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# ENVIRONMENTAL Fact Sheet

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2017

## Application of Shoreland Protections to Designated Rivers

When a river is designated into the New Hampshire Rivers Management and Protection Program (RMPP), the state offers an extra level of protection for significant instream river resources. Most of these protective measures are described in [RSA 483](#), the law that describes the RMPP. A summary of these protections is available in fact sheet [R&L-14, Protective Measures for Designated Rivers](#).

In addition to the protection measures described in the Rivers Management and Protection Program, designated rivers, with two exceptions, also fall under the jurisdiction of the Shoreland Water Quality Protection Act (SWQPA). The SWQPA applies to all of the larger rivers in New Hampshire that are 4<sup>th</sup> order or higher whether they are designated or not. However, the SWQPA also applies to smaller, designated rivers that are 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> order, with the exception of the 1<sup>st</sup> through 3<sup>rd</sup> order designated river segments in the Lamprey watershed and the 1<sup>st</sup> through 3<sup>rd</sup> order segments of the Oyster River.

For 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> order rivers designated BEFORE 2015, the SWQPA has jurisdiction within the full 250 feet of the protected shoreland. For 1<sup>st</sup> through 3<sup>rd</sup> order rivers designated AFTER 2015, however, the SWQPA has jurisdiction only within the 50 feet of protected shoreland closest to the reference line, also called the waterfront buffer.

### Examples of how the Shoreland Act applies along 1<sup>st</sup> – 3<sup>rd</sup> order designated rivers. You want to:

- Build a house 70 feet from a 3<sup>rd</sup> order river designated BEFORE 2015: Shoreland permit is required.\*
- Build a house 70 feet from a 3<sup>rd</sup> order river designated AFTER 2015 with no other impacts within 50 feet of the river: NOT within the jurisdiction of the Shoreland Program.
- Clear vegetation for a 5 foot wide path from your house to the banks of ANY 2<sup>nd</sup> order designated river: within the jurisdiction of the Shoreland Program,\* but a permit is not required for this activity.
- Clear vegetation more than 50 feet but less than 150 feet from a 1<sup>st</sup> order river designated BEFORE 2015: native vegetation on at least 25% of the land in the 50 – 150 foot zone must remain unaltered.\*
- Clear vegetation more than 50 feet but less than 150 feet from a 1<sup>st</sup> order river designated AFTER 2015: NOT within the jurisdiction of the Shoreland Program.

\* Not applicable to the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> order portions of the Lamprey Watershed rivers and the Oyster River, as they are exempt from the SWQPA per RSA 483:15 I(b) and XVIII(b).

The following table summarizes how the SWQPA applies to 4<sup>th</sup> order and higher rivers, 1<sup>st</sup> through 3<sup>rd</sup> order streams designated before 2015, and 1<sup>st</sup> through 3<sup>rd</sup> order streams designated after 2015. Please refer to the Shoreland Water Quality Protection Act ([RSA 483-B](#)) and the Shoreland Rules ([Env-Wq 1400](#)) for a complete description of all SWQPA protection measures. Distances in the table below are from the reference line, which is defined as the ordinary high water mark for rivers.

<b>APPLICATION OF THE SHORELAND WATER QUALITY PROTECTION ACT TO RIVERS</b>		
<b>Activities</b>	<b>All 4<sup>th</sup> Order and Higher Rivers AND 1<sup>st</sup> - 3<sup>rd</sup> Order Rivers Designated BEFORE 2015*</b>	<b>1<sup>st</sup> - 3<sup>rd</sup> Order Rivers Designated AFTER 2015</b>
<b>Waste Disposal and Storage</b>		
<i>New Hazardous Waste Facilities</i>	Rivers classified as Natural: None within ¼ mi. (RSA 483:9) All others: None within 250 ft.	Rivers classified as Natural: None within ¼ mi. (RSA 483:9) All others: None within 50 ft.
<i>Sale of Waterfront Property with Septic System (RSA 485-A:39)</i>	Waterfront Property Site Assessment Study of septic system required for sale of properties within 200 ft.	Waterfront Property Site Assessment Study of septic system required for sale of properties within 200 ft.
<i>New Auto Junk Yards or Salt Storage Yards</i>	None within 250 ft.	None within 50 ft.
<b>Fertilizer Application</b>		
<i>Slow or Controlled Release Fertilizer</i>	None within 25 ft.	None within 25 ft.
<i>All Other Fertilizers</i>	None within 50 ft.	None within 50 ft.
<b>Pesticide and Herbicide Application</b>		
<i>All pesticides and herbicides</i>	None within 50 ft. except with applicator license	None within 50 ft. except with applicator license
<b>Development within 250 ft. of River</b>		
<i>Primary Structure</i>	Setback 50 ft.	Setback 50 ft.
<i>Accessory Structures</i>	Setback 20 ft.	Setback 20 ft.
<i>Impervious Surface Cover</i>	Greater than 20% requires stormwater plan for Shoreland permit; Greater than 30% requires stormwater plan developed by engineer for permit.	Shoreland permit required for new impervious surface within 50 ft.
<i>River Frontage</i>	150 ft. minimum frontage for new lots	150 ft. minimum frontage for new lots
<i>Land Disturbance (new or existing use)</i>	Shoreland permit required for construction, excavation or fill within 250 ft. unless exempted in Env-Wq 1406.04. Alteration of Terrain permit also required if exceeding 50,000 sq. ft.	Shoreland permit required for construction, excavation or fill within 50 ft. unless exempted in Env-Wq 1406.04. Alteration of Terrain permit also required if exceeding 50,000 sq. ft.
<b>Removal of Vegetation within Waterfront Buffer (0-50 ft.):</b>		
<i>Trees &amp; Saplings</i>	Limited within 50 ft.	Limited within 50 ft.
<i>Natural Ground Cover &amp; Shrubs</i>	None within 50 ft. except 6 ft. path	None within 50 ft. except 6 ft. path
<i>Stumps, Roots and Rocks</i>	Permit required within 50 ft.	Permit required within 50 ft.
<b>Removal of Vegetation within Woodland Buffer (50-150 ft.):</b>		
<i>Natural Woodland</i>	Native vegetation on 25% of land between 50 and 150 ft. remains unaltered	Not within SWQPA jurisdiction

\*Not applicable to the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> order portions of the Lamprey Watershed rivers and the Oyster River, as they are exempt from the SWQPA per RSA 483:15 I(b) and XVIII(b).

For further information about the NH Rivers Management and Protection Program visit the NHDES website at <http://www.des.state.nh.us/organization/divisions/water/wmb/rivers/>, or contact the Rivers Coordinator, 29 Hazen Drive; PO Box 95; Concord, NH 03302-0095; (603) 271-2959; [riversprogram@des.nh.gov](mailto:riversprogram@des.nh.gov).