

NH Permitting Requirements Affecting Coastal Zone Projects.

**Wetlands Bureau
Shoreland Program
Alteration of Terrain
Subsurface Systems and Subdivisions
NPDES Compliance
Wastewater System approvals
Community Water Systems
Waste Processing Facilities**

This talk is limited to...

**Wetlands Bureau and Shoreland Program
RSA 482-A and RSA 483-B**

Purpose of NH Wetlands Law

482-A:1 Finding of Public Purpose. – It is found to be for the public good and welfare of this state to **protect and preserve** its submerged lands under tidal and fresh waters and its wetlands, (both salt water and fresh-water), as herein defined, from despoliation and unregulated alteration, because such despoliation or unregulated alteration will adversely affect the value of such areas as sources of nutrients for **finfish, crustacea, shellfish and wildlife of significant value**, will damage or destroy habitats and reproduction areas for **plants, fish and wildlife of importance**, will eliminate, depreciate or obstruct the **commerce, recreation and aesthetic enjoyment of the public**, will be detrimental to **adequate groundwater levels**, will adversely affect stream channels and their **ability to handle the runoff of waters**, will disturb and reduce the natural **ability** of wetlands to **absorb flood waters and silt**, thus increasing general flood damage and the silting of **open water channels**, and will otherwise adversely affect the **interests of the general public**.

Purpose of NH Shoreland Protection Law

483-B:2 Minimum Standards Required. – These standards shall serve to:

- I. Further the maintenance of safe and healthful conditions.
- II. Provide for the wise utilization of water and related land resources.
- III. Prevent and control water pollution.
- IV. Protect fish spawning grounds, aquatic life, and bird and other wildlife habitats.
- V. Protect buildings and lands from flooding and accelerated erosion.
- VI. Protect archaeological and historical resources.
- VII. Protect commercial fishing and maritime industries.
- VIII. Protect freshwater and coastal wetlands.
- IX. Control building sites, placement of structures, and land uses that may potentially damage the public waters.
- X. Conserve shoreline cover and points of access to inland and coastal waters.
- XI. Preserve the state's lakes, rivers, estuaries and coastal waters in their natural state.
- XII. Promote wildlife habitat, scenic beauty, and scientific study.
- XIII. Protect public use of waters, including recreation.
- XIV. Conserve natural beauty and open spaces.
- XV. Anticipate and respond to the impacts of development in shoreland areas to the extent they may potentially damage the public waters.
- XVI. Provide for economic development in proximity to waters.

Jurisdictional Boundaries - Wetland vs Shoreland

Wetlands-

- **Surface Waters – To the highest observable tideline, streams...**
- **Banks of Surface Waters**
- **Wetlands – Salt and freshwater marshes, meadows, swamps...**
- **Sand Dunes**
- **Tidal Buffer - Uplands within 100 ft. of the highest observable tideline**

Shoreland-

- **Protected Shoreland - Lands within 250 ft. of the highest observable tideline. (Within the Tidal Buffer, Shoreland standards applied as part of the Wetlands Permit Process.)**

As sea level rises the highest observable tideline will move inland and jurisdiction boundaries will roll inland with the tides.

So What is the Real Purpose Behind the Regulations???



Balancing Interests... Often Multiple Interests.

Applying the Wetlands Standards – Issues of Ownership

Who owns the land on which direct impacts will occur?

- State can't permit trespassing or give away what it does not own.
- Owner authorization is required.

Who has rights to the land on which direct impacts will occur?

Who will own the liability for unanticipated impacts which will occur?



Identifying Causes and Project Effects

**Shorelines are dynamic and seeking equilibrium.
Impacts have consequences.**

Reliance on modeling

What is the probability of achieving the projects goals?

Identifying possible incidental impacts to adjacent areas.

- **Accumulation or erosion?**
- **Can changes be quantified?**
- **Who will be affected?**
- **How long will it hold?**



Weighing the Benefits Against the Costs

Is saving private homes worth losing a public beach and the tourism dollars that it brought in? Who should pay over the long term to continually rebuild the beach?

If private lands are built up against rising waters, what obligation is there to maintain infrastructure and provide emergency services to those lands?

Do we protect coastal properties or commercial fisheries and seafood harvests?

Long Term Monitoring, Response, and Viability in Light of Rising Sea Levels

Hundreds of small projects or one coordinated project?

If a project is done today what sea level should it be designed for?

What is worth the cost of holding back the sea, who is going to pay it, and for how long?

NH, as a community, must decide what we must retain, what we would hope to retain, and what or who we will have to let go.