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David Kaiser
Federal Consistency Coordinator
NOAA, Office of Ocean and Coastal Resource Management
1305 East-West Highway
Silver Spring, MD 20910

Re: Federal Consistency Energy Review Comments

Dear Mr. Kaiser:

The New Hampshire Coastal Program has reviewed the Advanced notice of proposed rulemaking document and offers the following general remarks:

- NH is content with the provisions of the Federal Consistency regulations and does not see need for change.
- While our state currently has a moratorium on oil/gas leases, we believe the current system allows for adequate review and consultation on such matters.
- Recently, the Blue Atlantic Transmission System contacted our state concerning a proposal to build an offshore gas pipeline from Nova Scotia to the New York metropolitan region. The meeting was well in advance of a formal consistency review; this consultation allowed both parties to explain their processes/requirements. In past years, our office coordinated on overland gas pipeline construction projects. In other words, we believe the system works.

To address the points in the 2 Jul 02 Federal Register, Vol. 67, No. 127 for which NOAA sought public comments, NH Coastal Program offers the following:

- Need for NOAA to further describe information requirements to complete CZMA reviews? No. This state coordinates with federal agencies/applicants. Should a state develop a coordination difficulty with an entity on CZM issues, the state should consider its own corrective action in the situation. NH would prefer not to see a broad policy fix for an isolated problem.
- Need for a definitive date for Secretarial decision on consistency appeals? Although NH does not have recent experience with appeals on any subject, we think the current guidance and procedures are adequate.

- More effective way to coordinate completion of Federal environmental review documents? If there is, it is unlikely that an effective solution could be applied to the majority of situations in the body of coastal states. Individual (situational) coordination between states and agencies/entities would likely optimize the timing and completeness of CZM determinations to positively effect processing.
- Should there be a provision for a “general negative determination”? No, such a provision might create the potential for complacency and error in consistency determinations.
- Need guidance/regulatory action for “far offshore” effects? Modify listing/geographic location descriptions for offshore activities? No and No; guidance in 15 CFR Ch IX is adequate.
- Single consistency review for an OCS EP or DPP’s multiple federal approvals? NH Coastal Program has no experience in these matters. There is seemingly no need to require consolidations. Based upon the numbers in the ANPR (only 15 appeals to state objections out of over 16,000 EP/DPPs in 24 years), the exploration plans have a positive track record.

Please contact me by phone at (603) 271-2155; fax 271-1728, or at bmazerski@osp.state.nh.us with any questions.

Sincerely,


Brian K. Mazerski
Principal Planner
Federal Consistency Coordinator
NH Coastal Program

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cc: DOJ, Richard Head