

## Pre-Rulemaking Feedback Request: Non-Tidal Shoreline Structures

The New Hampshire Department of Environmental Services (DES) is in the early stages of a process to update and improve the way dock permitting on **non-tidal waters** has been approached in the past and how that might be restructured, particularly as it pertains to public facilities, commercial uses, and structures on rivers and streams. DES is seeking feedback from a number of interest groups, and has contacted NHMA for assistance in obtaining municipal input, particularly from the perspective of municipal use of the waterfront.

Currently, the only rules that exist are for residential docks and the only commercial rules are for marinas. There are no rules governing the use of non-tidal water front by municipalities for projects such as a riverwalk, a municipal dock, or for development of a waterfront park with a restaurant.

### Request for written input

DES seeks input on such issues as:

- What should be the role of the municipality and the state on waterfront property?
- Who should control waterfront property: the municipality or the state?
- Definitions related to waterfront use, including what is a commercial use, etc?
- What might municipalities want to do on a river front, small pond, large pond, lake, etc?
- How would municipalities like to see their waterfronts developed?

Please provide your written feedback to Darlene Forst, Shoreland Section Supervisor, NH DES Land Resource Management Programs by email: [Darlene.Forst@DES.nh.gov](mailto:Darlene.Forst@DES.nh.gov). Include what types of activities or development your municipality might like to undertake on waterfront property, answers to the above questions, and be sure to include your contact information.

### GOALS

The goal at this point is to develop a strategy for the permitting of structures in non-tidal public waters that would allow reasonable use and economic development while minimizing the impacts on water quality, wildlife, and public use.

DES would then put together a regulatory framework for the proposed rules that will allow the Department to implement the strategy in a quick and efficient manner that maximizes predictability, transparency, and accountability.

It is anticipated that there may be a working group to help sort through the feedback received and guide the development of the strategy and draft rules. Please let Darlene know if you would like to participate in a working group on this issue.