



NHDES-DWGTF SWP Grants

Review checklist for compliance of deeds and easements
with Env-Dw 1002.24 and Advisory Commission rules.



| Rule cite | Rule Requirement (Env-Dw 1002.24) | CE /DR provision | Equi vale nt? |
|---------------|---|------------------|---------------|
| (a) | Each conservation interest instrument shall: | | |
| (a)(2) | Protect the quality and sustainable yield of ground and surface water resources associated with the property; | | |
| (a)(3) | Safeguard the environmental values of the property which are dependent on water quality and quantity; and | | |
| (a)(4) | Convey the right to the State of New Hampshire to enforce the conditions and restrictions of the conservation interest and to recover the costs of such enforcement from the easement holder or property owner, or both, if the easement holder and property owner fail to enforce the conditions and restrictions. | | |
| (b) | Each conservation interest instrument shall contain, at a minimum, the following restrictions: | | |
| (b)(1) | No industrial or commercial activities or improvements shall occur on the property except in conjunction with any water supply, agricultural, forestry, or outdoor recreational activities that are allowed by the instrument, subject to such conditions as are specified in the instrument; | | |
| (b)(2) | No land surface alterations shall occur on the property, such as filling, excavation, mining, and dredging, except in conjunction with any water supply, agricultural, forestry, or outdoor recreational activities that are allowed by the instrument, and only to the extent that they do not degrade or threaten to degrade the quality and sustainable yield of ground and surface water resources associated with the property; | | |
| (b)(3) | No wastes generated off the property shall be disposed of, stored, or discharged on the property; | | |
| (b)(4) | No substances that would be hazardous waste if discarded or abandoned shall be disposed of on the property, and no such substances shall be stored or applied on the property except in conjunction with any water supply, agricultural, forestry, or outdoor recreational activities that are allowed by the instrument, and provided that the storage and use do not threaten water supply protection and are specifically allowed by the instrument, subject to such conditions as are specified in the instrument | | |
| (b)(5) | No motorized vehicles shall be allowed for recreational purposes, provided that snowmobiles as defined in RSA 215-A:1, XIII may be allowed if they are operated: | | |
| (b)(5)a | Only on snow and ice outside the sanitary protective area of public water supply well(s); | | |
| (b)(5)b | More than 250 feet from a surface water body being used as a public water supply; | | |
| (b)(5)c | More than 100 feet from tributaries contributing to such water bodies; except when crossing such tributaries; and | | |
| (b)(5)d | Only on designated snowmobile trails depicted on a plan approved by the department in accordance with Env-Dw 1002.20; | | |
| (b)(6) | No acts or uses shall occur on the property that would: | | |
| (b)(6)a | Degrade the water quality such that the standards set for public drinking water by the department would be threatened; | | |
| (b)(6)b | Cause an unsustainable quantity of water to be withdrawn; or | | |
| (b)(6)c | Harm state or federally recognized rare, threatened or endangered species; and | | |
| (b)(7) | Allowable activities, such as community drinking water supply, agriculture, forestry, and outdoor recreation, shall be conducted in accordance with a plan, best management practices, or condition. | | |
| (c) | If the instrument is conveying a conservation easement, all other customary rights and privileges of fee ownership shall be retained by the fee owner, including the right to privacy and to carry out all regular agricultural and forestry practices that are not prohibited by the restrictions set forth in the instrument. | | |
| Other | State of NH right of enforcement | | |
| | Re-payment to DWGTF in the case of condemnation, etc. | | |
| | State of NH sovereign immunity | | |
| | Additional considerations from Advisory Commission rules: e.g., protection of buffer; property remains undeveloped. | | |
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