

## Protective Measures for Designated Rivers

New Hampshire's rivers and streams are widely recognized for their outstanding values and diversity. In 1988, the state Legislature responded to competing interests in our rivers by creating the New Hampshire Rivers Management and Protection Program (RMPP). The program is based on a two-tiered approach to river management and protection: *state* designation of significant rivers and protection of instream values and characteristics (i.e. water quality and flow) and *local* development and adoption of river corridor management plans to protect shorelines and adjacent lands.

When the state designates a river into the Rivers Management and Protection Program, the state offers an extra level of protection for significant instream river resources. All designated river segments are classified into four categories, natural, rural, rural-community and community, based on their characteristics. General descriptions of these categories are provided below.

**Natural rivers** are free-flowing rivers or segments characterized by their high quality natural and scenic resources. River shorelines are in primarily natural vegetation and river corridors are generally undeveloped. Development, if any, is limited to forest management and scattered housing, and paved roads are screened from the river along the majority of the river segment's length.

**Rural rivers** or segments flow adjacent to lands which are partially or predominantly used for agriculture, forest management and dispersed or clustered residential development. Some instream structures may exist, including low dams, diversion works and other minor modifications.

**Rural-community rivers** or segments flow through areas with mixed land uses reflecting some combination of open space, agricultural, residential, commercial and industrial land uses. Such rivers are readily accessible by road or railroad and may include impoundments or diversions, as well as developed centers that could qualify for Shoreland Water Quality Protection Act urban exemptions.

**Community rivers** or segments flow through developed or populated areas and are readily accessible by road or railroad. These rivers may include existing or potential impoundments or diversions for hydropower, flood control or water supply, as well as urban centers that could qualify for Shoreland Water Quality Protection Act urban exemptions.

For each river classification, state law requires instream protection measures related to dams, hydroelectric facilities, channel alterations, water quality, protected instream flows, interbasin water transfers, siting of solid and hazardous waste storage and treatment facilities, and recreational uses of the river. The table on the following page provides a summary of the protection measures by river classification for all rivers designated into the Rivers Management and Protection Program. Please see the Rivers Management and Protection Act (RSA 483) for a complete description of the protection measures and exemptions afforded by the RMPP.

Protection Measures for all Designated Rivers by Classifications				
Protection Measure	Natural	Rural	Rural-Community	Community
<b>Dams and Channel Alterations</b>				
Construction of New Dams	No	No	No	Yes
Reconstruction of Breached Dams	No	Yes (Within 6 Years)	Yes (Within 6 Years)	Yes
Channel Alterations	No (Excluding bridge, road, and riprap repairs)	Yes (With Conditions)	Yes (With Conditions)	Yes (With Conditions)
New Hydroelectric Facility	Not Addressed in Statute	Yes (With Conditions Incl. Fish Passage)	Yes (With Conditions Incl. Fish Passage)	Yes (With Conditions Incl. Fish Passage)
<b>Water Quality / Quantity</b>				
Water Quality	Class A or B	Class B	Class B	Class B
Interbasin Transfers	No	No	No	No
Protected Instream Flow	Yes	Yes	Yes	Yes
<b>Recreational Use</b>				
Motorized Watercraft	No	Yes (Only "Headway" Speed Within 150 Feet of Shoreline)	Yes (Only "Headway" Speed Within 150 Feet of Shoreline)	Yes (Only "Headway" Speed Within 150 Feet of Shoreline)
<b>Waste Disposal</b>				
New Landfills	None Within ¼ Mile	None Within ¼ Mile (Except Rochester)	None Within 100 Feet of 500 Year Floodplain	None Within 100 Feet of 500 Year Floodplain
Expansion of Landfill	Not Within 100 Feet of 500 Year Floodplain	Not Within 100 Feet of 500 Year Floodplain	Yes	Yes
New Hazardous Waste Facilities	None Within ¼ Mile	The RMPP does not address hazardous waste facilities for Rural, Rural-Community, or Community Rivers.		
Other New Solid Waste Facilities	None Within 250 Feet	None Within 250 Feet	None Within 250 Feet	None Within 250 Feet
Sludge and Septage	None Within 250 Feet	None Within 250 Feet	None Within 250 Feet	None Within 250 Feet
<b>Fertilizers</b>				
Limestone	Within 25 Ft of Reference Line	Within 25 Ft of Reference Line	Within 25 Ft of Reference Line	Within 25 Ft of Reference Line
Slow or Controlled-Release Fertilizer	Not Within 25 Feet of the Reference Line	Not Within 25 Feet of the Reference Line	Not Within 25 Feet of the Reference Line	Not Within 25 Feet of the Reference Line

In addition to the protection measures above that apply when a river is designated into the Rivers Management and Protection Program, these rivers 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> through 3<sup>rd</sup> order rivers designated prior to 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. Fact sheet R&L 15, Application of Shoreland Protections to Designated Rivers, summarizes the Shoreland protections afforded to 1<sup>st</sup> through 3<sup>rd</sup> order designated rivers. Please refer to the Shoreland Water Quality Protection Act (RSA 483-B) and the Shoreland Rules (Env-Wq 1400) for a complete description of protection measures and exemptions. For further information about the NH Rivers Management and Protection Program visit the [NHDES website](http://www.nhdes.gov) and search for RMPP, 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).