

# 2016 Changes to RSA 483

## New Hampshire Rivers Management and Protection Program

---

The 3 year process to update and modernize the New Hampshire Rivers Management and Protection Program (RMPP) culminated on Saturday, August 20, 2016, when the changes to RSA 483, made as a result of the passage of house bills 1595 and 1461, went into effect. The process was spearheaded by the Rivers Management Advisory Committee (RMAC) and assisted by the Local River Management Advisory Committees (LAC) and other groups such as the New Hampshire Rivers Council. The updated version of RSA 483 is available at <http://www.gencourt.state.nh.us/rsa/html/L/483/483-mrg.htm>.

The changes made affect nearly all aspects of the Rivers Program, from river nominations to corridor plans to RMAC members to the Instream Flow Program to LACs. The following summarizes the changes, organized by subject area.

### General

1. Riparian rights added as a characteristic of designated rivers to be protected.
2. Any new hydropower facility on a designated river must provide adequate fish passage as determined by the NH Fish and Game Department.
3. The use of manure, lime or wood ash for agriculture within 250 feet of a designated river must follow approved best management practices.

### River Nominations

4. Only perennial rivers can now be nominated to the RMPP.
5. Nominations must now include an identification of the stream order of the nominated rivers along with the provisions of the Shoreland Act that will apply to each segment (relevant for 1<sup>st</sup> – 3<sup>rd</sup> order streams).
6. Minimum length of Natural classified designated rivers has been reduced from 5 miles to 3 miles. The minimum length of Community classified rivers has been reduced from 1 mile to ½ mile.
7. For all rivers nominated into the RMPP in the future, only those provisions of the Shoreland Water Quality Protection Act, RSA 483-B, which apply in the Waterfront Buffer (50' from the water line) will be enforced on 1<sup>st</sup>-3<sup>rd</sup> order designated rivers. This change does not affect rivers previously designated into the RMPP, or rivers of 4<sup>th</sup> order or higher.

### RMAC

8. Nominating organizations only have to nominate a single candidate for each seat on the RMAC now.
9. Nominating organizations were updated to reflect current names and missions, including changing the New Hampshire Rivers Campaign to the New Hampshire Rivers Council.
10. The RMAC may now officially provide testimony on legislation.

### LACs

11. LACs are no longer required to have a member from each riparian community along the designated river. Now it is up to the municipality to decide if they want to be represented on the LAC.
12. The minimum number of LAC members has been reduced from 7 to 3 (though we still prefer to have at least 2 from each community).
13. New LACs may establish initial membership terms of 1, 2, or 3 years in order to stagger the membership terms.

## 2016 Changes to RSA 483

### New Hampshire Rivers Management and Protection Program

---

14. LACs have a new duty to consider the disposal of state-owned lands.
15. LACs can now officially comment on “*applications for permits, certificates, or licenses* that may alter...” the river, rather than just on the permits and licenses themselves.
16. LAC annual and biennial reports now include a report of the LAC’s activities. This information is really helpful for reporting on the status of the program as a whole.
17. LACs may now merge (and later separate) with other nearby LACs, with the approval of the respective municipalities.
18. State agencies must now notify LACs as well as program staff about potential activities that might affect designated rivers. However, permit-by-notifications for forestry, trail work and culverts on agricultural land are exempt from the RMPP notification requirements.

#### Instream Flow

19. The instream flow program is to be expanded beyond its initial pilot status to apply to all designated rivers.
20. Protected instream flows are now defined as a pattern, rather than a set minimum flow.
21. Protected instream flow criteria are now based only on flow-dependent, instream public uses, rather than on all instream public uses.
22. Communication with stakeholders in the instream flow process has been enhanced with 2 new required public hearings.
23. Some requirements for implementation schedules and waivers of instream flow provisions which had been written into the Pilot Program rules are now in statute, including the initial 5-year implementation. The possibility of and conditions for a 5-year implementation extension has been added.

#### Management Plans

24. Aquatic connectivity (e.g. ability of fish to pass through culverts), meander belts, state-owned lands within the corridors, and fluvial geomorphology have been added as new characteristics of the river to cover in river corridor management plans.
25. Long-range river management plans are no longer required. The recommendations for management of state-owned lands will now be incorporated into the river corridor management plans.