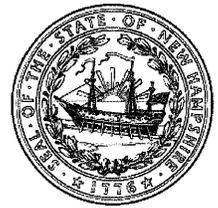




The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 28, 2020

The Honorable Martha Fuller Clark
Chair, Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: SB 728-FN – AN ACT establishing the coastal program administered by the department of environmental services.

Dear Chair Fuller Clark and Members of the Committee:

Thank you for the opportunity to comment on Senate Bill 728-FN. This bill proposes to create a state authorization for the federally-funded coastal program administered by the New Hampshire Department of Environmental Services (NHDES) and establishes a dedicated coastal fund. NHDES supports this legislation.

In 1972, Congress passed the Coastal Zone Management Act (CZMA) in recognition of the importance of the nation's coastal resources. The NHDES Coastal Program (NHCP) gained federal approval in 1982. However, the program was never authorized under state law. It exists only as a grant-funded federal program. State authorization is needed to: 1) ensure that state law backs up any potential changes to federal law, and 2) more closely align federal consistency provisions with state regulations.

Administered by NHDES, the NHCP provides funding and staff assistance to towns and cities, and other local and regional groups who protect clean water, restore coastal habitats, and help make communities more resilient to flooding and other natural hazards. The NHCP supports the region's economy by helping to preserve the environmental health of the coast and Great Bay and Hampton-Seabrook estuaries for fishing and shellfishing, and assisting with the maintenance of our ports, harbors and tidal rivers for commercial and recreational uses.

Importantly, the NHCP is charged with implementing Section 307 of the CZMA, known as the federal consistency provision, which is the formal mechanism to manage coastal uses and resources and to facilitate cooperation and coordination with federal agencies. NHCP administers the federal consistency review process to ensure that all federal activities affecting any land or water use, or natural resource in New Hampshire's coastal zone (map enclosed) will be conducted in a manner consistent with NHCP's enforceable policies. These policies are essentially other state laws and regulations that fall within state jurisdiction. Federal consistency is the tool that requires that federal agencies pay attention to state concerns.

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Federal consistency review could prove to be a critical tool as applied to offshore wind development in federal waters. Given the recent creation of the Gulf of Maine Offshore Wind Task Force, now is the right time to authorize the coastal program. This bill has the added benefit of solidifying the link between the NOAA approved program, the enforceable policies (state laws and regulations), and the coastal program at NHDES as the lead state agency for CZMA issues.

Given the depth of services provided to NH's coastal communities, NHCP often seeks additional funds to meet critical natural resource management needs, and has been successful at garnering competitive grants. The National Oceanic and Atmospheric Administration reviews the NHCP every five years. One consistent finding by NOAA in these reviews is the need for state and other financial resources to help address the coastal communities' management needs. If funds are obtained in the future, this fund will provide a mechanism to administer the funds for the state's coastal management priorities.

Thank you again for the opportunity to comment on SB 728-FN. Should you have questions or need additional information, please feel free to contact Steve Couture, Coastal Program Administrator at steven.couture@des.nh.gov or 271-8801.

Sincerely,



Robert R. Scott
Commissioner

cc: Sponsors of SB 728: Senators Watters, Fuller Clark, Bradley, Morgan; Representatives Cushing, Malloy, Murray