (38% privately developed, and the remaining 2% undeveloped). When tidal wetlands are added to this, state ownership or management jumps to 77%.

The New Hampshire coast is composed of three discrete types of areas: the Atlantic seacoast; the Portsmouth Harbor and Piscataqua River; and the tidal rivers and estuaries.

The Atlantic shoreline, with its attractive public beachfronts, rocky shores and harbors, is committed to development which enhances fishing and tourism, including extensive public access, state beaches, parks and piers, hotels/motels concentrated in the seweried Hampton Beach area, and cottages/single family development along the remaining unsewered shoreline. A key feature which limits inland development along the Atlantic coast is the extensive tidal wetland areas bordering Route 1-A. With development prohibited in these areas, significant natural habitat protection and open space areas are provided and the inland boundary for most coastal development is established. Similarly, the state owns or protects all beaches, rocky shores and remaining sand dunes. Most of the State's sand dunes were destroyed or severely altered by residential development that occurred before the State regulated activities in the sand dunes. Three discrete sand dune areas remain in the seacoast: the Hampton Beach dunes, the Seabrook fore-dunes and the Seabrook back dunes (owned by the town). The fore-dunes provide protection from wave damage from coastal storm flooding. The back dunes also absorb coastal waters during periods of flooding. The entire dune system is important as a habitat for many species of wildlife, in particular small migratory land birds. The dune system is also home to several rare and endangered plant species, including: Ammophila breviligulata, Arenaria peploides var. Robusta, Aristida tuberculosa, Artemisia caudata, Cenchrus longispinus, Cyperus grayii, and Hudsonia tomentosa var. Tomentosa. Since most of the sand dune areas along New Hampshire's coast have been destroyed through development, preserving these few remaining natural dune areas are of particular importance. These natural features, combined with state land holdings, ensure continued visual and physical access to Atlantic coastal waters and act to balance the pressures for development with the public interest in access, resource protection, and a sustained quality environment.

The Portsmouth Harbor and Piscataqua River area provides another type of coastal experience. At the mouth of the Piscataqua River, Portsmouth has re-emerged as a revitalized urban waterfront catering to a mixture of tourism

and water dependent industry. State ownership of a commercial fish pier and a port terminal along the city's shoreline ensures that two key water dependent activities will remain a viable part of the Portsmouth waterfront along side the small shops, restaurants, and historic sites which characterize the waterfront. Further up the Piscataqua River, land along Newington's shoreline is fully committed to water dependent industries, particularly energy facilities. The channel maintained by the Corps of Engineers provides the state with its only harbor suitable for oceanborne commerce.

The remaining seacoast area is a pristine inland tidal estuary - the Great Bay estuary. This tidal area is relatively undeveloped with the exception of three historic urban waterfronts which are each involved in urban waterfront revitalization efforts: Exeter, Newmarket, and Dover. The undeveloped estuarine areas are protected as significant wildlife and marine species habitats. Establishment of an Estuarine Reserve in Great Bay would focus more public awareness on the unique and fragile nature of this estuarine system.

The Great Bay area includes the upper reaches of the Piscataqua River, the Great and Little Bay estuaries and the other tidal rivers to the extent of tidal influence. The Great and Little Bay estuarine system, covering approximately 17 square miles, is one of the largest on the eastern seaboard of the United States. It is formed by the convergence of seven rivers: the Salmon Falls, Cocheco, Bellamy, Oyster, Lamprey, Squamscott and Winnicut with a combined watershed of approximately 930 square miles. The system has 838 acres of saltmarsh, representing 8% of its total area.

Pease Air Force Base is located on 300 acres of Federal land in Newington. The land along the Bay is primarily wooded and is managed as a conservation/recreation area. It is one of the few locations where bluffs can be found, as well as several sheltered coves. Both are found infrequently through the estuary. Generally, public access to this area is not permitted.

Coastal Issues and Opportunities

Historically, the state has provided piecemeal legislation and programs to address individual coastal issues, such as public access, tidal wetlands protection, commercial fishing, harbor dredging and the like. A careful review of existing state laws and regulations reveals that over 60 state statutes and 19 state agencies are involved in the protection of coastal resources, the management of state coastal properties and the regulation of activities which impact on coastal waters. Coastal issues and opportunities in New Hampshire are discussed below.

Coastal Resource Protection: In 1975, the state initiated legislation to protect its wetlands, recognizing their importance and fragility and the pressures to fill and develop these areas. The law covers tidal and freshwater wetlands and estuaries, beaches, and rocky shores. In 1981, the

Seabrook sand dunes were added to those resources under the jurisdiction by the Wetlands Board. Subsequently, the town has purchased the dunes using Coastal Program funds. In 1985, all development on the dunes was prohibited. In addition, the Board adopted extensive regulations in 1984 to deal with the coastal area.

Tidal wetlands, tidal waters and submerged lands are protected and preserved as wildlife and marine species habitats by three State agencies under several different laws. The Wetlands Board regulates all dredge or fill activity in all critical resource areas under RSA 483-A. The Water Supply and Pollution Control Division manages any activity on the coast which could have an adverse impact on surface or general water under RSA 146-A, 148, 148-A, 149, and 149-E. Erosion and sedimentation, and runoff in coastal waters is managed and water quality is protected through issuance of a Division permit. The State Fish and Game Department is responsible for managing game and non-game wildlife and protecting habitats. Limiting development density through the control of public infrastructure in the Great Bay area will provide protection to upland habitat.

Designating the Great Bay as an Estuarine Research Reserve would provide direct benefits to protecting the Great Bay area. Those parcels in the southern portion of the Bay that are acquired as part of the Research Reserve will be protected from development by public ownership. Public outreach and education, scientific research and the Research Reserve visitor's center will increase public awareness and appreciation of the unique and fragile nature of the Great Bay estuarine system. This increased public awareness should result in increased public support to protect and preserve the entire Great Bay system.

Marine species and habitats are protected by three state agencies under several state laws. As commercial and recreational fishing increases, state development and refinement of species management programs becomes essential. New Hampshire has long been concerned with protection of its state waters and over the years has strengthened its controls over water quality and supply. With population and economic growth in the seacoast, the maintenance of an adequate water supply is an ongoing concern. Intense development and redevelopment in the coast also raise water quality issues.

Public Access and Recreation: Tourism is a major contributor to the economy of the seacoast. State beaches and parks attract increasing numbers of out-of-state visitors as well as in-state tourists. While the state has acquired extensive shoreline for state coastal beaches and parks, increased use has resulted in the need to provide additional access to the shoreline. Optimum utilization of state coastal properties, parks and parking expansion, and the provision of bike-ways along state properties are issues which will persist as state beaches and parks become more crowded.

Public access on the Great Bay and tidal rivers is less extensive than on the Atlantic coast. Improvements to these facilities and increased public access must be balanced against other competing uses and the Bay's rural character.

Water Dependent Activities: It is because New Hampshire has such a small coastline that the state has assumed responsibility for providing for certain water dependent activities such as public recreation and access; commercial

fishing piers, boat ramps, and moorings in each harbor; a state port authority terminal on the Piscataqua River channel; and a rational process for the siting of energy facilities. In addition, the state regulates structures such as piers, docks, seawalls, riprap, etc. to ensure their water dependence. The state's coastal harbors are extensively utilized for water dependent activities. Maintaining existing channels and ensuring adequate shoreline space for onshore energy facilities, fish piers, marinas, and other water dependent facilities are concerns which will only increase as residential, commercial, and industrial uses compete for a place along the shoreline.

Coastal Impacts: The state has been particularly concerned with protecting coastal waters from such impacts as oil spills, pollution discharges, hazardous waste, and erosion and sedimentation. Using Coastal Energy Impact Program funds, the state initiated an oil spill contingency program. In the 1981 legislative session, the state increased its tax on oil imports to more adequately pay for a state oil spill program. The development and maintenance of a state oil spill program provides a framework for ongoing state involvement in oil spill prevention.

The state's concern with maintaining water quality standards as the state becomes more urbanized has resulted in the adopting of erosion, sedimentation and discharge regulations which will continue to be amended, as necessary. State hazardous waste regulations were adopted in the 1981 legislative session.

Although shoreline erosion and coastal flooding occur in only certain areas, the state has been concerned with protecting against the loss of life and property from storms through non-structural measures such as beach renourishment and through structural measures such as maintenance of seawalls and stone revetments. Since 1972, the state has restricted new development which might exacerbate flooding in tidal wetlands. Recent state and federal regulations prohibit sewer hookups for new structures built in floodplains or wetlands. Coastal storms and flooding will continue to occur in the seacoast and, in response, the state will pursue alternative measures to protect against the loss of life and property in coastal high hazard areas.

Historic Assets: New Hampshire recognizes the value of its historic resources. In the coast, the historic seaport of Portsmouth is well known for its many historic properties and sites. Other coastal communities also value and protect their historic areas. In addition, the state owns and maintains several historic properties on the coast. As the pressure for development and redevelopment continues, the state and coastal communities will be faced with difficult choices as to which historic properties to preserve and which to allow to be renovated or removed. In the 1981 legislative session the state amended its historic preservation law to more effectively address these issues.

Coastal Development: Development pressure has become as critical a factor in the estuarine areas as it is all along the Atlantic coast. Most past development within 1000 feet of the Atlantic and Piscataqua shoreline has been single-family residential or small scale commercial, industrial or multi-family construction. On Great Bay, past development has been largely scattered, low-density residential and wooded or open agricultural land. Emphasis here is to preserve the rural unspoiled, scenic qualities of the Bay

by encouraging low and moderate density development over high density development through limiting public investment in infrastructure.

An important factor affecting development on the Atlantic Coast is the limited amount of privately owned undeveloped land. In addition, there is no undeveloped land larger than a small lot in areas served by public sewers. Any major development would have to involve redevelopment. The state limits development based on minimum lot size standards for individual septic systems and wells.

In addition to protecting coastal resources against adverse impacts, the state is concerned with development in the seacoast as it relates to major public investments. Highways, sewage treatment facilities, and water supply systems involve state and federal funds and can have a significant impact on statewide development patterns.

Coastal Coordination: While comprehensive coastal legislation has not been forthcoming from the New Hampshire Legislature, the state has recognized the importance of improving interagency coordination. The Council on Resources and Development, established in 1963 as the state's only interagency consultation body, was granted binding decision making authority over its members in the 1981 legislative session. The Council can now act to integrate state policies and priorities and resolve agency conflicts as they arise in the seacoast.

Past Seacoast Planning Efforts

The idea of coastal management is not new in the state. As early as 1927, the legislature created a commission to study the feasibility of development in Hampton-Seabrook marshes and recommend a remedy for coastal erosion. In 1941, the legislature directed the New Hampshire Planning and Development Commission to undertake a long-range plan for the development of the Great Bay region. In the early fifties, the regional effects of Pease Air Force Base were studied, a Portsmouth Harbor Advisory Committee was established, and the Planning and Development Commission continued its planning for the seacoast area. In the sixties a unified effort between the state, the University of New Hampshire and residents of the seacoast area was conducted to develop a Seacoast Region Plan. During this time, further studies on the recreational potential of Great Bay were also made.

Beginning in 1971, the State Planning Office initiated a comprehensive program studying coastal area problems and alternative methods for managing coastal resources. The present program has received support from the federal Coastal Zone Management Act of 1972. This Act provides funds to enable states to develop comprehensive programs to protect, manage and develop limited coastal resources for the maximum beneficial use of all the state's citizens. Between 1974 and 1981, New Hampshire worked to develop a coastal program which met the standards of the Coastal Zone Management Act. In October of 1980, when federal program development funds were no longer available, the state continued coastal planning efforts. Widespread public awareness and support for coastal management persists, despite failure to pass comprehensive coastal legislation. The work of the Governor's first Coastal Advisory Committee, appointed in 1979 to draft a coastal program to meet the needs of the state and the seacoast was particularly instrumental in providing a forum for

discussing coastal issues.

Ocean and Harbor Segment Approval

Following the defeat of 1981 Legislation (HB 423), the Office of State Planning reviewed concerns expressed about comprehensive coastal legislation and began exploring options with the Federal Office of Ocean and Coastal Resource Management (OCRM), a component of the National Oceanic and Atmospheric Administration in the Department of Commerce, for developing an approvable coastal program relying on existing state statutes; an approach which would not require additional legislation. Based on a review of state statutes and regulations, the Office of State Planning drafted a segmented coastal program approach, in cooperation with the affected state agencies and OCRM. The program was widely circulated throughout the state for comments and was finally approved by OCRM in June, 1982. Implementation of the policies contained in the program document for Segment I has continued since then with Section 306 funding.

Program Description

The consolidated coastal program is described in this document as follows:

- Chapter 2 - Describes the boundaries for the Coastal Program.
- Chapter 3 - Contains 16 state coastal policies and describes the continuing implementation of these policies on the seacoast.
- Chapter 4 - Explains how the program affects development activities and contain a list of existing state permits required for various activities in the coast.
- Chapter 5 - Describes the key state agencies with management responsibilities in the coast and how program implementation will be coordinated.
- Chapter 6 - Explains what the program means to local communities.
- Chapter 7 - Describes past and future public participation involvement in the coastal program.
- Chapter 8 - Contains a discussion of all the special requirements of the federal Coastal Zone Management Act and how New Hampshire meets these requirements under existing state laws.
- Chapter 9 - Discusses the first year of consolidated program implementation and how the coastal program funds will be utilized.

CHAPTER 2

COASTAL BOUNDARIES

Description of New Hampshire Program Boundary

The seaward boundary of the New Hampshire Coastal Program is the outer limit of the territorial sea, presently 3 miles. The Landward boundary is two-tiered; the first tier provides a wider margin back from Great Bay and the lower Piscataqua River than the second tier, which includes only wetlands and banks of the estuarine rivers.

First Tier

The first tier occurs along the Atlantic Ocean, and up the Piscataqua River to a location on Dover Point opposite the outlet of Stacey Creek on the Maine Shore, and in most areas of the Great Bay. It is 1,000 feet inland from mean high water or to the limit of the Wetlands Board's jurisdiction, which extends 3 1/2 feet above mean high water, whichever one is further inland. The boundary around Great and Little Bays extends inland to identifiable features, roads or railroad tracks, which are in most cases more than 1,000 feet inland and effectively separate the shoreland from inland areas (See Map 2-1). The federally owned land at Pease Air Force Base in Newington is excluded from the coastal zone.

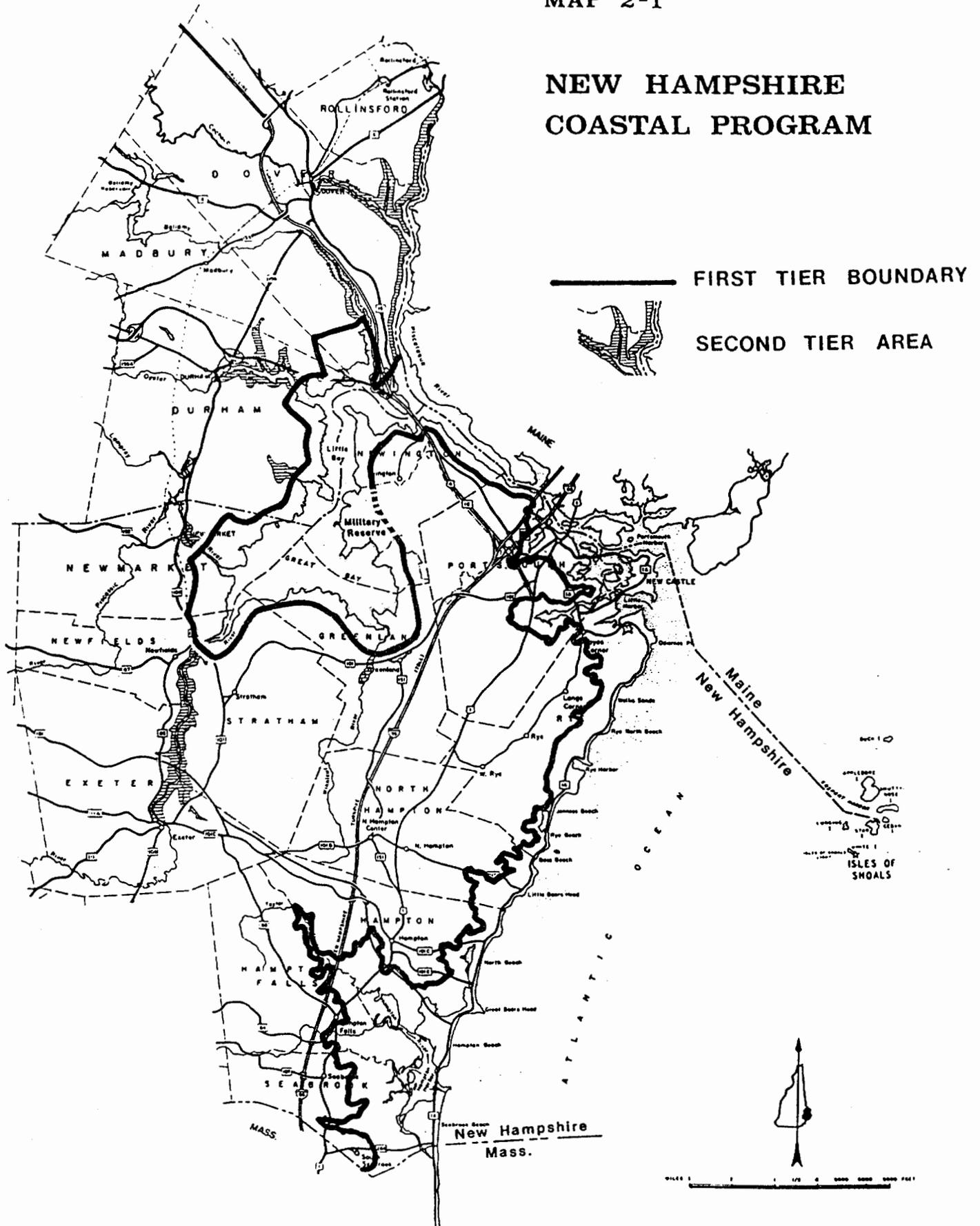
Second Tier

The second tier is considered to have a less direct influence on the coastal waters. It includes the following tidal rivers: the upper Piscataqua (from Dover Point), the Cocheco, Salmon Falls, Bellamy, Oyster, Lamprey, Squamscott and Winnicutt, to the limit of tidal action and adjacent areas inland to the limit of the Wetlands Board jurisdiction, which extends to 3 1/2 feet above mean high water (See Map 2-1).

The inland boundaries were selected after seven years of analysis of alternative boundary options. The coastal boundary for the Atlantic Ocean and Harbor segment of the New Hampshire coast is unchanged from that contained in the approved Segment 1 program document. The boundary for the Great Bay portion represents an extension of the coastal area to the ten additional towns.

These boundaries extend landward to cover all coastal resource areas, all major coastal issue areas, and all lands which could have a direct and significant impact on coastal waters as a result of their use. Land owned or controlled by the Federal Government is, by law, excluded from the coastal zone. This applies to the land at Pease Air Force Base and other lands (Appendix L). Activities on such land which have direct effects on the coastal zone are subject to Federal Consistency Review provisions. Maps which show the coastal boundaries in greater detail are on file at the Office of State Planning.

NEW HAMPSHIRE COASTAL PROGRAM



Justification for Selected Boundary

In selecting boundaries for the New Hampshire coastal program, a detailed analysis was made of those potential areas (including fragile ecosystems and various physical considerations relative to development in these areas) which might have a direct and significant impact upon coastal waters. Based upon this analysis, and relying upon the assumption that "the closer a use is to the coast the greater the impact on coastal waters," it was decided that the area within which activities would need to be regulated in the First Tier should have an inland boundary which would extend to a horizontal distance inland of 1,000 feet or the limits of Wetlands Board jurisdiction for tidal wetlands, whichever was farther inland, within the geographic area described above. The boundary around the Great Bay comes closer than 1,000 feet from the shore in five limited areas. The alternative of applying a 1,000 foot set back in these locations was rejected in favor of the observable feature which effectively separates the shorelines from inland activities; provides clear demarcation of the boundary; and results in a more uniform standard around the Bay.

In the Second Tier, along the tidal rivers, the boundary includes inland areas only to the extent of Wetlands Board jurisdiction; to 3 1/2 feet above mean high water. This includes the rivers themselves, their banks and adjacent salt marshes. The more limited inland boundary in the Second Tier is justified for several reasons. For one, the marine nature of the rivers which flow into the Great Bay estuary is less than those in the balance of the coastal area.

The salinity levels are much lower, usually less than half the normal level of seawater or less than 16-17 ppt. The salinity levels exhibit significant variability with very different salinity readings at the same station at the same tidal cycle taken only days apart. There are a number of factors causing this variability, most notably the changing influence of fresh water. Another important point to consider regarding the salinity of the rivers flowing into Great Bay is the management of the dams on these rivers. These dams are controlled by the State to retain fresh water behind them in the summer for recreation purposes and to draw down the impoundments in the fall to provide for water storage and flood control in the spring. As a result, the fresh water flow beyond the dams is artificially reduced in the summer when there is also little runoff. This management scheme means that the salinity levels in the rivers, while relatively low, are actually higher much of the year than they would be under natural flow conditions.

In addition to the lower, fluctuating levels of salt, the character of the adjacent land areas to tributaries of the Great Bay are not marine oriented. The character is typical of that found in any riverine area and there is no evident or unique relationship to the coastal policies identified in Section 303 of the Coastal Zone Management Act. Further, uses along the river are not likely to have either a direct or significant impact on coastal waters as provided for in the Federal definition of the coastal zone.

Interstate Consultation

During development of the coastal program, consultation on the coastal boundary and all other coastal issues has been ongoing among Maine, New Hampshire and Massachusetts as well as the other New England states. In particular, the New England Coastal Zone Task Force, which is affiliated with the New England Governor's Conference, enables the state program managers to discuss and coordinate boundary definitions. The State of Maine's management area is one municipality inland from coastal waters. Massachusetts' management area is specified as 100 feet inland of specific major roads, rail or other visible right-of-way. It has been determined through consultation that the proposed boundary is generally compatible with the Maine and Massachusetts boundaries for management purposes, especially where they interface.