

RMPP and LMPP Statute Comparison

(complete statutes included, except 483:15)

CHAPTER 483: NH RMPP	CHAPTER 483-A: NH LMPP
<p>483:1 Statement of Policy. – New Hampshire's rivers and streams comprise one of its most important natural resources, historically vital to New Hampshire's commerce, industry, and tourism, and the quality of life of New Hampshire people. It is the policy of the state to ensure the continued viability of New Hampshire rivers as valued ecologic, economic, public health and safety, and social assets for the benefit of present and future generations. The state shall encourage and assist in the development of river corridor management plans and regulate the quantity and quality of instream flow along certain protected rivers or segments of rivers to conserve and protect outstanding characteristics including recreational, fisheries, wildlife, environmental, hydropower, cultural, historical, archaeological, scientific, ecological, aesthetic, community significance, agricultural, and public water supply so that these valued characteristics shall endure as part of the river uses to be enjoyed by New Hampshire people. If conflicts arise in the attempt to protect all valued characteristics within a river or stream, priority shall be given to those characteristics that are necessary to meet state water quality standards.</p>	<p>483-A:1 Statement of Policy. – New Hampshire's lakes are one of its most important natural resources; vital to wildlife, fisheries, recreation, tourism, and the quality of life of its citizens. It is the policy of the state to insure the continued vitality of New Hampshire lakes as key biological, social, and economic assets, while providing that public health is ensured for the benefit of present and future generations. The state shall encourage and assist in the development of management plans for the waters as well as the shoreland to conserve and protect valued characteristics, including recreational, aesthetic, and those of community significance, so that these valued characteristics shall endure as part of lake uses to be enjoyed by the citizens of New Hampshire. If conflicts arise in the attempt to protect the valued characteristics of a lake, priority shall be given to those characteristics that are necessary to meet state water quality standards.</p>
<p>483:2 Program Established; Intent. – There is established within the department of environmental services the New Hampshire rivers management and protection program. It is the intent of the legislature that the New Hampshire rivers management and protection program shall complement and reinforce existing state and federal water quality laws, and that in-stream flows are maintained along protected rivers, or segments thereof, in a manner that will enhance or not diminish the enjoyment of outstanding river characteristics pursuant to RSA 483:1. It is also the intent of the legislature that, through said program, the scenic beauty and recreational potential of such rivers shall be restored and maintained, that riparian interests shall be respected, and that nothing in this chapter shall be interpreted to preempt any land and zoning authority granted to municipal bodies under RSA title LXIV.</p>	<p>483-A:3 Program Established; Intent. – There is established the New Hampshire lakes management and protection program within the department of environmental services. It is the intent of the legislature that the New Hampshire lakes management and protection program shall complement and reinforce existing state and federal water quality laws. It is also the intent of the legislature that, through said program, the scenic beauty and recreational potential of lakes shall be maintained or enhanced, that wildlife habitat shall be protected, that opportunity for public enjoyment of lake uses be ensured, and that littoral interests shall be respected.</p>
<p>483:3 Rivers Coordinator. – There is established in the department of environmental services, a state rivers coordinator, who shall be a classified employee qualified by reason of education and experience, and who shall administer the New Hampshire rivers management and protection program.</p>	<p>483-A:4 Lakes Coordinator. – There is established in the office of the commissioner, department of environmental services, a state lakes coordinator, who shall be a classified employee qualified by reason of education and experience, and who shall administer the New Hampshire lakes management and protection program.</p>
<p>483:4 Definitions. – In this chapter:</p> <ul style="list-style-type: none"> I. "Advisory committee" means the rivers management advisory committee established in RSA 483:8. II. "Agriculture" means agriculture as defined in RSA 21:34-a. III. "Breached dam" means any dam which impounds water at 	<p>483-A:2 Definitions. – In this chapter:</p> <ul style="list-style-type: none"> I. "Commissioner" means the commissioner, department of environmental services. II. "Advisory committee" means the lakes management advisory committee established

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less than 80 percent of its original design level at seasonal high flows and for which the original configuration of the dam can still be determined.

IV. "Channel alteration" means any human activity which changes the character of a river or stream channel including, but not limited to, filling, dredging, relocating, excavating, cleaning, deepening, widening, straightening or riprapping.

V. "Commissioner" means the commissioner, department of environmental services.

VI. "Dam" means any artificial barrier, including appurtenant works, across a river which impounds or diverts water.

VII. "Department" means the department of environmental services.

VIII. "Designated river" means that portion of a river which has been specifically designated by the general court pursuant to RSA 483:15.

IX. "Existing dam" means any dam which has not deteriorated or been breached or modified to the point where it no longer impounds water at 80 percent or more of its original design level at seasonal high flows.

IX-a. "Flowage right" means an easement to flow water over the land of others.

X. "Free-flowing," as applied to any river or river segment, means existing or flowing in a natural condition without artificial impoundment, diversion, channel alterations, or other modifications and without consideration of upstream flow management.

XI. "Instream public uses" means those uses which comprise the state's interests in surface waters including, but not limited to: navigation; recreation; fishing; storage; conservation; maintenance and enhancement of aquatic and fish life; fish and wildlife habitat; wildlife; the protection of water quality and public health; pollution abatement; aesthetic beauty; and hydroelectric energy production.

XII. "Interbasin transfer" means any transfer of water for use from one river drainage basin to another.

XIII. "New dam" means any dam which requires the construction or enlargement of any impoundment or diversion structure.

XIV. "New hydroelectric power facilities" means the construction, operation, or installation of electric generating units at dams where no hydroelectric power generation has occurred for a period of 6 years or more.

XV. [Repealed.]

XVI. "Protected instream flow" means a constant minimum stream flow level established to maintain water for present and future instream public uses.

XVI-a. "Restore" means to return an ecosystem to a close approximation of its natural condition.

XVII. "River" means a flowing body of water including the tidal mouth of rivers whose salinity, flow, or level is influenced by the tides, or a segment or tributary of such water body.

XVIII. "River corridor" means the river and the land area

in RSA 483-A:6.

III. "Lake" means the bodies of fresh water as defined in RSA 271:20.

IV. "Valued characteristics" means the uses and values that lakes provide including, but not limited to: passive and active recreational activities such as swimming, fishing, and use of appropriate watercraft; aesthetic values such as scenic beauty, wilderness experiences, and educational opportunities; public uses such as drinking water supplies and flood control; ecosystem values such as providing ecological diversity and wildlife habitat; economic values such as revenue generated for the local, regional, and state economies; and social experiences and the opportunity to use our lakes for public enjoyment.

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<p>located within a distance of 1,320 feet of the normal high water mark or to the landward extent of the 100 year floodplain as designated by the Federal Emergency Management Agency, whichever distance is larger.</p> <p>XIX. "River drainage basin" means the Androscoggin, Coastal, Connecticut, Merrimack, Piscataqua, and Saco river basins as delineated on a map compiled by the department.</p>	
<p>483:5 Coordination With Federal Statutes. – For the purposes of section 10(a)(2)(A) of the Federal Power Act, those rivers or segments designated under this chapter and any state or local management plans developed pursuant to this chapter shall constitute one element of the state comprehensive plan for river conservation and development. Designated rivers or segments shall constitute protected waterways under the provisions of the Public Utilities Regulatory Policies Act, section 210(j)(2), 16 U.S.C. section 824a-3(j)(2).</p>	
<p>483:6 Nominations; Criteria. –</p> <p>I. Any New Hampshire organization or resident may nominate a river or any segment or segments of such river for protection by submitting to the commissioner a description of the river or segment or segments of such river and its values and characteristics. The completed nomination shall be submitted to the rivers coordinator on or before June 1 in order for it to be considered in the next legislative session. This nomination shall include, but not be limited to, an assessment of fisheries; geologic and hydrologic features; vegetation; wildlife; historical and archaeological features; open space and recreation features and potential; water quality and quantity; dams, hydropower generation, buildings, and other manmade structures; riparian interests and public water supply, including flowage rights known by the nominating individual or group, and other pertinent instream and riverbank and tributary drainage area information. The nominating party shall hold at least one public meeting on the information prior to final submittal to the commissioner. The department shall encourage the nominating party to include tributary drainage area information in the nomination. The nominating party shall advertise the meeting in cooperation with the rivers coordinator and shall give written notice to riparian landowners and the governing body of any municipality where segments of the river are located. The rivers coordinator shall provide assistance to the nominating party in the presentation of the nomination at the public meeting.</p> <p>II. The rivers coordinator shall assist and cooperate with the nominator or nominating organization and shall, within 120 days of receipt of a nomination, review the nomination and prepare a recommendation for review by the commissioner under the criteria established in paragraph IV and adopted by rules under RSA 483:11, II.</p> <p>III. The rivers coordinator, in cooperation with the advisory committee, shall hold at least one public hearing in a community along the nominated river or segment of such river to receive public comment on the nomination. Public hearing comments on the nomination, comments on the nomination from local boards</p>	

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<p>and commissions, factors listed in RSA 483:6, IV(a) as further defined in rules adopted under RSA 483:11, II, and other public comments on the nomination submitted to the rivers coordinator shall be considered by the rivers coordinator and the advisory committee when preparing a recommendation for review by the commissioner.</p> <p>IV. The commissioner shall review the nomination within 45 days. The commissioner shall, in reviewing a nomination under this chapter, consider the following factors:</p> <p>(a) Whether the river, or segment or segments of such river, contain or represent either a significant statewide or local example of one or more of the following:</p> <ol style="list-style-type: none"> (1) Scenic or recreational resource. (2) Open space or natural resource. (3) Fisheries, wildlife, vegetation, and rare species or habitat. (4) Cultural, historical, or archaeological resource. (5) Hydrological or geological resource. (6) Water quality. (7) Scientific resource. (8) Community resource. (9) Current and projected withdrawals, discharges, or both, by public utilities and commercial or industrial users. <p>(b) Public hearing comments on the nomination and other public comments submitted to the rivers coordinator.</p> <p>(c) The recommendation of the rivers coordinator.</p> <p>(d) The recommendation of the advisory committee.</p> <p>V. If the commissioner, after reviewing a nomination and considering the factors in RSA 483:6, IV, determines that designation of the river, or segment or segments of such river, would be consistent with the purpose of this chapter, the commissioner shall forward the nomination to the general court for review and legislative approval according to RSA 483:7.</p>	
<p>483:7 Legislative Designation. –</p> <p>I. Any nomination approved by the commissioner shall require review and approval by the general court prior to inclusion in the program. Such action shall be filed as a bill in the next legislative session following the nomination.</p> <p>II. Any nomination which is forwarded to the general court for review and approval shall include:</p> <ol style="list-style-type: none"> (a) A map showing the boundaries of the river or segment; (b) A report which specifies the values and characteristics which qualify the river or segment for designation; and (c) The classifications of the proposed designation pursuant to RSA 483:7-a. 	
<p>483:7-a River Classification Criteria; Management. –</p> <p>I. Those rivers or segments designated for inclusion in the program shall be classified as one or more of the following:</p> <ol style="list-style-type: none"> (a) Natural rivers are free-flowing rivers or segments characterized by the high quality of natural and scenic resources. River shorelines are in primarily natural vegetation and river corridors are generally undeveloped. Development, if any, is limited to forest management and scattered housing. For natural 	<p>483-A:5 Management. –</p> <p>I. The lakes coordinator, in consultation with the advisory committee, with cooperation and assistance from each of the relevant divisions and bureaus within the department of environmental services, shall prepare every 10 years state level management recommendations for consideration by state</p>

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ivers, the following criteria and management objectives shall apply:

(1) The minimum length of any segment shall be 5 miles.

(2) Existing water quality shall be not lower than Class B level pursuant to the water quality standards established under RSA 485-A:8.

(3) The minimum distance from the river shoreline to a paved road open to the public for motor vehicle use shall be 250 feet, except where a vegetative or other natural barrier exists which effectively screens the sight and sound of motor vehicles for a majority of the length of the river or segment.

(4) Management of natural rivers and segments shall perpetuate their natural condition as defined in this chapter and shall consider, protect, and ensure the rights of riparian owners to use the river for forest management, agricultural, public water supply, and other purposes which are compatible with instream public uses of the river and the management and protection of the resources for which the river or segment is designated.

(b) Rural rivers are those rivers or segments adjacent to lands which are partially or predominantly used for agriculture, forest management and dispersed or clustered residential development. Some instream structures may exist, including low dams, diversion works and other minor modifications. The following criteria and management objectives shall apply to rural rivers:

(1) The minimum length of any segment shall be 3 miles.

(2) Existing water quality shall be at least Class B level pursuant to the water quality standards established under RSA 485-A:8 or have the potential for restoration to that level.

(3) There shall be no minimum distance from the shoreline to an existing road. Roads may parallel the river shoreline with regular bridge crossings and public access sites.

(4) Management of rural rivers and segments shall maintain and enhance the natural, scenic, and recreational values of the river and shall consider, protect and ensure the rights of riparian owners to use the river for agricultural, forest management, public water supply, and other purposes which are compatible with the instream public uses of the river and the management and protection of the resources for which the river or segment is designated.

(c) Rural-community rivers are those rivers or segments which flow through developed or populated areas of the state and which possess existing or potential community resource values such as those defined in official municipal plans or land use controls. Such rivers have mixed land uses in the corridor reflecting some combination of open space, agricultural, residential, commercial and industrial land uses. Such rivers are readily accessible by road or railroad and may include impoundments or diversions. The following criteria and management objectives shall apply to rural-community rivers:

(1) The minimum length of any segment shall be 3 miles.

(2) Existing water quality shall be at least Class B level pursuant to the water quality standards established under RSA

agencies in their decision-making regarding lakes management and protection. The purpose of such recommendations shall be to ensure that:

(a) Water quality shall not be degraded from existing water quality standards established in RSA 485-A.

(b) Potential sources of pollution, whether point or non-point sources on the land or deriving from activity on the lake, shall be managed in such a way as to minimize their adverse impact on water quality. No significant adverse impact or cumulative adverse impact on water quality shall be permitted.

(c) The environment for wildlife, particularly waterfowl and aquatic life, shall be maintained or improved.

(d) The use of lakes and their drainage areas for flood protection and water supply shall be recognized and protected.

(e) Public access shall be provided and maintained appropriate to suitable uses of the lakes.

(f) Recreational uses of lakes shall be consistent with the carrying capacity and valued characteristics of each lake.

Recreational uses shall provide opportunity for the safe enjoyment of a variety of lake experiences within the state as a whole.

II. No state-owned property adjacent to or providing access to a lake shall be disposed of by the state except upon the review and recommendations of the advisory committee.

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<p>485-A:8, or have the potential for restoration to that level.</p> <p>(3) Management of rural-community rivers and segments shall maintain and enhance the natural, scenic, recreational and community values of the river and shall consider, protect, and ensure the rights of riparian owners to use the river for such uses as agricultural, forest management, public water supply, residential, recreational, commercial, industrial, flood control, and other community uses which are compatible with the instream public uses of the river and the management and protection of the resources for which the river or segment is designated.</p> <p>(d) Community rivers are those rivers or segments which flow through developed or populated areas of the state and which possess existing or potential community resource values, such as those identified in official municipal plans or land use controls. Such rivers have mixed land uses in the corridor reflecting some combination of open space, agricultural, residential, commercial and industrial land uses. Such rivers are readily accessible by road or railroad, may include existing impoundments or diversions, or potential sites for new impoundments or diversions for hydropower, flood control or water supply purposes, and may include the urban centers of municipalities. The following criteria and management objectives shall apply to community rivers:</p> <p>(1) The minimum length of any segment shall be one mile.</p> <p>(2) Existing water quality shall be at least Class B level pursuant to the water quality standards established under RSA 485-A:8, or have the potential for restoration to that level.</p> <p>(3) Management of community rivers and segments shall maintain and enhance the natural, scenic, recreational and community values of the river and shall consider, protect, and ensure the rights of riparian owners to use the river for such uses as agricultural, forest management, public water supply, residential, recreational, commercial, industrial, flood control and hydroelectric energy production purposes which are compatible with the instream public uses of the river and the management and protection of the resources for which the river or segment is designated.</p> <p>II. The existence of limited exceptions to the criteria for a certain classification under this section shall not necessarily exclude a river or segment from that classification. The river or segment shall be examined as a whole, and the classification of such river or segment shall be based on the overall values and characteristics of such river or segment.</p> <p>III. A designated river and its tributary drainage area rivers that are subsequently designated shall be listed in the same paragraph in RSA 483:15. Each tributary river shall be named in a subparagraph under the main stem, and designated segments of each tributary shall be listed as further subparagraphs under each tributary.</p>	
<p>483:8 Rivers Management Advisory Committee; Establishment. – There is established a rivers management advisory committee appointed by the governor and council. All</p>	<p>483-A:6 Lakes Management Committee; Establishment. – I. There is established a lakes management</p>

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members shall be New Hampshire residents and the department shall request that nominating organizations select nominees representing diverse geographic areas of the state.

I. The advisory committee shall include:

(a) A representative of public water suppliers who shall be an officer or employee of any municipal or privately owned water works in the state.

(b) A municipal officer nominated by the New Hampshire Municipal Association.

(c) A member of the fish and game commission.

(d) A representative of the Business and Industry Association chosen from a list of 3 nominees.

(e) A representative of the Granite State Hydropower Association chosen from a list of 3 nominees.

(f) A conservation commission member chosen from a list of 3 nominees submitted by the New Hampshire Association of Conservation Commissions.

(g) A representative of the conservation community chosen from a list of 3 nominees submitted by the Society for Protection of New Hampshire Forests, Audubon Society, and the New Hampshire Wildlife Federation.

(h) A representative of recreational interests chosen from a list of 3 nominees submitted by the New Hampshire Rivers Campaign and the Appalachian Mountain Club.

(i) A representative of historic/archaeological interests chosen from a list of 3 nominees submitted by the New Hampshire Historical Society.

(j) A representative of the agricultural community chosen from a list of 3 nominees submitted by the New Hampshire Farm Bureau Federation, the Northeast Organic Farming Association, and the New Hampshire Association of Conservation Districts.

(k) A representative of local river management advisory committees from a list of 3 nominees submitted by the commissioner.

II. The director of the office of energy and planning, the executive director of the fish and game department, the commissioner of resources and economic development, the commissioner of the department of transportation, the commissioner of the department of safety, and the commissioner of the department of agriculture, markets, and food or their designees shall serve as nonvoting members of the committee.

III. The terms of state agency members shall be the same as their terms in office. The members shall serve 3-year terms.

IV. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Members may hold office until their successors are appointed and confirmed.

V. The committee shall elect a chairman and vice chairman. Meetings shall be at the call of the chairman, or at the request of 5 or more committee members. The rivers coordinator under RSA 483:3 shall serve as secretary and staff to the committee.

VI. The advisory committee shall report biennially and advise

advisory committee.

II. The advisory committee shall include the following members to be appointed by the governor and council:

(a) A member representing a New Hampshire lake association nominated by the New Hampshire Lakes Association.

(b) A member representing the state conservation committee established in RSA 432:10.

(c) A member of the fish and game commission.

(d) A municipal officer of a lakefront community nominated by the New Hampshire Municipal Association.

(e) A member of a conservation commission from a lakefront community nominated by the New Hampshire Association of Conservation Commissions.

(f) A member representing the scientific community nominated by the university system of New Hampshire.

(g) A member representing the tourism industry nominated by the New Hampshire Travel Council.

(h) A member representing conservation interests nominated jointly by the Loon Preservation Committee, the Society for the Protection of New Hampshire Forests, the Audubon Society of New Hampshire, and the New Hampshire Wildlife Federation.

(i) A member representing the New Hampshire Marine Trades Association.

(j) A member of the New Hampshire Association of Realtors.

(k) A member of a planning board appointed by the New Hampshire Municipal Association.

(l) A member representing the Business and Industry Association of New Hampshire.

(m) A member representing fishing interests nominated jointly by the New Hampshire Wildlife Federation and the New Hampshire Bass Federation.

III. The director of the office of energy and planning, the executive director of the fish and game department, the commissioner of resources and economic development, the commissioner of the department of safety, the commissioner of the department of agriculture, markets, and food, and the commissioner of the department of transportation, or their designees, shall serve

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<p>the commissioner, rivers coordinator, state agencies, and the general court in implementing the purposes of this chapter.</p> <p>VII. No state-owned property adjacent to or providing access to a river or river segment shall be recommended for disposal by the council on resources and development or the long range capital planning and utilization committee, whichever is the first point of review, except upon the review and recommendation of the advisory committee established under this section.</p> <p>VIII. When attending to the duties of the committee, appointed members of the committee shall be eligible to receive mileage at the state employee rate, within the limits of the department's appropriations.</p>	<p>as nonvoting members of the advisory committee.</p> <p>IV. The terms of state agency members shall be the same as their terms in office. Voting members shall serve 3-year terms.</p> <p>IV-a. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Members may hold office until their successors are appointed and confirmed.</p> <p>V. The advisory committee shall elect a chairperson and vice-chairperson, who shall serve for 3-year terms. Meetings shall be at the call of the chair, or at the request of 3 or more committee members. The lakes coordinator referred to in RSA 483-A:4 shall serve as secretary and staff to the committee.</p> <p>VI. The advisory committee shall advise the commissioner and lakes coordinator in carrying out the purposes of this chapter and shall report biennially to the commissioner, the state agencies represented on the advisory committee, the house resources, recreation and development committee, and the senate energy, environment and economic development committee regarding the activities carried out for the purposes of this chapter.</p>
<p>483:8-a Local River Management Advisory Committees; Establishment; Duties. –</p> <p>I. The commissioner shall appoint a local river management advisory committee for each designated river or segment. Committee members shall be chosen from lists of nominees submitted by the local governing bodies of the municipalities through which the designated river or segment flows. The commissioner shall appoint at least one person from each municipality to the local river management advisory committee. All members of such committees shall be New Hampshire residents.</p> <p>II. Each committee shall be composed of at least 7 members who represent a broad range of interests in the vicinity of the designated river or segment. These interests shall include, but not be limited to, local government, business, conservation interests, recreation, agriculture, and riparian landowners. If an interest is not represented by the local governing bodies' nominations, the commissioner may appoint a member from the vicinity of the designated river or segment, to the local river management advisory committee who will represent that interest. County commissioners shall be permitted to nominate members to the local river management advisory committee in unincorporated towns or unorganized places. Upon the request of the committee, local governing bodies or county commissioners within tributary drainage areas may submit</p>	

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nominees for appointment. Each member shall serve a term of 3 years.

III. The duties of such committees shall be:

(a) To advise the commissioner, the advisory committee, the municipalities through which the designated river or segment flows, and municipalities within tributary drainage areas on matters pertaining to the management of the river or segment and tributary drainage areas. Municipal officials, boards, and agencies shall inform such committees of actions which they are considering in managing and regulating activities within designated river corridors.

(b) To consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated.

(c) To develop or assist in the development and adoption of local river corridor management plans under RSA 483:10. The local planning board, or, in the absence of a planning board, the local governing body, may adopt such plans pursuant to RSA 675:6 as an adjunct to the local master plan adopted under RSA 674:4. No such plan shall have any regulatory effect unless implemented through properly adopted ordinances.

(d) To report biennially to the advisory committee and the commissioner, and annually to municipalities on the status of compliance with federal and state laws and regulations, local ordinances, and plans relevant to the designated river or segment, its corridor, and tributary drainage areas.

III-a. Local river management advisory committees may apply for and accept, from any source, gifts, grants, and other donations of money or services that directly assist the committee in meeting its duties, programs, and projects. The committees may, without further authorization, expend any funds so received to carry out their duties under this section.

IV. In the case of the Connecticut River, the commissioner shall appoint the New Hampshire Connecticut River Valley resource commission as the local river management advisory committee to work with the Vermont Connecticut River Watershed Advisory Commission as provided in RSA 227-E. A minimum of 5 subcommittees shall be established by the Connecticut River Valley resource commission along the river between Vermont and New Hampshire as provided in RSA 483:8-a, II. Vermont residents may be appointed in an advisory capacity to the local river management advisory committee, except where the Connecticut River is exclusively intrastate.

V. In order to establish the tax exempt status of local river management advisory committees established under this section, such advisory committees are deemed to be governmental instrumentalities having a distinct legal existence separate from the state and shall not be considered as departments of state government. The exercise by a local river management advisory committee of any authority granted by this section shall be deemed to be the performance of public and essential governmental functions not otherwise fulfilled by state

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<p>government.</p> <p>483:9 Natural Rivers Protection. – The following protection measures shall apply to a river or segment designated as a natural river:</p> <p>I. No dam or other structure or improvement that impedes or significantly alters the free-flowing condition or natural character of the river or segment shall be permitted, certified, constructed, or operated in such river or segment.</p> <p>II. No interbasin transfers of water from a designated natural river or segment shall be permitted.</p> <p>III. No channel alteration activities shall be permitted. The commissioner may approve channel alterations as follows:</p> <p>(a) Temporary channel alterations in conjunction with the repair or maintenance of a bridge, road, or riprap which is in place at the time a river or segment is designated; or</p> <p>(b) Permanent alterations in conjunction with the repair or maintenance of a bridge, road, or riprap which is in place at the time a river or segment is designated which have only de minimis impact to or restore the channel's geomorphic characteristics.</p> <p>IV. A protected instream flow level shall be established by the commissioner for each designated natural river or segment and any upstream impoundment or diversion facility which may affect the free-flowing condition or natural character of the designated river or segment pursuant to RSA 483:9-c.</p> <p>V. Water quality shall be maintained at, or restored to the Class A level, or maintained at the Class B level. Each designated natural river or segment shall constitute an outstanding natural resource water pursuant to the standards adopted under RSA 485-A:8. The department shall review and consider adopted local river corridor management plans prior to issuing any permit under RSA 485-A:13 or RSA 485-A:17.</p> <p>VI. Any new solid waste storage or treatment facility, as defined in RSA 149-M:4, IX shall be set back a minimum of 250 feet from the normal high water mark of a designated natural river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:</p> <p>(a) New solid waste landfills shall not be permitted within the corridor of a designated natural river or segment, or less than 100 feet from the landward extent of the 500 year floodplain, whichever distance is greater, and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact;</p> <p>(b) Expansion of existing solid waste landfills shall not occur within the 500 year floodplain of a designated natural river or segment and any expansion of such a landfill located within the corridor of a designated natural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact;</p> <p>(c) Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water</p>	
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mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes.

(d) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated natural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

(e) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated natural river or segment.

VII. No new hazardous waste facilities as defined in RSA 147-A:2 which store hazardous waste for more than 90 days, shall be permitted within the corridor of a designated natural river or segment.

VIII. No motorized watercraft shall be permitted to operate on a designated natural river or segment, except for emergency purposes.

483:9-a Rural River Protection. – The following protection measures shall apply to a river or segment designated as a rural river:

I. No new dams shall be permitted, certified, constructed, operated or maintained in such river or segment. The repair of a structural failure of a dam which is in place at the time a river or segment is designated shall not be considered to be a new dam if such dam is repaired or reconstructed at the same location and with the same impoundment level within 6 years of the date of failure.

II. Notwithstanding paragraph I, the department may approve permits and certificates for the construction, operation, or maintenance of new hydroelectric power facilities at existing dams provided that:

(a) The operational mode of any proposed facility shall be run-of-the-river, with project outflow equal to project inflow on an instantaneous basis and the project does not significantly alter the natural flow characteristics of the river; and

(b) The proposed facility does not provide for diversion of the river above or below the existing dam for a significant distance; and

(c) The height of the impoundment is constant and is not raised above the maximum historic level of impoundment at that site.

III. No interbasin transfers of water from a designated rural river or segment shall be permitted.

IV. No new channel alteration activities shall be permitted which interfere with or alter the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. However, the commissioner may approve such channel alterations as may be necessary for the construction, repair, or maintenance of a project, including public water supply intake facilities in the river or river corridor. The department shall encourage the use of native vegetation to stabilize streambanks of designated rural

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ivers.

V. A protected instream flow level shall be established by the commissioner for each designated rural river or segment and any upstream impoundment or diversion facility which may affect the natural flow characteristics or natural character of the designated river or segment pursuant to RSA 483:9-c.

VI. Water quality shall be restored to or maintained at least at the Class B level. Significant adverse impacts on water quality or other in-stream public uses shall not be permitted. The department shall review and consider adopted local river corridor management plans prior to issuing any permit under RSA 485-A:13, RSA 485-A:17, or RSA 482-A.

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:4, IX shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment and shall be screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within the corridor of a designated rural river or segment or less than 100 feet from the landward extent of the 500 year floodplain, whichever distance is greater, and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact;

(b) New solid waste landfills may be permitted within the city of Rochester within the corridor of the segment defined in RSA 483:15, XIV(c), and if located in the river corridor shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact;

(c) Expansion of existing solid waste landfills shall not occur within the 500 year floodplain of a designated rural river or segment, and any expansion of such a landfill shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact;

(d) Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes;

(e) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated rural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

(f) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated rural river or segment.

VIII. Any motorized watercraft operating within 150 feet of the shoreline of a designated rural river or segment shall travel at the slowest possible speed necessary to maintain steerage way, but at no time shall exceed 6 miles per hour.

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483:9-aa Rural-Community Rivers Protection. – The following protection measures shall apply to rivers or segments designated as a rural-community river:

I. No new dams shall be permitted, certified, constructed, operated or maintained in such river or segment. The repair of a structural failure of a dam which is in place at the time a river or segment is designated shall not be considered to be a new dam if repaired or reconstructed at the same location and with the same impoundment level within 6 years of the date of failure.

II. Notwithstanding paragraph I, the department may approve permits and certificates for the construction, operation, or maintenance of new hydroelectric power facilities at existing dams provided that:

(a) The operational mode of any proposed facility shall be run-of-the-river, with project outflow equal to project inflow on an instantaneous basis and the project does not significantly alter the natural flow characteristics of the river; and

(b) The proposed facility does not provide for diversion of the river or segment above or below the existing dam for a significant distance; and

(c) The height of the impoundment is constant and is not raised above the maximum historic level of impoundment at that site.

III. No interbasin transfers of water from a designated rural-community river or segment shall be permitted.

IV. No new channel alteration activities shall be permitted which interfere with or alter the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. However, the commissioner may approve such channel alterations as may be necessary for the construction, repair, or maintenance of a project including public water supply intake facilities in the river or river corridor. The department shall encourage the use of native vegetation to stabilize streambanks of designated rural-community rivers.

V. A protected instream flow level shall be established by the commissioner for each designated rural-community river or segment and any upstream impoundment or diversion facility which may affect the natural flow characteristics of such river or segment pursuant to RSA 483:9-c.

VI. Water quality shall be restored or maintained at least at the Class B level. Significant adverse impacts on water quality or other instream public uses shall not be permitted. The department shall review and consider adopted local river corridor management plans prior to issuing any permit under RSA 485-A:13, RSA 485-A:17 or RSA 482-A.

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:4, IX shall be set back a minimum of 250 feet from the normal high water mark of a designated rural-community river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within the 500 year floodplain of a designated rural-community river or

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segment and any new solid waste landfill located within the corridor of a designated rural-community river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact;

(b) Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes;

(c) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated rural-community river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

(d) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated rural-community river or segment.

VIII. Any motorized watercraft operating within 150 feet of the shoreline of a designated rural-community river or segment shall travel at the slowest possible speed necessary to maintain steerage way, but at no time shall exceed 6 miles per hour.

483:9-b Community Rivers Protection. – The following protection measures shall apply to rivers or segments designated as a community river:

I. The department may approve permits for the construction of new dams for public water supply, flood control or hydroelectric energy production purposes if such construction is consistent with management and protection of the resources for which the river or segment is designated.

II. The department may approve permits and certificates for the construction, operation, or maintenance of new hydroelectric power facilities at existing or breached dams provided that:

(a) The operational mode of any proposed facility shall be run-of-the-river, with project outflow equal to project inflow on an instantaneous basis and the project does not significantly alter the natural flow characteristics of the river; and

(b) The proposed facility does not provide for diversion of the river or segment above or below the existing dam for a significant distance; and

(c) The height of the impoundment is constant and, for existing or breached dams, is not raised above the maximum historic level of impoundment at that site.

III. No interbasin transfers of water from a designated community river or segment shall be permitted.

IV. No new channel alteration activities shall be permitted which interfere with or alter the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. However, the commissioner may approve such channel alterations as may be

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necessary for the construction, repair, or maintenance of a project including public water supply intake facilities in the river or river corridor. The department shall encourage the use of native vegetation to stabilize streambanks of designated community rivers.

V. A protected instream flow level shall be established by the commissioner for each designated community river or segment and any upstream impoundment or diversion facility which may affect the natural flow characteristics of such river or segment pursuant to RSA 483-A:9-c.

VI. Water quality shall be restored or maintained at least at the Class B level. Significant adverse impacts on water quality or other instream public uses shall not be permitted. The department shall review and consider adopted local river corridor management plans prior to issuing any permit under RSA 485-A:13, RSA 485-A:17 or RSA 482-A.

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:4, IX shall be set back a minimum of 250 feet from the normal high water mark of a designated community river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within the 500 year floodplain of a designated community river or segment and any new solid waste landfill located within the corridor of a designated community river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact;

(b) Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes;

(c) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated community river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

(d) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated community river or segment.

VIII. Any motorized watercraft operating within 150 feet of the shoreline of a designated community river or segment shall travel at the slowest possible speed necessary to maintain steerage way, but at no time shall exceed 6 miles per hour.

483:9-c Establishment of Protected Instream Flows. –

I. The commissioner, in consultation with the advisory committee, shall adopt rules under RSA 541-A specifying the standards, criteria, and procedures by which a protected instream flow shall be established and enforced for each designated river

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<p>or segment. Each protected instream flow shall be established and enforced to maintain water for instream public uses and to protect outstanding characteristics, including recreational, fisheries, wildlife, environmental, hydropower, cultural, historical, archaeological, scientific, ecological, aesthetic, community significance, agricultural, public water supply, and the resources for which the river or segment is designated, and shall respect riparian interests on each designated river or segment consistent with the purposes of this chapter. Instream public uses shall include the state's interests in surface waters, including, but not limited to, navigation; recreation; fishing; storage; conservation; maintenance and enhancement of aquatic and fish life; fish and wildlife habitat; wildlife; the protection of water quality and public health; pollution abatement; aesthetic beauty; and hydroelectric energy production.</p> <p>II. One public hearing shall be held in at least one municipality along the designated river or segment to receive public comment on the establishment of a proposed protected instream flow.</p> <p>III. The procedure adopted under this section shall include an assessment of the effect of a protected instream flow upon existing hydroelectric power generation, water supply, flood control, and other riparian users. For any portion of a designated river or segment where a protected instream flow would affect the operation of an existing hydroelectric power facility within or upstream from the designated river or segment, the commissioner shall request the assistance of the public utilities commission in order to assess the effect of a protected instream flow upon such facility.</p> <p>IV. The protected instream flow levels established under this section shall be maintained at all times, except when inflow is less than the protected instream flow level as a result of natural causes or when the commissioner determines that a public water supply emergency exists which affects public health and safety.</p> <p>V. The maintenance of protected instream flows shall constitute a condition of any permit issued by the department for any project or activity within a designated river or segment and corridor.</p> <p>VI. Any party who is aggrieved by a determination establishing such protected instream flows may petition the commissioner for a hearing to review such determination within 30 days of the date the determination is issued. The filing of such petition shall stay the implementation of the determination until a final decision has been rendered on the petition or an appeal taken pursuant to RSA 541.</p>	
<p>483:10 Rivers Corridor Management Plans. –</p> <p>I. The rivers coordinator, with the cooperation and assistance of the office of energy and planning, shall develop detailed guidelines for river corridor management plans. The rivers coordinator shall provide technical assistance to regional planning commissions, municipalities, and local river management advisory committees and shall encourage the development and implementation of river corridor management</p>	<p>483-A:7 Lakes Management and Protection Plans. –</p> <p>I. The lakes coordinator, in consultation with the advisory committee and the office of energy and planning, shall monitor and oversee guidelines for coordinated lake management and shoreland protection plans together with recommendations for</p>

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plans.

II. River corridor management plans developed pursuant to paragraph I shall include, but not be limited to, the following:

- (a) Permitted recreational uses and activities.
- (b) Permitted non-recreational uses and activities.
- (c) Existing land uses.
- (d) Protection of flood plains, wetlands, wildlife and fish habitat, and other significant open space and natural areas.
- (e) Dams, bridges, and other water structures.
- (f) Access by foot and vehicles.
- (g) Setbacks and other location requirements.
- (h) Dredging, filling, mining, and earth moving.
- (i) Prohibited uses.

III. River corridor management plans developed according to this section may include tributary drainage areas as determined by the local river management advisory committee

IV. State agencies shall collaborate with and assist the rivers coordinator and the local river management advisory committee in the development and implementation of river corridor management plans.

implementation, if necessary. Upon acceptance of the guidelines or substantive changes to the guidelines by the advisory committee, the lakes coordinator and members of the advisory committee shall hold public hearings regarding the guidelines or changes to the guidelines. At least one hearing shall be held in each executive council district.

II. The lakes coordinator in consultation with the office of energy and planning, with the help of appropriate council on resources and development agencies, shall provide technical assistance and, within the limits of legislative appropriations, award financial grants to regional planning commissions established under RSA 36:45 through RSA 36:53 in support of lake management and shoreland protection planning. The commissioner, with the advice of the lakes coordinator and the advisory committee, shall adopt rules, pursuant to RSA 541-A, relative to awarding financial grants under this paragraph.

III. The lakes coordinator in cooperation with the office of energy and planning, regional planning agencies, and appropriate council on resources and development agencies, shall provide technical assistance and information in support of lake management and local shoreland planning consistent with the guidelines established under RSA 483-A:7, I, compatible with the recommendations under RSA 483-A:5, and consistent with state and federal water quality laws.

IV. Whenever more than one municipality borders a lake, all such municipalities shall be encouraged to cooperate in the development and implementation of a coordinated lake management and shoreland protection plan.

V. Lake management and shoreland protection plans developed pursuant to paragraphs I, II, and III shall address, but not be limited to, the following:

- (a) Recreational uses and activities.
- (b) Non-recreational uses and activities.
- (c) Existing and future land uses.
- (d) Protection of wetlands, wildlife, fish habitats, and other significant natural areas.
- (e) Dams, bridges, and other water structures.
- (f) Public access by foot and vehicle.
- (g) Setbacks and other location

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	<p>requirements.</p> <p>(h) Dredging, filling, mining, and earth moving.</p> <p>(i) Prohibited uses.</p> <p>(j) Factors controlling water levels and flowage rights.</p> <p>(k) Facilities appropriate to support approved lake uses.</p> <p>(l) Water safety.</p> <p>(m) Other factors affecting water quality.</p>
<p>483:10-a Long-Range River Management Plans. – The department shall prepare and adopt a long-range comprehensive plan for each designated river or segment which shall address the management and protection of instream values and the management of state-owned lands within the corridor and tributary drainage areas thereof. Such state-owned land within the designated river corridor and tributary drainage areas shall be administered and managed in accordance with the plan, and state management of fisheries, streams, waters, wildlife, and boating shall be consistent with the plan. In developing this plan, the department shall cooperate with the department of resources and economic development, the department of fish and game, the office of energy and planning, the department of agriculture, markets, and food, the department of transportation, and the local rivers management advisory committee.</p>	
<p>483:10-b Withholding of Section 401 Certification. – The general court finds that the development of any dam or channel alteration activities within a natural river or segment or the development of any new dam within a rural or community river or segment, except as provided in RSA 483:9-a, II and RSA 483:9-b, II, will alter the physical and chemical characteristics of that river and will constitute violation of the water quality standards established under RSA 485-A:8. The commissioner shall deny certification of any federally licensed or permitted activity on such designated rivers or segments under section 401 of the Federal Water Pollution Control Act, P.L. 92-500, as amended.</p>	
<p>483:11 Rulemaking. – The commissioner, with the advice of the advisory committee, shall adopt rules, pursuant to RSA 541-A, relative to the following:</p> <p>I. Content and submission of nominations, including requirements and criteria for river segments whose salinity, flow, or level is influenced by tides at its tidal mouth, under RSA 483:6, I.</p> <p>I-a. Determination of the downstream extent for river segments whose salinity, flow, or level is influenced by tides at their tidal mouths.</p> <p>II. Criteria for acceptance of nominations by the commissioner, including criteria listed in RSA 483:6, IV(a).</p> <p>III. Preparation for legislative designation of nominated rivers or segments of such rivers under RSA 483:7.</p> <p>IV. Development of standards, criteria, and procedures for establishment and enforcement of protected instream flow levels</p>	

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<p>I. The commissioner may apply for and accept, from any source, gifts; donations of money; grants; federal, local, private, and other matching funds and incentives; and interests in land for the purposes of this chapter. The moneys collected under this paragraph shall be deposited in the fund established under paragraph II.</p> <p>II. There is hereby established in the office of the state treasurer a fund to be known as the rivers management and protection fund. The fund shall be nonlapsing and continually appropriated to the commissioner for the purposes of this chapter, RSA 487:38 through RSA 487:42, and RSA 483-A.</p> <p>III. The commissioner may expend any funds deposited in the rivers management and protection fund for the purposes of this chapter, RSA 487:38 through RSA 487:42, and RSA 483-A, and such funds are hereby continually appropriated.</p> <p>IV. The commissioner shall submit a biennial report by October 1 to the speaker of the house of representatives, the senate president, the chairperson of the house resources, recreation and development committee, the chairperson of the senate energy, environment, and economic development committee, and the state library summarizing all receipts and disbursements of the rivers management and protection fund, including a description of all projects or activities undertaken. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public. After submission to the general court, the report shall be available to the public.</p>	<p>Funds. –</p> <p>I. The commissioner may apply for and accept, from any source, gifts; donations of money; grants; federal, local, private, and other funds and incentives; and interests in land for the purposes of this chapter. The moneys collected under this paragraph shall be deposited in the rivers management and protection fund established under RSA 483:13.</p> <p>II. The commissioner may expend any funds deposited in the rivers management and protection fund for the purposes of this chapter, in addition to those purposes established under RSA 483:13.</p>
<p>483:14 Disposition of State Property. –</p> <p>I. No state-owned property adjacent to or providing access to a river shall be disposed of by the state except upon the review and recommendation of the advisory committee.</p> <p>II. No state-owned property included in a long-range river management plan shall be disposed of by the state except upon the review and recommendation of the advisory committee.</p>	<p>483-A:5 Management. –</p> <p>II. No state-owned property adjacent to or providing access to a lake shall be disposed of by the state except upon the review and recommendations of the advisory committee.</p>