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CHAPTER Env-Wq 1800 RIVERS MANAGEMENT AND PROTECTION PROGRAM

Statutory Authority: RSA 483:11

REVISION NOTE:

Document #8326, effective 4-21-05, readopted with amendments and renumbered former Chapter Env-C 700 titled Rivers Management and Protection Program as Env-Ws 1800. This chapter was subsequently redesignated editorially as Env-Wq 1800 pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05.

The prior filings for former Env-C 700 include the following documents:

#4726, INTERIM, eff 12-21-89, EXPIRED: 4-20-90

#4963, eff 10-29-90; EXPIRED: 10-29-96

#6374, eff 11-16-96

#8204, INTERIM, eff 11-16-04, EXPIRES: 5-15-05

PART Env-Wq 1801 PURPOSE AND APPLICABILITY

Env-Wq 1801.01 Purpose. The purpose of these rules is to explain:

- (a) The process for nominating a river or river segment for protection under RSA 483; and
- (b) The criteria to be used to evaluate such nominations.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

Env-Wq 1801.02 Applicability. These rules shall apply to all nominations of rivers or river segments for protection under RSA 483.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

PART Env-Wq 1802 DEFINITIONS

Env-Wq 1802.01 “Commissioner” means the commissioner of the department of environmental services.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

Env-Wq 1802.02 “Committee” means the rivers management advisory committee established in RSA 483:8.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

Env-Wq 1802.03 “Community river resource” means a natural, managed, cultural, or recreational resource or use thereof associated with a river that is recognized by local residents or a municipal document accepted by the municipality, such as a master plan or a water resource management plan, as being important to a community adjacent to a river.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

Env-Wq 1802.04 “Department” means the department of environmental services.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

Env-Wq 1802.05 “Diadromous” means regularly migrating between freshwater and salt water. This

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category includes anadromous, catdromous and amphidromous fish such as sea-lampreys, sturgeons, salmon and alewives. Migration should be cyclical and predictable.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

Env-Wq 1802.06 “Endangered or threatened species” means “endangered or threatened species” as defined in RSA 212-A:2, the Endangered Species Conservation Act.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08 (from Env-Wq 1802.05)

Env-Wq 1802.07 “Endangered or threatened plants” means “endangered or threatened species” as defined in RSA 217-A:3, the NH Native Plant Protection Act.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08 from Env-Wq 1802.07)

Env-Wq 1802.08 “Free-flowing” means existing or flowing in a natural condition without artificial impoundment, diversion, channel alterations, or other modifications and without consideration of upstream flow management.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08 (from Env-Wq 1802.07)

Env-Wq 1802.09 “Mouth” means, for a tidal river, the lower end of the river where a line that forms a right angle with at least one bank of the river can be drawn across the river channel from bank to bank.

Source. #9657, eff 2-22-10

Env-Wq 1802.10 “NH natural heritage inventory” means the program within the department of resources and economic development established by Chapter 195, Laws of 1986.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08 (from Env-Wq 1802.08); renumbered by #9657 (from Env-Wq 1802.09)

Env-Wq 1802.11 “Nomination” means the nomination of a river for designation into the program as outlined in Env-Wq 1803.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08 (from Env-Wq 1802.09); renumbered by #9657 (from Env-Wq 1802.10)

Env-Wq 1802.12 “Public access” means the right of any person to enter a property on a non-discriminatory basis.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08 (from Env-Wq 1802.10); renumbered by #9657 (from Env-Wq 1802.11)

Env-Wq 1802.13 “Recognized by local residents” means that there are community projects, activities

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or events based on the river or its corridor such as river clean-ups, canoe races, or a riverfest.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08); renumbered by #9657 (from Env-Wq 1802.12)

Env-Wq 1802.14 “River” means a flowing body of water or a segment or tributary thereof.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08 (from Env-Wq 1802.11); renumbered by #9657 (from Env-Wq 1802.13)

Env-Wq 1802.15 “Rivers coordinator” means the program administrator at the department of environmental services authorized by RSA 483:3.

Source. (See Revision Note at chapter heading For Env-Was 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08 (from Env-Wq 1802.12); renumbered by #9657 (from Env-Wq 1802.14)

Env-Wq 1802.16 “River corridor” means the river and the larger of:

- (a) The land area located within a distance of 1,320 feet of the normal high water mark; or
- (b) The landward extent of the 100 year floodplain as designated by the Federal Emergency Management Agency.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08 (from Env-Wq 1802.13); renumbered by #9657 (from Env-Wq 1802.15)

Env-Wq 1802.17 “Significant aquatic habitat” means regions which are important to the survival of particular aquatic populations. Such regions include, but are not limited to, spawning beds and feeding areas.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08 (from Env-Wq 1802.16); renumbered by #9657 (from Env-Wq 1802.16)

Env-Wq 1802.18 “Significant wildlife habitat” means regions which are important to the survival of particular wildlife populations. Such regions include, but are not limited to, deer wintering yards, waterfowl breeding or wintering areas, freshwater wetlands or riparian habitat, and saltwater wetlands associated with estuarine systems.

Source. #9330, eff 11-26-08 (formerly Env-Wq 1802.15); renumbered by #9657 (from Env-Wq 1802.17)

Env-Wq 1802.19 “Sponsor” means any individual or organization submitting a nomination under this program.

Source. #9330, eff 11-26-08 (formerly Env-Wq 1802.16); renumbered by #9657 (from Env-Wq 1802.18)

Env-Wq 1802.20 “Tidal river” means a river whose salinity, flow, or level is influenced by the tides.

Source. #957, eff 2-20-10

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### PART Env-Wq 1803 NOMINATIONS

Env-Wq 1803.01 Nomination Requirements. Each sponsor shall make a nomination to include a river or segment thereof in the program on a form obtained from the department. At least 2 copies of the nomination shall be submitted to the rivers coordinator on or before June 1 in order for it to be considered in the next legislative session.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

Env-Wq 1803.02 Information Required for Nomination. The sponsor shall supply the following information as part of the nomination:

- (a) The name of the river;
- (b) The location and length of the river or segment;
- (c) The name, address, and daytime telephone number of the sponsor;
- (d) A description of significant resources which the sponsor believes are contained or represented in the river or segment and its corridor;
- (e) A description and documentation of the community and public support which the sponsor believes exists for the nomination, including copies of any letters from elected and appointed local officials;
- (f) Documentation of notification to elected public officials of all municipalities through which each nominated river or segment flows;
- (g) A recommendation on the appropriate classification or classifications for the river or segment, including the length in miles and start and end point of each segment;
- (h) A map of the nominated river or segment and its corridor taken from a U.S. geological survey quadrangle(s) or equivalent in accuracy and detail, and an inset or locator map showing the location of the river or segment within the state;
- (i) For a tidal river or tidal river segment, the downstream extent of the nominated segment, located at or upstream of the mouth of the tidal river; and
- (j) An inventory, description and assessment of the resources of the river or segment and its corridor, including but not limited to:
  - (1) Geologic resources;
  - (2) Wildlife resources;
  - (3) Vegetation and natural communities;
  - (4) Fish resources;
  - (5) Water quality as designated pursuant to RSA 485-A:9 or as shown by actual water quality analysis, if available;
  - (6) Hydrologic resources, including natural flow characteristics;
  - (7) Open space;
  - (8) Historical or archaeological resources;

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- (9) Existing and potential recreational resources;
- (10) Dams, buildings and other man-made structures;
- (11) Existing and potential withdrawals and discharges;
- (12) Existing and potential hydroelectric resources;
- (13) Community river resources;
- (14) Public access;
- (15) Scenic characteristics;
- (16) Current land use and land use controls;
- (17) Water quantity; and
- (18) Riparian interests, including flowage rights.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08; amd by #9530, INTERIM, eff 8-26-09, EXPIRES: 2-22-10; amd by #9657, eff 2-22-10

Env-Wq 1803.03 Review for Completeness. The rivers coordinator shall review each nomination and determine if the nomination is complete. The rivers coordinator shall notify the sponsor within 30 days of the submission of the nomination of its completeness. In any case where the nomination is determined by the rivers coordinator to be incomplete, the missing information shall be requested of the sponsor and the nomination shall not be deemed complete until such information is provided.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

### Env-Wq 1803.04 Review Procedures.

- (a) The rivers coordinator shall forward complete nominations to the committee.
- (b) After a public hearing as required by RSA 483:6, III and an evaluation of the nomination under both the criteria listed in RSA 483:6, IV and Env-Wq 1805, the rivers coordinator shall make a recommendation to the commissioner whether to approve the nomination. If the rivers coordinator, after considering the criteria, determines that a river nomination is consistent with the policies and intents identified in RSA 483:1 and RSA 483:2, the rivers coordinator shall recommend that the nomination be approved.
- (c) The recommendation of the rivers coordinator and any recommendation made by the committee, as authorized in RSA 483:8, V, shall be forwarded to the commissioner, together with the nomination, within 120 days of receipt of the complete nomination.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

## PART Env-Wq 1804 NOMINATION APPROVAL

Env-Wq 1804.01 Nomination Criteria. The commissioner shall consider the following factors when deciding whether to forward a river nomination to the general court for its review:

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- (a) The criteria listed in RSA 483:6, IV;
- (b) The recommendation prepared by the rivers coordinator;
- (c) The recommendation prepared by the committee;
- (d) The public comments on the nomination received in public hearings held pursuant to RSA 483:6, III and the level of demonstrated community/public support for the nomination as supplied pursuant to Env-Wq 1803.01(e);
- (e) The points awarded in each resource category under Env-Wq 1805; and
- (f) For a tidal river or tidal river segment, the recommendation of the Piscataqua Region Estuaries Partnership and the NH fish and game department relative to the downstream extent of the nominated segment.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08; amd by #9530, INTERIM, eff 8-26-09, EXPIRES: 2-22-10; amd by #9657, eff 2-22-10

### Env-Wq 1804.02 Legislative Review and Approval.

- (a) If the commissioner, after considering the factors under Env-Wq 1804.01, determines that a river nomination is consistent with the policies and intents identified in RSA 483:1 and RSA 483:2, the commissioner shall approve the nomination.
- (b) If the commissioner approves the nomination, the commissioner shall forward the nomination to the next regular session of the legislature for review and approval according to RSA 483:7.
- (c) If the commissioner does not approve a river nomination, the commissioner shall notify the sponsor in writing within 30 days of the receipt of the recommendation of the rivers coordinator and any recommendation of the committee and shall inform the sponsor of the reasons for that decision.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

## PART Env-Wq 1805 POINT SYSTEM EVALUATION

### Env-Wq 1805.01 Use of Point System.

- (a) The rivers coordinator shall evaluate each nominated river or segment and assign the specified point values according to the system described in Env-Wq 1805.02 through Env-Wq 1805.06.
- (b) Points shall be awarded to recognize the presence of significant resource values present in the river or segment nominated. For each category, the rivers coordinator shall consult with and consider the advice of the state and federal agencies and other resource experts as identified in the category's section before assigning point values.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08; ss by #9657, eff 2-22-10

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Env-Wq 1805.02 Natural Resource Category.

(a) A maximum of 205 points shall be awarded if the river has significant natural resources, according to the criteria specified in (b) through (h), below.

(b) For geologic resources, a maximum of 30 points shall be awarded if the river has one or more significant national, regional, state, or local geologic resources as determined by the state geologist after review of historical and current geological and economic resources maps and other information, or as listed in a national or state resource assessment, according to the following schedule:

- (1) Resource of significance nationally or to the New England region shall receive 30 points;
- (2) Resource of statewide significance shall receive 20 points; and
- (3) Resource of local significance shall receive 10 points.

(c) For wildlife resources, a maximum of 30 points shall be awarded according to the following:

(1) For endangered or threatened animals, a maximum of 15 points shall be awarded if the river supports a species that has been identified as endangered or threatened by the NH fish and game department under RSA 212-A as reflected in Fis 1000, the U.S. fish and wildlife service under the federal Endangered Species Act of 1973 (87 Stat. 884, as amended), or the NH department of resources and economic development's natural heritage inventory program as reflected in Res 1100, according to the following schedule:

- a. Endangered or threatened species of national significance shall receive 15 points; and
- b. Endangered or threatened species of statewide significance shall receive 10 points;

(2) For significant wildlife habitat, a maximum of 10 points shall be awarded if the river supports or is integral to habitat for game and non-game wildlife populations that is valued, but not necessarily rare, and is determined by the NH fish and game department, based on the NH Wildlife Action Plan, or the US fish and wildlife service to be one of the following, so that points shall be awarded according to the following schedule:

- a. Habitat that is within a conservation focus area or that is known to have contained or currently contains state or federally listed endangered or threatened species shall receive 10 points;
- b. Habitat that is within an area of highest quality habitat statewide or highest quality in the biological region and/or is a habitat for a species of special concern shall receive 5 points;
- c. Habitat that is within an area of supporting landscapes or that contains other species of greatest conservation need shall receive 3 points; and
- d. Habitat that is adjacent to, but not within, any of the above shall receive one point; and

(3) For a wildlife travel corridor, 5 points shall be awarded if the river serves as, or is integral to, an important corridor or part of a corridor for the movement of wildlife between large habitat areas as determined by the NH fish and game department, based on the NH Wildlife Action Plan, or the US fish and wildlife service.

(d) For vegetation/natural communities, a maximum of 20 points shall be awarded according to the following:

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- (1) For endangered or threatened plants, a maximum of 15 points shall be awarded if the river supports a plant that has been identified as endangered or threatened by the US fish and wildlife service or the NH natural heritage inventory program of the department of resources and economic development pursuant to RSA 217-A as reflected in Res 1100, according to the following schedule:
    - a. Endangered or threatened plant of national significance as listed by the US fish and wildlife service shall receive 15 points; and
    - b. Endangered or threatened plant of statewide significance as listed by the NH natural heritage inventory program of the department of resources and economic development shall receive 10 points; and
  - (2) For an exemplary natural ecological community, a maximum of 5 points shall be awarded if the river supports, or is integral to, an exemplary natural ecological community as determined by the NH natural heritage inventory program.
- (e) For fish resources, a maximum of 35 points shall be awarded according to the following:
- (1) For endangered or threatened fish, a maximum of 15 points shall be awarded if the river supports a fish that has been identified as endangered or threatened by the NH fish and game department under RSA 212-A as reflected in Fis 1000 or the US fish and wildlife service under the federal Endangered Species Act of 1973 (87 Stat. 884, as amended), according to the following schedule:
    - a. Endangered or threatened fish of national significance as listed by the US fish and wildlife service shall receive 15 points; and
    - b. Endangered or threatened fish of statewide significance as listed by the NH fish and game department shall receive 10 points;
  - (2) For significant aquatic habitat, a maximum of 10 points shall be awarded if the river provides aquatic habitat for fish populations that is valued, but not necessarily rare, and is determined by the NH fish and game department, based on the NH Wildlife Action Plan, or the US fish and wildlife service, to be one of the following so that points shall be awarded according to the following schedule:
    - a. Habitat that is within a conservation focus area or is known to have contained or currently contains state or federally listed endangered or threatened species shall receive 10 points;
    - b. Habitat that is within an area of highest quality habitat statewide or highest quality in the biological region and/or is a habitat for a species of special concern shall receive 5 points;
    - c. Habitat that is within an area of supporting landscapes or contains other species of greatest conservation need shall receive 3 points; and
    - d. Adjacent, but not within any of the above shall receive one point;
  - (3) For fish reproduction, a maximum of 5 points shall be awarded if the river supports a fishery that relies on natural reproduction or a stocking program as determined by the NH fish and game department or the US fish and wildlife service according to the following schedule:
    - a. If the river supports a fish population that relies solely on natural reproduction it shall receive 5 points;

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- b. If the river supports a fish population that is partly dependent on a stocking program it shall receive 3 points; and
  - c. If the river supports a fish population which is wholly dependent upon stocking programs it shall receive one point; and
- (4) For diadromous fish, a maximum of 5 points shall be awarded if the river is a viable diadromous fish resource based on existing or potential future suitable habitat conditions as determined by the NH fish and game department or the US fish and wildlife service according to the following schedule:
- a. If the river currently contains reproducing populations of diadromous fish it shall receive 5 points;
  - b. If a restoration effort has begun it shall receive 3 points; and
  - c. If a documented restoration plan has been developed for the river it shall receive one point.
- (f) For water quality, a maximum of 30 points shall be awarded according to the following schedule:
- (1) If the river has been designated a Class A water or has actual water quality that meets the state water quality standards for Class A waters, it shall receive 30 points; and
  - (2) If the river has been designated a Class B water or has actual water quality that meets the state water quality standards for Class B waters, it shall receive 15 points.
- (g) For open space, 10 points per occurrence to a maximum of 30 points shall be awarded for each parcel of open space or protected land in the river corridor. Open space and protected land parcels shall include, but not be limited to, national forest lands, state parks and forests, municipal parks, and land that is subject to a conservation easement.
- (h) For natural flow characteristics, a maximum of 30 points shall be awarded if the river is free-flowing, according to the following schedule:
- (1) If the river is 100 percent free-flowing with no man-made dams, diversions, or other modifications which affect the river's natural flow it shall receive 30 points; and
  - (2) If the river is largely free-flowing without characteristics of impoundment excluding low dams, diversion works and other minor modifications it shall receive 15 points.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

Env-Wq 1805.03 Managed Resource Category.

(a) A maximum of 90 points shall be awarded if the river has significant managed resources, according to the criteria specified in (b) through (d), below.

(b) For impoundments, 10 points per occurrence to a maximum of 30 points shall be awarded if the river is managed through the use of dams for public purposes, including but not limited to flood control and low flow augmentation. For the purposes of this paragraph, public purposes shall not include hydroelectric power generation.

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(c) For water withdrawals and discharges, a maximum of 30 points shall be awarded according to the following:

(1) For water withdrawals, a maximum of 20 points shall be awarded according to the following schedule:

- a. For a public drinking water supply, 10 points shall be awarded if the river serves as an existing source of public drinking water;
- b. For a public drinking water supply, 5 points shall be awarded if the river serves as a potential source of public drinking water;
- c. For an industrial water supply, 5 points shall be awarded if the river serves as an existing source of industrial water supply;
- d. For an industrial water supply, 3 points shall be awarded if the river serves as a potential source of industrial water supply;
- e. For an agricultural water supply, 5 points shall be awarded if the river serves as an existing source of agricultural water supply registered under Env-Wq 2102; and
- f. For an agricultural water supply, 3 points shall be awarded if the river serves as a potential source of agricultural water supply; and

(2) For wastewater discharge, a maximum of 10 points shall be awarded if one or more surface wastewater discharges are permitted to the river, according to the following schedule:

- a. For a wastewater treatment facility discharge, a maximum of 10 points shall be awarded if the river is used by a wastewater treatment facility which has been issued a surface water discharge permit by the department; and
- b. For an industrial wastewater discharge, a maximum of 5 points shall be awarded if the river is used by an industrial facility which has been issued a surface water discharge permit by the department.

(d) For hydroelectric resources, a maximum of 30 points shall be awarded if the river has one or more existing or potential sites for hydropower production, according to the following:

- (1) If the river is being used for hydroelectric power production it shall receive 30 points; and
- (2) If the river is identified as having a potential hydroelectric power production site in the NH River Protection and Energy Development Project - Final Report, 1983, published by New England Rivers Center, it shall receive 15 points.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

Env-Wq 1805.04 Cultural Resource Category.

(a) A maximum of 60 points shall be awarded if the river has significant cultural resources, according to the criteria specified in (b) and (c), below.

(b) For historical or archaeological resources, a maximum of 30 points shall be awarded if the river has one or more significant historical or archaeological resources or significant potential for such sites as determined by the state historic preservation officer or if the resource is eligible to be listed or is listed as a

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National Historic Landmark or on the National Register of Historic Places or is a recognized Historic District, according to the following schedule:

- (1) Resource of national significance shall receive 30 points;
- (2) Resource of regional significance shall receive 15 points; and
- (3) Resource of statewide significance shall receive 10 points.

(c) For community river resource, 10 points per occurrence to a maximum of 30 points shall be awarded if the river is a community river resource for one or more of the towns or cities through which it flows. Evidence of a community river resource shall include, but not be limited to, documentation of an on-going river corridor management planning effort or other local efforts to protect or manage the river, the existence of a riverside park or other public area, or community support for riverfront revitalization as demonstrated by acts such as the filing of a petition, establishment of a municipal committee or citizen group, or fundraising activities.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

Env-Wq 1805.05 Recreational Resource Category.

(a) A maximum of 120 points shall be awarded if the river has significant recreational resources, according to the criteria specified in (b) through (e), below.

(b) For a fishery, a maximum of 30 points shall be awarded if the nominated river or segment has a high quality fishery, as determined by the NH fish and game department, according to the following schedule:

- (1) If the nominated river or segment contains suitable habitat for coldwater, warmwater, and saltwater fish species, it shall receive 30 points;
- (2) If the nominated river or segment contains suitable habitat for any two of coldwater, warmwater, or saltwater fish species, it shall receive 20 points; and
- (3) If the nominated river or segment contains suitable habitat for any one of coldwater, warmwater, or saltwater fish species, it shall receive 10 points.

(c) For boating, 30 points shall be awarded if the river is identified as being of highest significance as a recreational boating river in the NH River Protection and Energy Development Project - Final Report, 1983, published by New England Rivers Center, or is recognized as a significant recreational boating river in a publication by a national, regional, or statewide recreation organization or group such as the Appalachian Mountain Club River Guide - New Hampshire/Vermont or the DeLorme New Hampshire Atlas and Gazetteer.

(d) For other recreation, 10 points per occurrence to a maximum of 30 points shall be awarded if the river offers one or more opportunities for shoreland recreation or swimming. Shoreland recreation shall include, but is not limited to, hiking, camping, picnicking, and bird watching.

(e) For access, a maximum of 30 points shall be awarded if the river has one or more sites which provide public access to or along the river, according to the following schedule:

- (1) If the public access site is publicly-owned land, 30 points; and
- (2) If the public access site is privately-owned land, 15 points.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08; amd by

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#9530, INTERIM, eff 8-26-09, EXPIRES: 2-22-10; amd by #9657, eff 2-22-10

Env-Wq 1805.06 Other Resource Category.

(a) A maximum of 120 points shall be awarded if the river has significant other resources, according to the criteria specified in (b) through (e), below.

(b) For scenery, 10 points per occurrence to a maximum of 30 points shall be awarded if the river has one or more publicly accessible scenic sites. Scenic sites shall include, but not be limited to, designated viewing areas, scenic vistas, and overlooks.

(c) For land use, a maximum of 30 points shall be awarded according to the following schedule:

(1) If the river is characterized by the high quality of natural and scenic resources with river corridors generally undeveloped and development, if any, limited to forest management and scattered housing it shall receive 30 points;

(2) If the river is adjacent to lands which are partially or predominately used for agriculture, forest management, and dispersed or clustered residential housing it shall receive 20 points;

(3) If the river flows through a populated area of the state with some residential or other building developments near the shoreline and is readily accessible by road or railroad it shall receive 10 points; and

(4) If the river flows through a populated area of the state and the corridor contains significant developments including, but not limited to, roads, utility crossings, bridges, commercial and industrial developments, solid waste management facilities, and residential developments it shall receive 5 points.

(d) For land use controls, 10 points per occurrence to a maximum of 30 points shall be awarded if the municipalities within the river corridor have one or more existing land use controls which affect the river and its corridor. Land use controls shall include, but not be limited to, master plans, water resource management plans, zoning ordinances, overlay districts, subdivision regulations, and easements.

(e) For water quantity, 30 points shall be awarded if the river has one or more operating stream gauges maintained by the U.S. geological survey, U.S. army corps of engineers, or the department.

Source. (See Revision Note at chapter heading for Env-Wq 1800) #8326, eff 4-21-05; ss by #9330, eff 11-26-08

**Appendix**

<b>Rule Sections</b>	<b>Statute Implemented</b>
Env-Wq 1801	RSA 483:6; RSA 483:11
Env-Wq 1802	RSA 483:6; RSA 483:11
Env-Wq 1802.09 Env-Wq 1802.20	RSA 483:6; RSA 483:11
Env-Wq 1803	RSA 483:6; RSA 483:11
Env-Wq 1803.02 intro and (i)	RSA 483:6; RSA 483:11
Env-Wq 1804 ( <i>see also specific section below</i> )	RSA 483:6; RSA 483:11
Env-Wq 1804.01 intro and (f)	RSA 483:6; RSA 483:11
Env-Wq 1804.02	RSA 483:7; RSA 483:11
Env-Wq 1805	RSA 483:6; RSA 483:11
Env-Wq 1805.05(b)	RSA 483:6; RSA 483:11