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# Frequently Asked Questions About the New Hampshire Rivers Management and Protection Program

*Stephen C. Buckley*

## Q. When and why did the State of New Hampshire establish the Rivers Management and Protection Program?

A. In 1988, the State Legislature responded to the increasing and competing uses of the State's rivers by creating the New Hampshire Rivers Management and Protection Program (RMPP). The purpose of the program is to protect the 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.

## Q. What law was adopted to create the Rivers Management and Protection Program?

A. The New Hampshire Rivers Management and Protection Program was originally adopted in 1988 as RSA Chapter 227-F, effective June 29, 1988. The Act established a statewide rivers program based on a unique cooperative approach: State designation of significant rivers to manage and protect the rivers' values and characteristics, and local oversight of the rivers' resources through the development and implementation of river corridor management plans and involvement in the state, local and federal permitting process for activities that may impact the river. The law also declared an immediate moratorium on the approval of new dams on the following rivers: Pemigewasset, Saco, Swift, Contoocook, Merrimack and Connecticut south of the Israel River in the Town of Lancaster. RSA Chapter 227-F was recodified as RSA Chapter 483.

## Q. How is the Rivers Management and Protection Program administered by the State of New Hampshire?

A. RMPP is administered by the New Hampshire Department of Environmental Services (NHDES) Water Division and is staffed by a Rivers and Lakes Program Manager. The Act also established the statewide Rivers Management Advisory Committee (RMAC). The RMAC members represent a wide range of river interests and work closely with NHDES in an advisory capacity. The members of the RMAC are appointed by the Governor and Executive Council for three-year terms. There are seventeen committee members, eleven voting and six non-voting. Among its advisory duties, the RMAC is responsible for reviewing proposed disposals of state-owned lands near rivers and for preparing a recommendation to the DES Commissioner on the merits of new nominations into the RMPP. More detailed information about the RMAC may be found at <http://des.nh.gov/organization/divisions/water/wmb/rivers/rmac/index.htm>.

## Q. What is the process of designating a river or river segment for protection under the Rivers Management and Protection Program?

A. 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 RMAC and the NHDES Commissioner to ensure that the river's designation would be consistent with the purpose of RSA Chapter 483. If the commissioner determines that the river or river segment meets the criteria in RSA 483:6, IV, the nomination is forwarded to the State Legislature. 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. A more detailed description of the river nomination process, along with other information and related forms may be found at: <http://des.nh.gov/organization/divisions/water/wmb/rivers/index.htm>.

## Q. What is the effect of designating a river for protection under the Rivers Management and Protection Program?

A. RMPP provides certain protection measures for the water flowing in the stream channel of a designated river, known as instream flow. RMPP also provides 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, RSA Chapter 483 establishes specific protection measures which pertain to structures and activities within the river such as: 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." There are very specific protection measures that pertain to the siting of solid waste facilities within 250 of the normal high water mark of a designated river.

## Q. Does the Shoreland Protection Act, RSA Chapter 483-B, provide any other forms of protection for designated rivers?

A. As of 2008, designated rivers benefit from additional protective measures found in the Shoreland Water Quality Protection Act (SWQPA), RSA Chapter 483-B, regardless of the size of the river. All fourth order and higher rivers in New Hampshire are subject the SWQPA. A partial description of these additional protective measures can be found at: <http://des.nh.gov/organization/commissioner/pip/factsheets/rl/documents/rl-14.pdf>.

## Q. What is the local implementation process for a river designation under the Rivers Management and Protection Program?

A. An important and unique feature of RMPP is the opportunity for municipalities to participate, through local river management advisory committees (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 each riverfront municipality 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. More detailed information about the existing Local River Management Advisory Committees may be found at: <http://xml2.des.state.nh.us/blogs/rivers/>.

## Q. What rivers or river segments are currently protected under the Rivers Management and Protection Program?

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

## Q. How does designation of a river into the Rivers Management and Protection Program benefit a town or city?

A. 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 local river management advisory committees (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.

## Q: Will river designation limit local land use control in the river corridor?

A. The land use protection measures that are added with a river designation are those that prohibit solid and hazardous waste facilities in the applicable river corridor and protected shoreland.

Finally, RSA 483:2 specifically provides that, notwithstanding the provisions of RSA 483-B, nothing in RSA Chapter 483 shall be interpreted to preempt any planning and zoning authority granted to New Hampshire municipalities under RSA title LXIV.

*Stephen C. Buckley is Legal Services Counsel with the New Hampshire Municipal Association. He may be reached at 800.852.3358 ext. 3408 or at [legalinquiries@nhmunicipal.org](mailto:legalinquiries@nhmunicipal.org).*

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