Dear Mr. Couture,

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

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

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

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

---

[1] Received August 15, 2019. On August 5, 2019, the Final Rule revising the Coastal Zone Management Act Program Change procedures was published. 84 FR 38118 (Aug. 5, 2019). The rule did not take effect until September 5, 2019, following the submission of these proposed changes.
Thank you for your cooperation in this review. Please contact Becca Newhall at 978-281-9237, if you have any questions. For future correspondence regarding these program changes, please refer to the file number assigned to this action, NH-2019-1.

Sincerely,

Joelle Gore, Chief
Stewardship Division

Attachments:

Table of Approved Changes;
Complete List of Federal Actions Subject CZMA Review.
Thank you for your cooperation in this review. Please contact Becca Newhall at 978-281-9237, if you have any questions. For future correspondence regarding these program changes, please refer to the file number assigned to this action, NH-2019-1.

Sincerely,

Joelle Gore, Chief
Stewardship Division

Attachments:

Table of Approved Changes;
Complete List of Federal Actions Subject CZMA Review.
<table>
<thead>
<tr>
<th>Name/Description of State or Local Law/Regulation/Policy/Program Authority</th>
<th>State/Local Legal Citation</th>
<th>New, revised or deleted?</th>
<th>CZMA enforceable policy?</th>
<th>Date Effective in State</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MODIFIED:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Changes to List of Federal Authorizations</strong></td>
<td>Not applicable.</td>
<td>Revised.</td>
<td>No.</td>
<td>Date of NOAA approval of revised listing.</td>
</tr>
</tbody>
</table>

Revisions to the list of Federal authorizations subject to review pursuant to the Coastal Zone Management Act Federal Consistency regulations at 15 CFR Part 930 to correct citations and more precisely describe the scope of reviews for the following:

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

- Permits, licenses, easements, rights-of-way, or other grant of authority for construction and maintenance of pipelines of oil and gas transmission on the Outer Continental Shelf under the Outer Continental Shelf Lands Act. (43 U.S.C. § 1334 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.).
<table>
<thead>
<tr>
<th>Changes to Enforceable Policies</th>
<th>Not applicable.</th>
<th>Revised.</th>
<th>Yes.</th>
<th>Date of NOAA approval.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revisions clarifying that effects to coastal &quot;uses&quot; are within the scope of the policies.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy #1 land and water resources;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy #2 fish and wildlife resources;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy #3 mining of sand and gravel in offshore and onshore locations;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy #12 siting of energy facilities.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
NEW HAMPSHIRE COASTAL PROGRAM
FEDERAL ACTIVITIES SUBJECT TO CONSISTENCY REVIEW

I. FEDERAL AGENCY ACTIVITIES

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

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

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

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

Department of Homeland Security/Coast Guard
Location, design, and acquisition of new or enlarged installations. (14 U.S.C. § 92)

Department of the Interior/Fish and Wildlife Service

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)


Department of Energy/Federal Energy Regulatory Commission

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

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

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

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

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

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

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

Department of Transportation and Department of Homeland Security/Coast Guard


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

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

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

III. FEDERAL FINANCIAL ASSISTANCE ACTIVITIES

DEPARTMENT OF AGRICULTURE

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

DEPARTMENT OF COMMERCE

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

DEPARTMENT OF DEFENSE

12.104 Floodplain Management Services
12.110 Planning Assistance to States

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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

DEPARTMENT OF THE INTERIOR

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

DEPARTMENT OF TRANSPORTATION

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

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

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

ENVIRONMENTAL PROTECTION AGENCY

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

DEPARTMENT OF ENERGY

81.041 State Energy Program

DEPARTMENT OF HOMELAND SECURITY

97.012 Boating Safety Financial Assistance
97.110 Severe Loss Repetitive Program