Guide to
Federal Consistency
Coastal Zone Management Act § 307

NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WATER DIVISION
WATERSHED MANAGEMENT BUREAU
NEW HAMPSHIRE COASTAL PROGRAM

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Guide to Federal Consistency
Coastal Zone Management Act § 307

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New Hampshire Department of Environmental Services
Robert R. Scott, Commissioner

Clark Freise, Assistant Commissioner

Thomas O'Donovan, Water Division Director

Prepared by
Christian Williams, N.H. Coastal Program Coordinator
Water Division

New Hampshire Department of
Environmental Services
P.O. Box 95
29 Hazen Drive
Concord, New Hampshire 03302-0095
Phone: (603) 271-8801
www.des.nh.gov

New Hampshire Department of
Environmental Services
Seacoast Office
222 International Drive; Suite 175
Pease International Tradeport
Portsmouth, NH 03801
Phone: (603) 559-1500

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I. INTRODUCTION

The New Hampshire coast is rich with natural, recreational and cultural resources that improve our quality of life and support and strengthen our economy. The mission of the New Hampshire Coastal Program (NHCP) is to balance the preservation of coastal resources with the social and economic needs of current and future generations. Through coordination with New Hampshire state agencies such as the Department on Environmental Services, the Fish and Game Department, and the Department of Transportation, federal activities occurring within the coastal zone are reviewed and assessed by NHCP for their potential impacts on coastal resources and uses.

In 1972, Congress passed the Coastal Zone Management Act (CZMA) in recognition of the importance of the nation's coastal resources. The CZMA encouraged coastal states to develop programs to manage and balance competing uses of and impacts to coastal resources. In June 1982, New Hampshire received federal approval for the Ocean and Harbor Segment of its Coastal Program from the National Oceanic and Atmospheric Administration's (NOAA) Office of Ocean and Coastal Resource Management (OCRM), which has been renamed the Office for Coastal Management. The NHCP incorporated areas in proximity to the Atlantic shore, from Seabrook to Portsmouth Harbor. In September 1988, the NHCP received approval from OCRM to expand its boundaries to cover all the near shore areas under tidal influence, including the lands that border Great Bay, Little Bay, and several tidal estuarine rivers and wetlands. In 2004, OCRM approved the NHCP's program amendment to expand its inland boundary to the jurisdictional borders of the 17 coastal municipalities (see Figure 1). The New Hampshire Department of Environmental Services (NHDES) currently administers the NHCP. Prior to July 2004, the New Hampshire Office of State Planning, and later the New Hampshire Office of Energy and Planning, administered the NHCP.

Because federal activities can greatly impact a state's coastal resources, the CZMA established a formal review process commonly known as federal consistency. Section 307 of the CZMA, the federal consistency provision, provides a mechanism for states to manage the use of coastal resources and to facilitate cooperation and coordination with federal agencies. The federal consistency review process in New Hampshire ensures that federal activities affecting any land or water use, or natural resource in New Hampshire's coastal zone will be conducted in a manner consistent with the enforceable policies of the NHCP. The NHCP's enforceable policies fall within the following categories (for a complete listing of these policies, refer to Appendix B):

- Protection of coastal resources.
- Recreation and public access.
- Management of coastal development.
- Coastal dependent uses.
- Preservation of historic and cultural resources.
- Marine and estuarine research and education.

As further described in Section II, federal activities can take the form of activities proposed by federal agencies, activities proposed by non-federal entities requiring federal licenses or permits, and activities involving federal financial assistance to state agencies or local governments.

This document is for informational purposes only. It is not intended to replace the information contained in the "New Hampshire Coastal Program and Final Environmental Impact Statement, July 1988" (NHCP Program Document) or the procedures described in Section 307 of the CZMA or in NOAA's CZMA federal consistency regulations (15 C.F.R. part 930). Please refer to applicable parts of the CZMA, NOAA's regulations, the NHCP Program Document and the enforceable policies incorporated into the federally approved New Hampshire Coastal Program for official substantive and procedural requirements. This informational document provides agencies, applicants, municipalities and the general public with an informal "how to" guide for the submission of CZMA federal consistency determinations and certifications to the NHCP. Sections I through V of the document provide a brief overview of Section 307 of the CZMA and the NHCP's role in it, while details of the NHCP and specific CZMA federal consistency procedures are provided in the Appendices.

This updated version, which supersedes Version 2018.1 dated January 2018, includes the following:

- Changes to the NHCP's list of federal financial assistance activities subject to CZMA federal consistency review, as approved by NOAA's Office for Coastal Management (OCM) on February 25, 2019.

- Changes to the NHCP's list of federally licensed or permitted activities subject to CZMA federal consistency review and revisions to several of the NHCP's enforceable policies, as approved by OCM on October 29, 2019.

- Minor non-substantive edits and corrections.

This document continues to be federally-approved by OCM (as approved January 16, 2009).

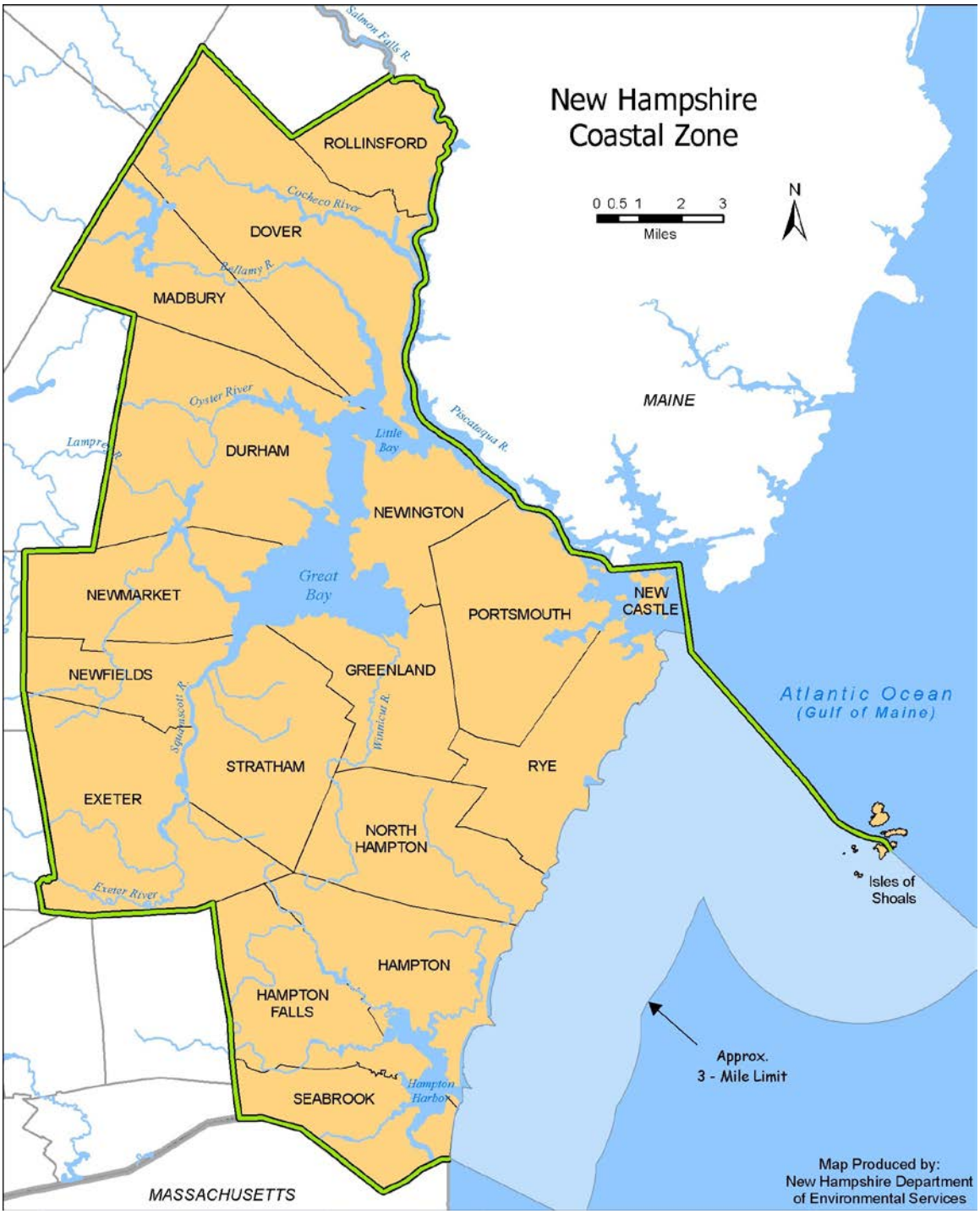

Figure 1: For a list of communities located in the coastal zone and for a list of lands excluded from the coastal zone see Appendix A.

II. ACTIVITIES REQUIRING A CONSISTENCY REVIEW BY THE NHCP

The following activities are subject to a federal consistency review when it is reasonably foreseeable that they will affect any land or water use or natural resource within the coastal zone of the NHCP:

A. **Federal Agency Activities** – activities undertaken by, or on behalf of, a federal agency, for example fisheries management plans by the National Marine Fisheries Service, U.S. Army Corps of Engineers dredging and beach nourishment projects, Naval exercises.

B. **Federal License or Permit Activities** – activities requiring a non-federal applicant to obtain a federal license or permit, for example activities requiring U.S. Army Corps of Engineers Section 10 or 404 permits, U.S. EPA National Pollution Discharge Elimination System (NPDES) Permits, licenses from the Federal Energy Regulatory Commission for hydroelectric facilities.

C. **Outer Continental Shelf Exploration, Development and Production Activities**.

D. **Federal Financial Assistance Activities to State and Local Governments** – for example Federal Highway Administration funds, construction grants for wastewater treatment facilities, Housing and Urban Development grants.

III. NHCP FEDERAL CONSISTENCY RESPONSIBILITIES

Federal consistency reviews are the responsibility of the lead state agency that implements or coordinates the state's federally approved coastal management program. The NHCP is responsible for issuing all federal CZMA Section 307 consistency decisions in New Hampshire. The NHCP is required to "uniformly and comprehensively apply the enforceable policies of the state's management program, efficiently coordinate all state coastal management requirements, and to provide a single point of contact for federal agencies and the public to discuss consistency issues," in accordance with 15 C.F.R. § 930.6. To fulfill these obligations, the NHCP is networked with other state agencies that help enforce the program's enforceable policies and conduct reviews of federal activities occurring in the coastal zone. The NHCP also coordinates the review of federal activities with local governments, regional planning commissions, non-governmental organizations and the public.

IV. FEDERAL CONSISTENCY REVIEW PROCEDURES

The NHCP reviews those federal activities that have reasonably foreseeable effects on any land or water use or natural resource of the coastal zone. The term "effect" includes both

direct and indirect (cumulative and secondary) effects. For federal agency activities, federal agencies make the determination of reasonably foreseeable effects. For federal license or permit activities and federal financial assistance activities, reasonably foreseeable coastal effects are presumed if the activity is included in the NHCP's list of federal activities subject to consistency review (see Appendix C). For a detailed review of the CZMA federal consistency review procedures as they specifically relate to each of the activities listed in Section II, please refer to Appendix D, or review the federal consistency regulations (15 CFR part 930).

The following summarizes the CZMA federal consistency review procedures:

1. To facilitate the consistency review process, it is recommended that federal agencies and applicants coordinate with the NHCP prior to submitting their consistency determination/certification and supporting information.

2. For **federal agency activities**, the federal agency must submit to the NHCP a consistency determination, including a detailed description of the activity and its coastal effects, and comprehensive data and information sufficient to support the agency's consistency determination.

   For **federal license or permit activities**, the applicant must submit to the NHCP a certification, including necessary data and information, pursuant to 15 C.F.R. § 930.58, that the proposed activity will be conducted in a manner consistent with the enforceable policies of the NHCP.

   For **federal financial assistance activities**, the applicant must submit to the NHCP the application for federal financial assistance and a brief evaluation of the relationship of the proposed activity and any reasonably foreseeable coastal effects to the enforceable policies of the NHCP.

3. The NHCP acknowledges receipt of the CZMA consistency information and notifies the federal agency or applicant of the anticipated review schedule and any remaining information needed to complete CZMA consistency review.

4. Federal activities are reviewed concurrently by the appropriate state, local and regional agencies to determine compliance with coastal policies and state laws.

5. The NHCP coordinates any public notice and/or hearing if deemed necessary.

6. The NHCP issues its consistency decision. In the event of a disagreement or conflict, the NHCP works with the federal agency or applicant and reviewing state and/or local agency to amend the activity so that it will be conducted in a manner consistent with the enforceable policies of the NHCP. For details regarding mediation, NHCP objections, and appeals procedures, please refer to Appendix E.

For more information about CZMA federal consistency and the NHCP visit the NHCP's Federal Consistency website. For general information about the CZMA, visit the OCM website. For more information on federal consistency, visit the OCM's Federal Consistency website.

TABLE 1. SUMMARY OF FEDERAL CONSISTENCY PROVISIONS

	Federal Agency Activities & Development Projects	Federal License or Permit Activities	OCS Plans: Exploration Development & Production	Federal Assistance to State and Local Governments
CZMA Section 307	(c)(1)&(2)	(c)(3)(A)	(c)(3)(B)	(d)
Activity subject to review, if it…	Affects any land or water use or natural resource of the coastal zone.	Affects any land or water use or natural resource of the coastal zone.	Affects any land or water use or natural resource of the coastal zone.	Affects any land or water use or natural resource of the coastal zone.
Consistency requirement	Consistent to the maximum extent practicable with NHCP enforceable policies.	Consistent with NHCP enforceable policies.	Consistent with NHCP enforceable policies.	Consistent with NHCP enforceable policies.
Who determines whether federal activity will have reasonably foreseeable coastal effects?	Federal agency	NHCP and OCM	NHCP and OCM	NHCP and OCM
Time limit for NHCP review	60 days, plus one 15 day extension if requested	6 months	6 months	Intergovernmental Review Process schedule
Impact of NHCP objection to consistency determination /certification	Federal agency may proceed only if it cites legal authority as to why it must proceed despite inconsistency.	Federal agency may not issue permit, license, or other approval.	Federal agency may not approve plan or issue permits.	Federal agency may not grant financial assistance.
Administrative conflict resolution	Mediation by the Secretary of Commerce or OCM (voluntary, non-binding).	Appeal to the Secretary of Commerce to override state objection.	Appeal to the Secretary of Commerce to override state objection.	Appeal to the Secretary of Commerce to override state objection.

V. DEFINITIONS

Coastal Effect – any reasonably foreseeable effect on any coastal use or resource resulting from a federal agency activity or federal license of permit activity. Effects include both direct effects which result from the activity and occur at the same time and place as the activity, and indirect (cumulative and secondary) effects which result from the activity and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects are effects resulting from the incremental impact of the federal action when added to other past, present, and reasonably foreseeable actions, regardless of what person(s) undertake(s) such actions. [See 15 C.F.R. § 930.11(g).]

Coastal Resources – natural biological and physical resources within the coastal zone, including, but not limited to, air, tidal and nontidal wetlands, ocean waters, estuaries, rivers, streams, lakes, aquifers, minerals, submerged aquatic vegetation, land, plants, trees, fish, shellfish, invertebrates, amphibians, birds, mammals, and reptiles. [See 15 C.F.R. § 930.11(b).]

Coastal Uses – land and water uses within the coastal zone, including, but not limited to, public access, recreation, fishing, historic or cultural preservation, development, marinas, floodplain management, scenic and aesthetic enjoyment, and resource creation and restoration. [See 15 C.F.R. § 930.11(b).]

Coastal Zone – the geographic boundary of the NHCP, pursuant to 16 U.S.C. 1453(1) and NOAA regulations at 15 C.F.R. part 923, subpart D. The landward boundary of New Hampshire's coastal zone encompasses the jurisdictional borders of the 17 municipalities listed in Appendix A, while the seaward boundary is three nautical miles. [See Figure 1.]

Coastal Zone Management Act (CZMA) – federal law enacted in 1972 to encourage coastal states to develop management programs to manage and balance competing uses of and impacts to coastal resources. The CZMA is administered at the federal level by the Office for Coastal Management (OCM) within the National Oceanic and Atmospheric Administration.

Consistency Certification – a document submitted to the NHCP by any non-federal applicant for a federal license or permit, pursuant to NOAA regulations at 15 C.F.R. part 930, subpart D, indicating that a proposed activity will have reasonably foreseeable coastal effects and containing necessary data and information to support the applicant's assertion that the activity complies with the enforceable policies of the NHCP and that such activity will be conducted in a manner consistent with these policies.

Consistency Determination – a document submitted to the NHCP by, or on behalf of, a federal agency, pursuant to NOAA regulations at 15 C.F.R. part 930, subpart C, indicating that a proposed federal agency activity will have reasonably foreseeable coastal effects and containing sufficient information, data and analysis, pursuant to 15 C.F.R. § 930.39, to support the agency's

assertion that the activity is consistent to the maximum extent practicable with the enforceable policies of the NHCP.

Enforceable Policies – state policies that are legally binding through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions, by which a state exerts control over private and public land and water uses and natural resources in the coastal zone, and which are incorporated in the state's federally approved coastal management program. [See 15 C.F.R. § 930.11(h) and Appendix B.]

Federal Agency Activity – any functions performed by or on behalf of a federal agency in the exercise of its statutory responsibilities. [See 15 C.F.R. § 930.31(a).]

Federal Consistency – a requirement of the Coastal Zone Management Act (CZMA) that federal actions that have reasonably foreseeable effects on any land or water use or natural resource of the coastal zone must be consistent with the enforceable policies of a state's federally approved coastal management program.

Federal Development Project – a federal agency activity involving the planning, construction, modification, or removal of public works, facilities, or other structures, and includes the acquisition, use or disposal of any coastal use or resource. [See 15 C.F.R. § 930.31(b).]

Federal Financial Assistance Activity – an activity for which state or local governments request federal financial assistance.

Federal License or Permit Activity – an activity not performed by a federal agency but requiring federal permits, licenses or other forms of federal approval.

New Hampshire Coastal Program (NHCP) – New Hampshire's federally approved coastal management program under the Coastal Zone Management Act.

Office for Coastal Management (OCM) – federal office within the National Oceanic and Atmospheric Administration's (NOAA's) National Ocean Service that interprets the CZMA and oversees the application of federal consistency, provides management and legal assistance to coastal states, federal agencies and others, and mediates CZMA related disputes.

Outer Continental Shelf Lands Act (OCSLA) – federal law enacted in 1953 that established federal jurisdiction over submerged lands on the Outer Continental Shelf (OCS) seaward of state coastal waters. Under the OCSLA, the Secretary of the Interior is responsible for the administration of mineral exploration and development of the OCS. The OCSLA empowers the Secretary to grant leases and to formulate regulations as necessary to carry out the provisions of the Act. The OCSLA, as amended, provides guidelines for implementing an OCS oil and gas exploration and development program, and authorities for ensuring that such activities are safe and environmentally sound.

APPENDIX A.

COMMUNITIES WITHIN THE NEW HAMPSHIRE COASTAL ZONE

Landward Boundary

The entire land area of the following communities is located within the boundary of the NHCP:

Dover	Durham	Exeter
Greenland	Hampton	Hampton Falls
Madbury	Newfields	Newington
Newmarket	New Castle	North Hampton
Portsmouth	Rollinsford	Rye*
Seabrook	Stratham	

* Includes the New Hampshire portion of the Isles of Shoals.

Seaward Boundary

The seaward boundary of the NHCP is three nautical miles (1 nautical mile = 6,076 feet).

Exempted Land

Land owned or controlled by the federal government is **excluded** from the state's coastal zone, but is still subject to the enforceable policies of the NHCP through the CZMA federal consistency provision:

Dover	U.S. Air Force Recruiting Station U.S. Army; New Hampshire National Guard U.S. Army Recruiting Office U.S. Marine Corps Recruiting Station U.S. Post Office
Durham	U.S. Department of Agriculture; Forest Service – Northeastern Research Station U.S. Department of Agriculture; Natural Resources Conservation Office U.S. Marine Corps Recruitment Center U.S. Marine Corps Officer Selection Office U.S. Post Office
Exeter	U.S. Post Office

Greenland	U.S. Post Office (609 Portsmouth Ave)
Hampton	U.S. Post Office
Hampton Falls	U.S. Post Office
New Castle	U.S. Coast Guard Station U.S. Coast Guard Station Safety and Security Zone U.S. Post Office
Newfields	U.S. Post Office
Newington	Pease International Tradeport Air National Guard Station U.S. Fish & Wildlife Service; Great Bay National Wildlife Refuge U.S. Fish & Wildlife Service - Refuges & Wildlife
Newmarket	U.S. Post Office
North Hampton	U.S. Post Office
Portsmouth	General Services Administration Pease Air National Guard Main Store T.J. McIntyre Federal Building U.S. Air Force Recruiting Station (170 Commerce Way) U.S. Air Force Recruiting Station (215 Commerce Way) U.S. Army New Hampshire National Guard U.S. Army Recruiting Service U.S. Federal Bureau of Investigation U.S. Fish & Wildlife Service – Law Enforcement U.S. Marine Corps Recruiting Station U.S. National Passport Center U.S. National Visa Center U.S. Navy Recruiting Station U.S. Post Office U.S. Post Office – Portsmouth P & DC U.S. Small Business Administration U.S. Social Security Administration U.S. Treasury Department
Rollinsford	U.S. Post Office

Rye	U.S. Post Office U.S. Post Office – Rye Beach
Seabrook	Seabrook Station Power Plant Safety and Security Zone U.S. Nuclear Regulatory Commission – Resident Inspector Office
Stratham	U.S. Army; New Hampshire National Guard U.S. Post Office

APPENDIX B.

ENFORCEABLE POLICIES

The NHCP's enforceable policies and the state laws on which the policies are founded are discussed in detail in the "New Hampshire Coastal Program Final Environmental Impact Statement," July, 1988. Changes to Policy 13 were approved by NOAA in September 2003, and minor changes to Policies 1, 2, 3 and 12 were approved by NOAA in October 2019. The NHCP's enforceable policies are listed below.

PROTECTION OF COASTAL RESOURCES

1. Protect and preserve and, where appropriate, restore the water and related land resources and uses of the coastal and estuarine environments. The resources of primary concern are coastal and estuarine waters, tidal and freshwater wetlands, beaches, sand dunes, and rocky shores.

2. Protect, manage, conserve and, where appropriate, undertake measures to maintain, restore, and enhance the fish and wildlife resources and related uses, including but not limited to commercial and recreational fishing, of the state.

3. Regulate the mining of sand and gravel resources in offshore and onshore locations so as to ensure protection of submerged lands, marine and estuarine life, and existing uses. Ensure adherence to minimum standards for restoring natural resources and uses impacted from onshore and offshore sand and gravel mining operations.

4. Undertake oil spill prevention measures, safe oil handling procedures and, when necessary, expedite the cleanup of oil spillage that will contaminate public waters. Institute legal action to collect damages from liable parties in accordance with state law.

5. Encourage investigations of the distribution, habitat needs, and limiting factors of rare and endangered animal species and undertake conservation programs to ensure their continued perpetuation.

6. Identify, designate, and preserve unique and rare plant and animal species and geologic formations which constitute the natural heritage of the state. Encourage measures, including acquisition strategies, to ensure their protection.

RECREATION AND PUBLIC ACCESS

7. Provide a wide range of outdoor recreational opportunities including public access in the seacoast through the maintenance and improvement of the existing public facilities and the acquisition and development of new recreational areas and public access.

MANAGING COASTAL DEVELOPMENT

8. Preserve the rural character and scenic beauty of the Great Bay estuary by limiting public investment in infrastructure within the coastal zone in order to limit development to a mixture of low and moderate density.

9. Reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to preserve the natural and beneficial value of floodplains, through the implementation of the National Flood Insurance Program and applicable state laws and regulations, and local building codes and zoning ordinances.

10. Maintain the air resources in the coastal area by ensuring that the ambient air pollution level, established by the New Hampshire State Implementation Plan pursuant to the Clean Air Act, as amended, is not exceeded.

11. Protect and preserve the chemical, physical, and biological integrity of coastal water resources, both surface and groundwater.

12. Ensure that the siting of any proposed energy facility in the coast will consider the national interest and will not unduly interfere with the orderly development of the region and will not have an unreasonable adverse impact on aesthetics, historic sites, coastal and estuarine waters, air and water quality, the natural environment, public health and safety, and existing uses.

COASTAL DEPENDENT USES

13. Allow only water dependent uses and structures on state properties in Portsmouth-Little Harbor, Rye Harbor, and Hampton-Seabrook Harbor, at state port and fish pier facilities and state beaches (except those uses or structures which directly support the public recreation purpose). For new development, allow only water dependent uses and structures over waters and wetlands of the state. Allow repair of existing over-water structures within guidelines. Encourage the siting of water dependent uses adjacent to public waters.

14. Preserve and protect coastal and tidal waters and fish and wildlife resources from adverse effects of dredging and dredge disposal, while ensuring the

availability of navigable waters to coastal-dependent uses. Encourage beach renourishment and wildlife habitat restoration as a means of dredge disposal whenever compatible.

PRESERVATION OF HISTORIC AND CULTURAL RESOURCES

15. Support the preservation, management, and interpretation of historic and culturally significant structures, sites and districts along the Atlantic coast and in the Great Bay area.

MARINE AND ESTUARINE RESEARCH AND EDUCATION

16. Promote and support marine and estuarine research and education that will directly benefit coastal resource management.

APPENDIX C.

LISTED FEDERAL ACTIVITIES SUBJECT TO CONSISTENCY REVIEW

I. FEDERAL AGENCY ACTIVITIES

All Federal Agencies

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

Department of Commerce/National Marine Fisheries Service

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

Department of Defense/Air Force, Army and Navy

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

Department of Defense/Army Corps of Engineers

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

Department of Homeland Security/Coast Guard

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

Department of the Interior/Fish and Wildlife Service

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

Department of the Interior/National Park Service

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

Department of Transportation/Federal Aviation Administration

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

Environmental Protection Agency

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

General Services Administration

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

II. FEDERALLY LICENSED OR PERMITTED ACTIVITIES

Department of Defense/Army Corps of Engineers

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

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

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

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

Department of Energy/Federal Energy Regulatory Commission

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

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

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

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

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

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

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

Department of Transportation and Department of Homeland Security/Coast Guard

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

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

Department of Transportation/Federal Aviation Administration

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

Environmental Protection Agency

National Pollution Discharge Elimination System (NPDES) permit; Section 402 and 403, Federal Water Pollution Control Act. (33 U.S.C. §§ 1342 and 1343) Ocean dumping permit (exercised jointly with Army Corps of Engineers) Section l02 permit, Marine Protection Research and Sanctuaries Act of 1993 as amended. (33 U.S.C. § 1412)

National Surface Transportation Board

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

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

Nuclear Regulatory Commission

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

III. FEDERAL FINANCIAL ASSISTANCE ACTIVITIES

The following is a list of the federal assistance programs requiring consistency review through the intergovernmental review process, pursuant to federal Executive Order 12372. While program titles may differ from those listed in the "New Hampshire Coastal Program and Final Environmental Impact Statement, July 1988" (NHCP Program Document), the nature of the programs and the corresponding program numbers remain the same. Assistance programs identified in the NHCP Program Document that are not listed below have either been eliminated or are no longer subject to intergovernmental review. For additional questions, please contact the NHCP Program Coordinator identified in Appendix I.

DEPARTMENT OF AGRICULTURE

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

DEPARTMENT OF COMMERCE

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

DEPARTMENT OF DEFENSE

12.104 Floodplain Management Services
12.110 Planning Assistance to States

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF THE INTERIOR

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

DEPARTMENT OF TRANSPORTATION

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

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

- Highway construction or reconstruction
- Bridge construction, reconstruction, replacement or rehabilitation
- Construction of truck weigh stations or rest areas
- Construction of bus storage or maintenance facilities
- Work that alters the hydrology of freshwater perennial streams, tidal waters or tidal wetlands
- Work in tidal waters or tidal wetlands to mitigate the impacts of an existing transportation facility

ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution Control Program Support
66.418 Construction Grants for Wastewater Treatment Works
66.419 Water Pollution Control State, Interstate, and Tribal Program Support
66.432 State Public Water System Supervision
66.454 Water Quality Management Planning
66.456 National Estuary Program
66.802 Superfund State, Political Subdivision, and Indian Tribe Site-Specific Cooperative Agreements
66.818 Brownfields Assessment and Cleanup Cooperative Agreements

DEPARTMENT OF ENERGY

81.041 State Energy Program

DEPARTMENT OF HOMELAND SECURITY

97.012 Boating Safety Financial Assistance
97.110 Severe Loss Repetitive Program

APPENDIX D.

SPECIFIC CONSISTENCY PROCEDURES

I. FEDERAL AGENCY ACTIVITIES

Pursuant to CZMA § 307(c)(1), federal agency activities and development projects affecting any land or water use or natural resource of the coastal zone must be consistent to the maximum extent practicable with the enforceable policies of federally approved state CZMA programs. NOAA regulations at 15 C.F.R. § 930.31 define "federal agency activity" as any function performed by or on behalf of a federal agency in the exercise of its statutory responsibilities, while "federal development project" is defined as a federal agency activity involving planning, construction, modification, or removal or public works, facilities, or other structures, and includes the acquisition, use, or disposal of any coastal use or resource. NOAA regulations at 15 C.F.R. § 930.32 define the term "consistent to the maximum extent practicable" as fully consistent with the enforceable policies of the NHCP unless full consistency is prohibited by existing law applicable to the federal agency.

Any federal agency undertaking an activity within or outside the coastal zone that affects any coastal use or resource of the coastal zone, shall provide a consistency determination to the NHCP. Pursuant to NOAA regulations at 15 C.F.R. § 930.46, modifications of any such activity or development project previously reviewed by the NHCP, and determined to be consistent with the NHCP but have not yet begun, require initiation of another consistency review when the activity or development project presents substantially different effects on coastal uses or resources. In certain circumstances, even if a federal agency determines that the activity will not have coastal effects, the agency must provide a negative determination to the NHCP, pursuant to NOAA regulations at 15 C.F.R. § 930.35.

The following lists the consistency procedures for federal agency activities:

- Consistency determinations must be submitted to the NHCP at least 90 days before final approval of the activity unless the NHCP and the federal agency agree to a different schedule. To facilitate its consistency review, the NHCP recommends that federal agencies coordinate with the NHCP prior to submitting their consistency determination.

- Consistency determinations shall include a brief statement indicating whether the proposed activity will be conducted in a manner consistent to the maximum extent practicable with the NHCP's enforceable policies. The statement must be based upon an evaluation of the relevant enforceable policies of the NHCP. A description of this evaluation must be included in the consistency determination. Consistency determinations shall also include a detailed description of the activity, its associated facilities, and their coastal

effects, and comprehensive data and information sufficient to support the federal agency's consistency determination.

The NHCP shall inform the federal agency of its concurrence with or objection to the consistency determination within 60 days from the receipt of the consistency determination and supporting information. The 60-day review period shall not begin until the NHCP has received the federal agency's consistency determination and supporting information required by NOAA regulations at 15 C.F.R. § 930.39(a). If the information required by § 930.39(a) is not included with the consistency determination, the NHCP shall notify the federal agency in writing within 14 days of receiving the determination and supporting information that the 60-day review period has not begun. The NHCP's written notification shall identify missing information required by § 930.39(a) and state that the 60-day review period will begin when the NHCP receives the missing information.

- Within the 60-day review period, the NHCP may request an extension of the time to review the consistency determination and supporting information. The federal agency must approve one request for an extension period of 15 days or less, however, the federal agency may determine that a longer or additional extension period is appropriate.

- The federal activity is reviewed concurrently by the NHCP, and appropriate state, local and regional agencies to determine compliance with the NHCP's enforceable policies and state laws.

- The NHCP provides for public participation in its review of the consistency determination. In some cases, the public notice process of the federal agency proposing the activity is sufficient to meet the NHCP's requirements under the Federal Consistency Regulations (15 C.F.R. § 930.42).

- If the NHCP concurs with the federal agency's consistency determination, it shall notify the agency in writing. The federal agency may presume NHCP concurrence if a response is not received from the NHCP within 60 days from receipt of the consistency determination and supporting information.

- In the event the NHCP objects to the federal agency's consistency determination, the NHCP shall provide a written response to the agency with its reasons for the objection and supporting information.

- If the NHCP and the federal agency fail to agree on the consistency determination, either party may seek mediation from the Secretary of Commerce or from OCM.

For an example of a federal agency activity consistency determination, please refer to Appendix F.

See CZMA § 307(c)(1) and 15 C.F.R. part 930, subpart C for detailed consistency requirements for federal agency activities.

II. FEDERAL LICENSE OR PERMIT ACTIVITIES

Pursuant to CZMA § 307(c)(3)(A), any non-federal applicant for a required federal license or permit to undertake activity within or outside of the coastal zone, which affects any land or water use or natural resource of the coastal zone, shall provide in the application to the federal licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the NHCP and that such activity will be conducted in a manner consistent with the program. At the same time, the applicant shall furnish a copy of the certification and all necessary data and information to the NHCP. Pursuant to NOAA regulations at 15 C.F.R. § 930.51(b), renewals and major amendments of existing licenses or permits trigger this same consistency requirement.

To assist applicants for federal licenses or permits, the NHCP has developed a list of federal license or permit activities that affect any coastal use or resource and which the NHCP has chosen to review for consistency with its enforceable policies (see Appendix C). The requirement to submit a federal license or permit consistency certification to the NHCP for review applies only to those activities listed in Appendix C. The NHCP may also choose to review unlisted federal license or permit activities, pursuant to NOAA regulations at 15 C.F.R. § 930.54, however, any decision to review such unlisted activities must be approved by the Director of OCM.

The following lists the consistency procedures for federal license or permit activities:

- To begin the process, applicants for those activities listed in Appendix C must submit the following information to the NHCP, pursuant to NOAA regulations at 15 C.F.R. § 930.57 and § 930.58:
    - A certification that the proposed activity complies with the enforceable policies of the NHCP and that such activity will be conducted in a manner that is consistent with those enforceable policies.
    - A copy of the completed application for the federal license or permit.
    - A detailed description of the proposed activity and its associated facilities, including an assessment of the probable coastal effects.
    - Maps, diagrams, site plans, and other technical data must be submitted when a written description alone will not adequately describe the proposal.
    - An evaluation that includes a set of findings relating the coastal effects of the proposal and its associated facilities to the relevant enforceable policies of the NHCP.

NOTE: It is recommended that applicants coordinate with the NHCP prior to submitting their consistency certification and information to ensure that the proposed activity will be conducted in a manner consistent with the NHCP's enforceable policies. It is also recommended that the above information be submitted to the NHCP at the same time the application is submitted to the federal permitting agency.

- Upon receipt of an applicant's consistency certification, in accordance with 15 C.F.R. § 930.57, and necessary data and information, in accordance with 15 C.F.R. § 930.58, the NHCP has six months in which to concur or object to the proposed federal license or permit activity.

- If an applicant fails to submit a consistency certification and/or fails to submit all necessary data and information, the NHCP shall, within 30 days of receipt of the incomplete submission, notify the applicant and the federal agency that the consistency certification and/or necessary data and information was not received and that the NHCP's six-month review period will commence on the date of receipt of the missing certification and/or necessary data and information.

- Within 30 days of receipt of the consistency certification and/or necessary data and information that was deemed missing, the NHCP shall notify the applicant and federal agency that the certification and necessary data and information is complete, the date the certification and/or necessary data and information deemed missing was received, and, that the NHCP's consistency review began on the date of receipt.

- The NHCP and the applicant may mutually agree in writing to stay the six-month consistency review period. Such an agreement must state a specific date when the stay will end and must be provided to the federal agency.

- The federal license or permit activity is reviewed concurrently by the NHCP, and appropriate state, local and regional agencies to determine compliance with the NHCP's enforceable policies.

- The NHCP ensures timely public notice of federal license or permit activities subject to consistency review, in accordance with NOAA regulations at 15 C.F.R. § 930.61. In certain circumstances, the NHCP may rely upon the public notice provided by the federal agency reviewing the application for the federal license or permit, or may require the applicant to provide the public notice.

- If the NHCP concurs with the consistency certification, it shall notify the applicant and the federal agency in writing at the earliest practicable time. If

the NHCP fails to respond within six months following commencement of its consistency review, concurrence is conclusively presumed.

- If the NHCP objects to the applicant's consistency certification within six months following commencement of review, it shall notify the applicant, federal agency and Director of OCM of the objection.

- The applicant may choose to appeal the NHCP's objection by filing a notice of appeal with the Secretary of Commerce within 30 days of receipt of the objection.

NOTE: Applications for federal licenses or permits involving energy facilities in New Hampshire's coastal zone are overseen by New Hampshire's Site Evaluation Committee (SEC), in accordance with NH RSA 162-H. The NHCP reviews such applications to determine compliance with its enforceable policies and provides comments directly to the SEC. For the purposes of CZMA federal consistency, the SEC's process is used, and the NHCP's federal consistency decision is issued through the SEC.

For an example of a federal license or permit activity consistency certification, please refer to Appendix G.

See CZMA § 307(c)(3)(A) and 15 C.F.R. part 930, subpart D for detailed consistency requirements for federal license or permit activities.

III. OUTER CONTINENTAL SHELF EXPLORATION, DEVELOPMENT AND PRODUCTION ACTIVITIES

Pursuant to CZMA § 307(c)(3)(B) any person submitting a plan to the Secretary of the Interior for the exploration, development of, or production from, any area which has been leased under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*), and which affects any land or water use or natural resource of New Hampshire's coastal zone, shall include with the plan a certification that each activity described complies with the enforceable policies of the NHCP and that such activities will be carried out in a manner consistent with the NHCP.

The following lists the consistency procedures for Outer Continental Shelf exploration, development and production activities:

- Pursuant to NOAA regulations at 15 C.F.R. § 930.76(a), persons submitting an Outer Continental Shelf (OCS) plan to the Secretary of the Interior shall:

    - Include a certification that the proposed activities comply with the enforceable policies of the NHCP and that such activities will be conducted in a manner that is consistent with those enforceable policies.

- Include all necessary data and information, including maps, diagrams, site plans, and other technical data, pursuant to NOAA regulations at 15 C.F.R. § 930.58.
- Include information, pursuant to the Department of the Interior's OCS operating regulations and OCS information program regulations.

NOTE: It is recommended that persons intending to submit an OCS plan coordinate with the NHCP prior to submitting the plan to ensure that the proposed activities will be conducted in a manner consistent with the NHCP's enforceable policies.

- The Secretary of the Interior shall provide the NHCP with a copy of the OCS plan, the consistency certification, and necessary data and information.

- Upon receipt of a person's consistency certification and supporting information, the NHCP has six months in which to concur or object to the consistency certification.

- If during the six-month review period the NHCP requests additional information, it must describe in writing to the person and the Secretary of the Interior the reasons why the information provided under § 930.76 is not adequate to complete its review, the nature of the information requested and the necessity of having such information to determine consistency with its enforceable policies. Such a request for additional information must be made no later than three months after receipt of the consistency certification and supporting information.

- If the NHCP has not issued a decision or requested additional information within three months following receipt of the consistency certification, it shall notify the person, the Secretary of the Interior and the Director of OCM in writing of the status of its review. Concurrence by the NHCP is conclusively presumed if it fails to adhere to this notification requirement.

- The NHCP and the person may mutually agree in writing to stay the six-month consistency review period. Such an agreement must state a specific date when the stay will end and must be provided to the federal agency.

- The OCS plan consistency certification and information is reviewed concurrently by the NHCP, and appropriate state, local and regional agencies to determine compliance with the NHCP's enforceable policies and state laws.

- Public notice procedures are identical to those described above for federal license or permit activities.

- If the NHCP concurs with the consistency certification, it shall notify the person, the Secretary of the Interior and the Director of OCM in writing at the earliest practicable time. If the NHCP fails to respond within six months following commencement of its consistency review, concurrence is conclusively presumed.

- If the NHCP objects to the consistency certification within six months following commencement of review, it shall notify the person, the Secretary of the Interior and the Director of OCM in writing of the objection. The person may then file an amended plan with the Secretary of the Interior or file a notice of appeal with the Secretary of Commerce within 30 days of receipt of the objection.

See CZMA § 307(c)(3)(B) and 15 C.F.R. part 930, subpart E for detailed consistency requirements for outer continental shelf exploration, development and production activities.

IV. FEDERAL FINANCIAL ASSISTANCE ACTIVITIES

Pursuant to CZMA § 307(d), state and local governments submitting applications for federal assistance under other federal programs, within or outside of the coastal zone, affecting any land or water use or natural resource of the coastal zone, must be consistent with the enforceable policies of the NHCP. To assist applicants for federal financial assistance, the NHCP has developed a list of federal financial assistance activities that affect any coastal use or resource and which the NHCP has chosen to review for consistency with its enforceable policies (see Appendix C). The requirement to submit an application for federal financial assistance to the NHCP for review applies only to those activities listed in Appendix C. The NHCP may also choose to review unlisted federal financial assistance activities, however, any decision to review such unlisted activities must be approved by the Director of OCM.

The following lists the consistency procedures for federal financial assistance activities:

- Applicants must submit applications for federal financial assistance to the NHCP for consistency review through the intergovernmental review process. The term “intergovernmental review process” describes the procedures established by states pursuant to federal Executive Order 12372 (Intergovernmental Review of Federal Programs), and pursuant to state Executive Order 83-10. For information regarding the intergovernmental review process, please contact the New Hampshire Office of Strategic Initiatives.

- In addition to the federal financial assistance application, applicants must provide the NHCP with a brief evaluation on the relationship of the proposed activity and any reasonably foreseeable coastal effects to the enforceable policies of the NHCP.

- If the NHCP concurs with the proposed activity, the federal agency may grant the financial assistance to the applicant.

- If the NHCP objects to the proposed activity, it must notify the applicant, the federal agency and the Director of OCM of the objection.

- In the event that the applicant and the NHCP cannot agree upon conditions which, if met by the applicant, would result in NHCP concurrence with the proposed activity, either party may request mediation by OCM or the Secretary of Commerce.

See CZMA § 307(d) and 15 C.F.R. part 930, subpart F for detailed consistency requirements for federal financial assistance activities.

APPENDIX E.

MEDIATION, NHCP OBJECTIONS & APPEAL PROCEDURES

I. MEDIATION

If during the CZMA consistency review period a serious disagreement arises between the NHCP and a federal agency that cannot otherwise be resolved informally, either the state or federal agency may request mediation from the Secretary of Commerce or OCM.

See CZMA § 307(h) and 15 C.F.R. part 930, subpart G for additional details regarding the mediation process.

II. NHCP OBJECTIONS TO PROPOSED FEDERAL ACTIVITIES

If the NHCP determines that a proposed federal activity is inconsistent with its enforceable policies, or if it determines that a federal agency, applicant or person has failed, following a written request, to submit sufficient data and information necessary to make a consistency decision, the NHCP may object to the consistency determination/certification. If the objection is based on a determination that the activity is inconsistent with its enforceable policies, the NHCP must provide a written explanation as to why the proposal is inconsistent with specific enforceable policies. In addition, the NHCP may identify alternative measures (if they exist), which, if adopted, may permit the activity to be conducted in manner consistent with its enforceable policies. If, however, the objection is based on a finding that the federal agency, applicant or person has failed to submit sufficient information, the NHCP must describe the nature of the information requested and the necessity of having such information to determine consistency of the federal activity with its enforceable policies.

III. APPEALS

Applicants for federal licenses or permits, Outer Continental Shelf plans, or federal financial assistance may appeal the NHCP's consistency objections to the Secretary of Commerce within thirty days of receipt of the objection. The Secretary will then determine whether the federal activity is consistent with the objectives or purposes of the CZMA or is otherwise necessary in the interest of national security.

See CZMA § 307(i) and 15 C.F.R. part 930, subpart H for additional details regarding the appeal process.

APPENDIX F.

FEDERAL CONSISTENCY DETERMINATION TEMPLATE

The following document is intended to provide a template that federal agencies may choose to use when making a consistency determination under the Coastal Zone Management Act (CZMA) section 307(c)(1) & (2):

Program Coordinator
New Hampshire Coastal Program
222 International Drive, Suite 175
Portsmouth, NH 03801

RE: Coastal Zone Management Act Consistency Determination

This document provides the New Hampshire Coastal Program (NHCP) with the **[name of federal agency]** consistency determination under CZMA § 307(c)(1) **[or (2)]** and 15 C.F.R. part 930, subpart C, for the **[name of federal activity]**. The information in this consistency determination is provided pursuant to 15 C.F.R. § 930.39. This activity includes:

[describe the federal agency activity or reference relevant pages of NEPA document].

The **[name of federal agency]** has determined that the **[name of federal activity]** affects the land or water uses or natural resources of the state of New Hampshire in the following manner:

The NHCP contains the following applicable enforceable policies:

[list and/or briefly describe the NHCP's applicable enforceable policies].

Based upon the following information, data and analysis the **[name of federal agency]** finds that the **[name of federal activity]** is consistent to the maximum extent practicable with the enforceable policies of the NHCP. **[provide information, data and analysis supporting the determination of consistency with the applicable enforceable policies]**.

Pursuant to 15 C.F.R. § 930.41, the NHCP has 60 days from the receipt of this letter in which to concur with or object to the consistency determination, or to request an extension. Concurrence will be presumed if the NHCP's response is not received by the **[name of federal agency]** on the 60th day from receipt of this letter. The NHCP's response should be sent to:

[provide federal agency contact information].

APPENDIX G.

FEDERAL CONSISTENCY CERTIFICATION TEMPLATE

The following document is intended to provide a template for non-federal applicants to use when making a consistency certification under the Coastal Zone Management Act (CZMA) section 307(c)(3)(A):

Program Coordinator
New Hampshire Coastal Program
222International Drive, Suite 175
Portsmouth, NH 03801

RE: Coastal Zone Management Act Consistency Certification

This document provides the New Hampshire Coastal Program (NHCP) with the **[name of applicant]** consistency certification and necessary data and information under CZMA § 307(c)(3)(A) and 15 CFR part 930, subpart D, for the **[name of activity]**.

Certification:

[name of applicant] certifies that the proposed activity complies with the enforceable policies of the NHCP and will be conducted in a manner consistent with such program.

Necessary Data and Information:

1. **[describe the federal license or permit activity or reference relevant pages of the federal application, any associated facilities, and coastal effects. Provide materials that will facilitate evaluation of coastal effects]**.

2. **[provide an evaluation that includes a set of findings relating the probable coastal effects of the proposed project and its associated facilities to the relevant enforceable policies of the NHCP]**.

By this certification that the **[name of activity]** is consistent with the NHCP, the NHCP is hereby notified that it has six months from the receipt of this letter and accompanying information in which to concur with or object to **[applicant's name]** certification. Pursuant to 15 CFR § 930.62(b), if the NHCP has not issued a decision within three months following commencement of its review, it shall notify **[name of applicant and federal agency**] of the status of the matter and the basis for further delay. The NHCP's concurrence, objection or notification of review status shall be sent to:

[provide applicant and federal agency contact information].

APPENDIX H.

COASTAL PROGRAM REFERENCES

The NHCP is based on the enforceable policies presented in Appendix B. These policies are drawn from the following list of state laws that constitute the legal basis for state agency decisions in the coastal zone.

(RSA = Revised Statutes Annotated)

RSA #	Title or Description	Agency
RSA 4:29	Acquisition and Disposal of Real Estate	Governor and Executive Council
RSA 12-E	Mining and Reclamation	DNCR[1]
RSA 12-G	Pease Development Authority	PDA[2] Division of Ports & Harbors
RSA 21-O:5-a	Wetlands Council	NHDES[3] Water Division
RSA 79:10	Notice of Intent to Cut	DNCR
RSA 125-C	Air Pollution Control	NHDES Air Resources Division
RSA 125-D	Acid Rain Control Act	NHDES Air Resources Division
RSA 143:21-a	State Shellfish Sanitation Control Authorities	NHDES Water Division
RSA 146-A	Oil Discharge or Spillage in Surface Water or Groundwater	NHDES Water Division
RSA 147:4	Removal, Notice	Dept. of Health & Human Services
RSA 147-A	Hazardous Waste Management	NHDES Waste Management Division
RSA 162-C	Council on Resources and Development	Office of Strategic Initiatives
RSA 162-H	Energy Facility Evaluation, Siting, Construction & Operation	All Relevant Agencies
RSA 206	Fish and Game Commission	NH Fish & Game Dept.
RSA 207:54	Enforcement of Laws	NH Fish & Game Dept.
RSA 211	Fish, Shellfish, Lobsters and Crabs	NH Fish & Game Dept.
RSA 212-A	Endangered Species Conservation Act	NH Fish & Game Dept.
RSA 214:1	Licenses	NH Fish & Game Dept.
RSA 216-A	Expansion of State Park System	DNCR
RSA 217-A	NH Native Plant Protection	DNCR
RSA 227-C	Historic Preservation	DNCR
RSA 227-G	Forestry – Policy, Definitions, & Administration	DNCR
RSA 227-H	Public Forest Lands: Management, Acquisition & Lost Taxes	DNCR
RSA 227-I	Forest Resources: Education, Promotion & Planning	DNCR

RSA #	Title or Description	Agency
RSA 227-J	Timber Harvesting	DNCR
RSA 227-K	Forest Health	DNCR
RSA 227-L	Woodland Fire Control	DNCR
RSA 230	State Highways	Department of Transportation
RSA 233-A	Access to Public Waters	NH Fish & Game Dept.
RSA 270:72-a	Toilet Facilities	Department of Safety
RSA 270-D	Boating and Water Safety	Department of Safety
RSA 271	Pilots, Harbor Masters & Public Waters	PDA Division of Ports & Harbors
RSA 430	Insect Pests and Plant Diseases	Dept. of Agriculture, Markets & Food
RSA 431	Soil Conditioners	Dept. of Agriculture, Markets & Food
RSA 432	Soil Conservation & Farmland Preservation	Dept. of Agriculture, Markets & Food
RSA 482-A	Fill and Dredge in Wetlands	NHDES Water Division
RSA 483	NH Rivers Management and Protection Program	NHDES Water Division
RSA 483-B	Shoreland Water Quality Protection Act	NHDES Water Division
RSA 485	Safe Drinking Water Act	NHDES Water Division
RSA 485-A	Water Pollution & Waste Disposal	NHDES Water Division
RSA 485-C	Groundwater Protection Act	NHDES Water Division
RSA 487	Control of Marine Pollution & Aquatic Growth	NHDES Water Division
RSA 674	Local Land Use Planning & Regulatory Powers	Municipalities

[1]DNCR = Department of Natural and Cultural Resources
[2]PDA = Pease Development Authority
[3]NHDES = Department of Environmental Services

APPENDIX I.

GENERAL INFORMATION/CONTACTS

For additional information regarding CZMA federal consistency in New Hampshire and for copies of this document please visit NHCP's Federal Consistency website or contact:

Christian Williams
Program Coordinator
New Hampshire Coastal Program
Department of Environmental Services
222 International Drive, Suite 175
Portsmouth, NH 03801
Phone: (603) 559-0025 / Fax: (603) 559-0029
Email: Christian.Williams@des.nh.gov

For additional CZMA federal consistency information, visit NOAA's Office for Coastal Management's Federal Consistency website.

Please note, construction-related projects generally require permits from the New Hampshire Department of Environmental Services (e.g., dredge and fill, alteration of terrain, 401 water quality certificate, etc.). For specific permit requirements, application forms, etc., contact:

Tim Drew, Administrator
Public Information and Permitting Unit
Department of Environmental Services
P.O. Box 95
Concord, NH 03302-0095
Phone: (603) 271-3306
Email: Timothy.Drew@des.nh.gov