



Standard Operating Procedure  
DES SOP #: 801

**Local River Management Advisory Committee (LAC)  
Permit Notification and Communication Protocol**

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**Purpose:** To establish a procedure by which the Department of Environmental Services (DES) notifies the appropriate local river management advisory committee (LAC) when State action is being considered that will affect a designated river (RSA 483:12-a, 1-a). More specifically, to describe how programs within DES will notify and communicate with the DES Rivers Coordinator and the LACs pursuant to RSA 483:8, III, (a) & (b) when DES is considering a state action within a designated river corridor.

**Background:** The New Hampshire River Management and Protection Program (RMPP) was established in 1988 with the passage of RSA 483 to protect certain rivers, called designated rivers, for their outstanding natural and cultural resources. The program is administered by DES.

For a river to be designated for protection, an interested individual or organization must first develop a nomination outlining the river's values and characteristics. Support by local municipal officials and residents of the riverfront communities for the designation must also be sought and reported. Once completed, the nomination is submitted to the DES Commissioner and, if and when approved, forwarded to the General Court for consideration. If the Legislature approves the nomination, looking closely at the level of local support and presence of important river values, and if the Governor signs the bill, RSA 483 is amended to designate the river for protection under the RMPP.

A distinctive characteristic of the RMPP is the partnership created between DES and local citizens through the formation of a LAC for each designated river. A minimum of one resident from each riverfront community along the length of designation is appointed to the LAC by the DES Commissioner; the LACs are the only natural resource based advisory committees appointed by the DES Commissioner. For the Connecticut River, the LAC is the Connecticut River Valley Resource Commission (part of the Connecticut River Joint Commissions), whose membership is established by RSA 227-E:4. The main responsibilities of the LACs are to develop and implement a local river corridor management plan and advise local, state, and federal governing bodies and agencies of activities which may affect the water quality or flow of the protected river or segment.

## Definitions:

- "State Actions" means any DES permitting, enforcement or other regulatory activity.
- Unless otherwise stated, the terms "application" and "permit" include requests to DES for issuance of a permit, certificate, license, waiver or exemption.
- "Designated river corridor" means the river and the land area located within a distance of 1,320 feet (1/4 mile) of the normal high water mark. The delineations of the designated river corridors are available on the DES One Stop GIS site:  
<http://www2.des.state.nh.us/gis/onestop/>
- "Designated river" means the rivers listed in [RSA 483:15](#). They are also listed at <http://des.nh.gov/organization/divisions/water/wmb/rivers/designriv.htm>
- "Local Advisory Committee (LAC)" refers to the volunteers appointed by the Commissioner to advise DES on river related matters for a particular designated river.

## Procedure

The following standards and procedures shall be implemented by DES.

### A. Basic Notification

This section applies to all programs established under the following statutes:

1. Groundwater Protection Act ([RSA 485-C](#))
  2. Water Pollution and Waste Disposal ([RSA 485-A](#))
  3. Dams, Mills and Flowage ([RSA 482](#))
  4. Hazardous Waste Management ([RSA 147-A](#))
  5. Solid Waste Management ([RSA 149-M](#))
- These basic notification steps serve to make the Rivers Coordinator and the LACs aware of state actions being considered by DES.
  - Within 5 days of receipt of an application by a DES permitting program, that DES program must notify the LAC and Rivers Coordinator, preferably via email, of the state action being considered. The notification shall provide a basic description of the proposed activity, DES contact information and a time frame for submitting comments. Program staff should provide a reasonable time frame for comment submittal that does not impede their ability to meet workload or review time frames established by law or rule.
  - The LAC and Rivers Coordinator may provide comments within the timeframes included in the notification.
  - If an LAC or the Rivers Coordinator does provide comment, the LAC and Rivers Coordinator are copied on the final permit(s) at the time of issuance. If the LAC or Rivers Coordinator does not provide comment, no further action is required by program staff.

### B. Comprehensive Notification and Communication

This section applies to all permit applications in designated river corridors for:

1. Alteration of Terrain (AoT) Permit ([RSA 485-A:17](#))
2. Comprehensive Shoreland Protection Act (CSPA) Shoreland Permit ([RSA 483-B](#))
3. Wetlands Bureau permits, ([RSA 482-A:3](#))
4. 401 Water Quality Certification programs

- Within 5 days of receipt of an application by a DES permitting program, that DES program must notify the LAC and Rivers Coordinator, preferably via email, of the state action being considered. The notification shall provide a basic description of the proposed activity, DES contact information, and a time frame for submitting comments.
- The general LAC comment time frame will be 40 days from the permitting program's receipt of the application, but may be shorter if that program's review queues are shorter or if DES expedites processing of the matter pursuant to DES SOP #201 (Processing of Permit Applications), or for other reasons.
- Alternate periods of other lengths may be applicable based on DES review periods established in law or rule
  - If the DES review period is 30 days, LAC comments are due within 25 days from DES receipt.
  - If the DES review is 10 days, the LAC comments are due within 10 days from DES receipt.
  - The LAC may request an extension of the review period to 40 days from DES receipt to provide additional time for file review and participation in a site walk. DES may grant the request if law or statute does not require DES to issue the permit prior to the end of the 40 day review, or if DES has not otherwise committed to expediting the processing of the application.
- The LAC and Rivers Coordinator may provide comments within the timeframes established above.
- When issuing initial correspondence to applicants, DES permitting programs shall instruct the applicants to copy the LAC on all communications
- If the LAC submits comments on an application within the comment period (as determined above), the DES permitting program shall request that the applicant address the LAC comments within established statutory time periods.
  - The LAC shall submit its comments directly to DES, with a copy to the applicant.
- The LAC and Rivers Coordinator shall be provided with a copy of the final permit at the time of issuance.

### **C. Miscellaneous provisions**

1. LAC Chairs serve as the point of contact for all notifications and communications. Their contact information is available at:  
<http://des.nh.gov/organization/divisions/water/wmb/rivers/lac/chair.htm>.
2. **Pre-Application meetings**
  - Pre-application meetings are offered to interested parties to assist in the timely exchange of critical information for a project, event, or activity. They are voluntary on the part of the applicant and designed to address all likely issues and concerns related to permitting within the designated river corridor. DES will notify the Rivers Coordinator in advance of such meetings if the party who requests the meeting also requests that the Rivers Coordinator and LAC be notified and invited to attend.
  - See DES SOP #202 (Pre-application Meetings)
  - Pre-application meetings may be requested online at  
<http://www4.egov.nh.gov/DES/PreApp/>

- DES will inform parties at such meetings if their proposed project will be subject to the notice provisions of [RSA 483:8, III, \(a\) & \(b\)](#)

### **3. Applicant request for expedited review of permit applications**

- If an applicant for a permit within a designated river corridor requests an expedited review per DES SOP #201 (Processing of Permit Applications), the DES permitting program shall notify the appropriate LAC of DES's decision, preferably via email, and shall copy the LAC and the Rivers Coordinator on letters responding to such requests.
- See DES SOP #201

### **4. Enforcement and emergency actions**

- The LAC and Rivers Coordinator will be copied on all publicly available DES correspondence involving enforcement actions within designated river corridors.
- The LAC and Rivers Coordinator will be notified of all emergency permits received and issued for designated river corridors.

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**Adopted: 8/6/09**

**Revised: 8/26/09**

**Revised: 10/09/09**

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**Approved: 10/28/09**



Thomas S. Burack  
Commissioner