

# TITLE L

## WATER MANAGEMENT AND PROTECTION

### CHAPTER 483-A

#### NEW HAMPSHIRE LAKES MANAGEMENT AND PROTECTION PROGRAM

##### Section 483-A:1

**483-A:1 Statement of Policy.** – New Hampshire's lakes are one of its most important natural resources; vital to wildlife, fisheries, recreation, tourism, and the quality of life of its citizens. It is the policy of the state to insure the continued vitality of New Hampshire lakes as key biological, social, and economic assets, while providing that public health is ensured for the benefit of present and future generations. The state shall encourage and assist in the development of management plans for the waters as well as the shoreland to conserve and protect valued characteristics, including recreational, aesthetic, and those of community significance, so that these valued characteristics shall endure as part of lake uses to be enjoyed by the citizens of New Hampshire. If conflicts arise in the attempt to protect the valued characteristics of a lake, priority shall be given to those characteristics that are necessary to meet state water quality standards.

**Source.** 1990, 118:2. 2010, 269:2, eff. July 6, 2010.

##### Section 483-A:2

###### **483-A:2 Definitions.** –

In this chapter:

- I. "Commissioner" means the commissioner, department of environmental services.
- II. "Advisory committee" means the lakes management advisory committee established in RSA 483-A:6.
- III. "Lake" means the bodies of fresh water as defined in RSA 271:20.
- IV. "Valued characteristics" means the uses and values that lakes provide including, but not limited to: passive and active recreational activities such as swimming, fishing, and use of appropriate watercraft; aesthetic values such as scenic beauty, wilderness experiences, and educational opportunities; public uses such as drinking water supplies and flood control; ecosystem values such as providing ecological diversity and wildlife habitat; economic values such as revenue generated for the local, regional, and state economies; and social experiences and the opportunity to use our lakes for public enjoyment.

**Source.** 1990, 118:2. 2010, 269:3, eff. July 6, 2010.

##### Section 483-A:3

**483-A:3 Program Established; Intent.** – There is established the New Hampshire lakes management and protection program within the department of environmental services. It is the intent of the legislature that the New Hampshire lakes management and protection program shall complement and reinforce existing state and federal water quality laws. It is also the intent of the legislature that, through said program, the scenic beauty and recreational potential of lakes shall be maintained or enhanced, that wildlife habitat shall be protected, that opportunity for public enjoyment of lake uses be ensured, and that littoral interests shall be respected.

**Source.** 1990, 118:2, eff. June 18, 1990.

##### Section 483-A:4

**483-A:4 Lakes Coordinator.** – There is established in the office of the commissioner, department of environmental services, a state lakes coordinator, who shall be a classified employee qualified by reason of education and experience, and who shall administer the New Hampshire lakes management and protection program.

**Source.** 1990, 118:2, eff. June 18, 1990.

## **Section 483-A:5**

### **483-A:5 Management.** –

I. The lakes coordinator, in consultation with the advisory committee, with cooperation and assistance from each of the relevant divisions and bureaus within the department of environmental services, shall prepare every 10 years state level management recommendations for consideration by state agencies in their decision-making regarding lakes management and protection. The purpose of such recommendations shall be to ensure that:

- (a) Water quality shall not be degraded from existing water quality standards established in RSA 485-A.
- (b) Potential sources of pollution, whether point or non-point sources on the land or deriving from activity on the lake, shall be managed in such a way as to minimize their adverse impact on water quality. No significant adverse impact or cumulative adverse impact on water quality shall be permitted.
- (c) The environment for wildlife, particularly waterfowl and aquatic life, shall be maintained or improved.
- (d) The use of lakes and their drainage areas for flood protection and water supply shall be recognized and protected.
- (e) Public access shall be provided and maintained appropriate to suitable uses of the lakes.
- (f) Recreational uses of lakes shall be consistent with the carrying capacity and valued characteristics of each lake. Recreational uses shall provide opportunity for the safe enjoyment of a variety of lake experiences within the state as a whole.

II. No state-owned property adjacent to or providing access to a lake shall be disposed of by the state except upon the review and recommendations of the advisory committee.

**Source.** 1990, 118:2. 2010, 269:4, eff. July 6, 2010.

## **Section 483-A:6**

### **483-A:6 Lakes Management Committee; Establishment.** –

I. There is established a lakes management advisory committee.

II. The advisory committee shall include the following members to be appointed by the governor and council:

- (a) A member representing a New Hampshire lake association nominated by the New Hampshire Lakes Association.
- (b) A member representing the state conservation committee established in RSA 432:10.
- (c) A member of the fish and game commission.
- (d) A municipal officer of a lakefront community nominated by the New Hampshire Municipal Association.
- (e) A member of a conservation commission from a lakefront community nominated by the New Hampshire Association of Conservation Commissions.
- (f) A member representing the scientific community nominated by the university system of New Hampshire.
- (g) A member representing the tourism industry nominated by the New Hampshire Travel Council.
- (h) A member representing conservation interests nominated jointly by the Loon Preservation Committee, the Society for the Protection of New Hampshire Forests, the Audubon Society of New Hampshire, and the New Hampshire Wildlife Federation.
- (i) A member representing the New Hampshire Marine Trades Association.
- (j) A member of the New Hampshire Association of Realtors.
- (k) A member of a planning board appointed by the New Hampshire Municipal Association.
- (l) A member representing the Business and Industry Association of New Hampshire.
- (m) A member representing fishing interests nominated jointly by the New Hampshire Wildlife Federation and the New Hampshire Bass Federation.

III. The director of the office of strategic initiatives, the executive director of the fish and game department, the

commissioner of natural and cultural resources, the commissioner of the department of safety, the commissioner of the department of agriculture, markets, and food, and the commissioner of the department of transportation, or their designees, shall serve as nonvoting members of the advisory committee.

IV. The terms of state agency members shall be the same as their terms in office. Voting members shall serve 3-year terms.

IV-a. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. Members may hold office until their successors are appointed and confirmed.

V. The advisory committee shall elect a chairperson and vice-chairperson, who shall serve for 3-year terms. Meetings shall be at the call of the chair, or at the request of 3 or more committee members. The lakes coordinator referred to in RSA 483-A:4 shall serve as secretary and staff to the committee.

VI. The advisory committee shall advise the commissioner and lakes coordinator in carrying out the purposes of this chapter and shall report biennially to the commissioner, the state agencies represented on the advisory committee, the house resources, recreation and development committee, and the senate energy, environment and economic development committee regarding the activities carried out for the purposes of this chapter.

**Source.** 1990, 118:2. 1995, 130:4. 2003, 319:9. 2004, 257:44. 2007, 285:9. 2010, 269:5, eff. July 6, 2010. 2017, 156:14, I, 64, eff. July 1, 2017.

## **Section 483-A:7**

### **483-A:7 Lakes Management and Protection Plans. –**

I. The lakes coordinator, in consultation with the advisory committee and the office of strategic initiatives, shall monitor and oversee guidelines for coordinated lake management and shoreland protection plans together with recommendations for implementation, if necessary. Upon acceptance of the guidelines or substantive changes to the guidelines by the advisory committee, the lakes coordinator and members of the advisory committee shall hold public hearings regarding the guidelines or changes to the guidelines. At least one hearing shall be held in each executive council district.

II. The lakes coordinator in consultation with the office of strategic initiatives, with the help of appropriate council on resources and development agencies, shall provide technical assistance and, within the limits of legislative appropriations, award financial grants to regional planning commissions established under RSA 36:45 through RSA 36:53 in support of lake management and shoreland protection planning. The commissioner, with the advice of the lakes coordinator and the advisory committee, shall adopt rules, pursuant to RSA 541-A, relative to awarding financial grants under this paragraph.

III. The lakes coordinator in cooperation with the office of strategic initiatives, regional planning agencies, and appropriate council on resources and development agencies, shall provide technical assistance and information in support of lake management and local shoreland planning consistent with the guidelines established under RSA 483-A:7, I, compatible with the recommendations under RSA 483-A:5, and consistent with state and federal water quality laws.

IV. Whenever more than one municipality borders a lake, all such municipalities shall be encouraged to cooperate in the development and implementation of a coordinated lake management and shoreland protection plan.

V. Lake management and shoreland protection plans developed pursuant to paragraphs I, II, and III shall address, but not be limited to, the following:

- (a) Recreational uses and activities.
- (b) Non-recreational uses and activities.
- (c) Existing and future land uses.
- (d) Protection of wetlands, wildlife, fish habitats, and other significant natural areas.
- (e) Dams, bridges, and other water structures.
- (f) Public access by foot and vehicle.
- (g) Setbacks and other location requirements.
- (h) Dredging, filling, mining, and earth moving.
- (i) Prohibited uses.
- (j) Factors controlling water levels and flowage rights.
- (k) Facilities appropriate to support approved lake uses.

- (l) Water safety.
- (m) Other factors affecting water quality.

**Source.** 1990, 118:2. 2003, 319:9. 2004, 257:44. 2010, 269:6, eff. July 6, 2010. 2017, 156:64, eff. July 1, 2017.

### **Section 483-A:8**

#### **483-A:8 Acceptance and Expenditures of Funds. –**

I. The commissioner may apply for and accept, from any source, gifts; donations of money; grants; federal, local, private, and other funds and incentives; and interests in land for the purposes of this chapter. The moneys collected under this paragraph shall be deposited in the rivers management and protection fund established under RSA 483:13.

II. The commissioner may expend any funds deposited in the rivers management and protection fund for the purposes of this chapter, in addition to those purposes established under RSA 483:13.

**Source.** 1990, 118:2. 2010, 269:7, eff. July 6, 2010.

### **Section 483-A:9**

**483-A:9 State Agency Cooperation. –** Affected state agencies shall cooperate with and assist the lakes coordinator and the advisory committee in the development and implementation of lakes management plans established under RSA 483-A:7.

**Source.** 1990, 118:2, eff. June 18, 1990.