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# ENVIRONMENTAL Fact Sheet

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R&L-2

2017

## The New Hampshire Rivers Management and Protection Program

### New Hampshire's Rivers

From the long, wide Connecticut River, which forms the western boundary of our state, to the short, steep Wildcat Brook in Jackson, New Hampshire's rivers and streams are widely recognized for their outstanding values and diversity. Throughout the years, these rivers have provided a home for a variety of plants and animals, turned the turbines that powered our mills and factories, served as vital transportation routes and recreation areas, and graced our state with their scenic beauty.

Today our rivers are in even higher demand. Rivers are dammed and diverted to provide public drinking water, flood protection and hydro-electric power. Growing populations have led to increasing riverfront development and use of our rivers for waste assimilation. Free-flowing rivers are valued for fishing, boating, and nature study.

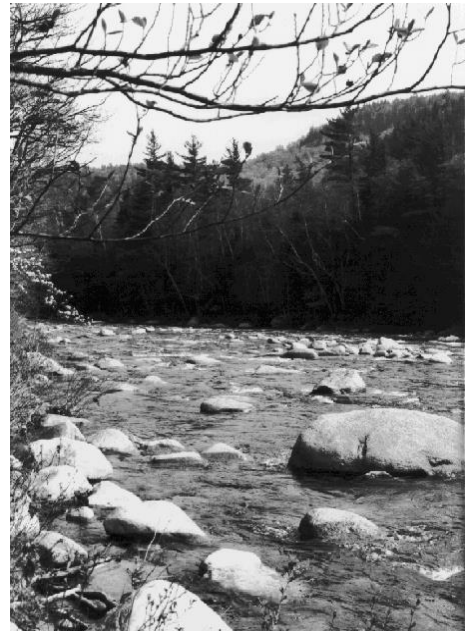
In 1988, the state Legislature responded to the increasing and competing uses of our rivers by creating the New Hampshire Rivers Management and Protection Program (RMPP). The purpose of the program is to protect our state's significant river resources for the benefit of present and future generations through a unique combination of state and local resource management and protection.

### The Program

The Rivers Management and Protection Act of 1988 (RSA 483) established a statewide rivers program based on a unique cooperative approach: *State* designation of significant rivers to manage and protect the river's values and characteristics and *local* development of river corridor management plans for shorelines and adjacent lands to protect river resources. The RMPP is administered by NHDES and is staffed by a Rivers Coordinator. The act also established the statewide Rivers Management Advisory Committee (RMAC) and the river-specific Local River Management Advisory Committees (LACs). RMAC members represent a wide range of river interests and work closely with NHDES in an advisory capacity on statewide river issues while LAC members focus on grassroots-level protection efforts on each river.

### State Designation

**Nomination:** A river or river segment may be nominated for State designation by any citizen or organization in the State. Sponsors must submit a description of the river's values and characteristics to the Commissioner of NHDES. Each river nomination is evaluated by the NHDES Commissioner to ensure that the river's designation would be consistent with the purpose of RSA 483. If the commissioner determines that the river or river segment meets the criteria in RSA 483:6, the nomination is forwarded to the State legislature.



*Legislative Action:* The final step in the designation process is the State legislature's consideration of a bill to designate the nominated river. When the bill gets passed and signed by the governor, this formally designates the river into RMPP. Each designated river is protected and managed to maintain and enhance instream river values such as water quality and instream flows.

*Local Implementation:* An important and unique feature of the RMPP is the opportunity for municipalities to participate, through the LACs, in multi-town river corridor planning and implementation efforts. A LAC is appointed for each designated river. Each LAC is comprised of representatives from the riverfront municipalities and is responsible for developing a local river corridor management plan and reviewing and commenting on activities affecting the river that require state or federal permits. The river corridor includes the river and the land area located within 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. LAC representatives come from a broad range of interests including, but not limited to, local government, business, conservation, recreation, agriculture and riparian landowners. This diversity helps bring a variety of perspectives to bear on resource protection and development issues. Because the river corridor management plan is locally developed and implemented, it reflects the specific needs of the individual river combined with the interests and concerns of local citizens. NHDES provides technical assistance to LACs on corridor management planning and other issues.

### **Protected Rivers**

As of 2011, there are 18 rivers or river segments included in RMPP, resulting in approximately 1,000 miles of designated rivers in the state. The designated rivers include:

Ammonoosuc River	Mascoma River
Ashuelot River	Merrimack River (Lower)
Cocheco River	Merrimack River (Upper)
Cold River	Oyster River
Connecticut River	Pemigewasset River
Contoocook & North Branch Rivers	Piscataquog River
Exeter & Squamscott Rivers	Saco River
Isinglass River	Souhegan River
Lamprey River Watershed	Swift River

### **Questions and Answers**

*How does a designation protect a river?*

The RMPP provides certain instream protection measures for designated rivers and a river classification system to match general river characteristics with the specific protection measures. According to RSA 483:7-a, rivers can be classified as natural, rural, rural-community, or community. For each river classification, State law establishes specific protection measures which pertain to structures and activities within the river; these include dams, hydroelectric energy facilities, channel alterations, maintenance of water quality, protected instream flows, inter-basin water transfers, and recreational uses of those river segments classified as "natural." The specific protection measures that pertain to the river corridor include the siting of solid and hazardous waste facilities. See factsheet [R&L-14, Protective Measures for Designated Rivers](#) for a summary of protections provided for designated rivers by classification.

In addition, as of 2008, designated rivers benefit from the protective measures of the Shoreland Water Quality Protection Act, RSA 483-B, regardless of the size of the river. Therefore, while all fourth order and higher rivers in New Hampshire are subject the Shoreland Act, first, second, and third order streams that have been designated into the RMPP, with the exception of the first through third order designated river segments in the Lamprey watershed and the first through third order portions of the Oyster River, are also protected under RSA 483-B. For first, second and third order river segments designated after 2015, jurisdiction of the Shoreland Program is

limited to the land area within 50 feet of the river's normal high water mark. Factsheet [R&L-15, Application of Shoreland Protections to Designated Rivers](#) describes the river protections afforded by the Shoreland Program.

*What does the RMPP provide that is not offered by other existing State laws and programs?*

River designation increases public awareness of the river and creates a local community planning and management effort centered specifically on the river and its resources. The establishment of a LAC creates a forum for multi-town and multi-interest coordination of efforts to protect and manage valuable river resources and creates an incentive for the riverfront communities to adopt and implement local river corridor management plans. The plans include recommendations regarding the use and conservation of the shoreline and adjacent lands within the river corridor. The plans shall not have any regulatory effect unless implemented through properly adopted local ordinances.

Designation can also promote public interest and a sense of respect or stewardship for the river and its resources by the citizens and local officials in the adjacent communities. As a result, future development is more apt to take place in a manner which assures that the valued river resources are maintained. A state designated river may also be targeted by various assistance programs, thereby increasing the probability that the efforts of various local river interests will be successful.

*Will designation affect local land use control in the river corridor? (Are my rights as a riverfront landowner in jeopardy?)*

By law, the only land use protection measures that are added with a river designation are those for solid and hazardous waste facilities, and, for first, second and third order streams, those described in the Shoreland Water Quality Protection Act. The Rivers Management and Protection Act strengthens existing waste management regulations along designated rivers, and the Shoreland Act protects water quality and personal property by establishing buffers and setbacks for new construction. There are no other development restrictions in the Rivers Act; what is a local decision before a river is designated is a local decision following designation. The Act specifically states "...notwithstanding the provisions of RSA 483-B, that nothing in this chapter shall be interpreted to preempt any land and zoning authority granted to municipal bodies under RSA title LXIV" (Planning and Zoning), and any local zoning regulations that are more protective of the river will take precedence over the State regulations of RMPP and SWQPA.

*As a riverfront landowner, how will I benefit from RMPP?*

River designation can increase respect for property rights and heighten recognition of the valuable contribution which landowners already make in river protection. Issues such as trespassing, litter, liability, and erosion affect or infringe upon the rights of riparian landowners. Designation can also promote a greater public understanding and awareness of the unique problems and issues faced by landowners. The resulting increase in public understanding and interest in issues important to property owners can bring technical assistance, funding, and other support to help address and solve such problems.

### **For More Information**

For further information about the New Hampshire Rivers Management and Protection Program, visit the NHDES website at <http://des.nh.gov/organization/divisions/water/wmb/rivers/index.htm> 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).