

# ENVIRONMENTAL Fact Sheet



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## Vegetation Maintenance within the Protected Shoreland

Vegetation is a key component in preserving the integrity of public waters and is also a critical element of wildlife habitat. Well vegetated shorelands that include a variety of native trees, saplings, shrubs and natural ground cover are much more apt to naturally manage the harmful effects of stormwater runoff. The NH Shoreland Water Quality Protection Act (SWQPA) RSA 483-B, formally named the Comprehensive Shoreland Protection Act (CSPA), has protected a 150-foot wide vegetated buffer adjacent to public waters since July 1, 1994. For the purposes of the SWQPA, public waters are defined as lakes, ponds and artificial impoundments greater than 10 acres, rivers and streams that are 4<sup>th</sup> order or higher, designated rivers and all tidal waters. All waterbodies protected under the SWQPA can be found on the [Consolidated List of Waterbodies Protected Under the Shoreland Water Quality Protection Act](#). A shoreland impact permit is *not* required to manage vegetation within the protected shoreland but, property owners must operate in accordance with the guidelines below.

The 150-foot wide protected vegetated buffer is divided into two regions. The first 50 feet, beginning at the reference line, is called the waterfront buffer zone and the region between 50 ft and 150 feet from the reference line is the natural woodland buffer zone. Different vegetation removal limitations apply within each of these zones and are as follows:



**Example: The Waterfront Buffer Zone and the Natural Woodland Buffer Zone**

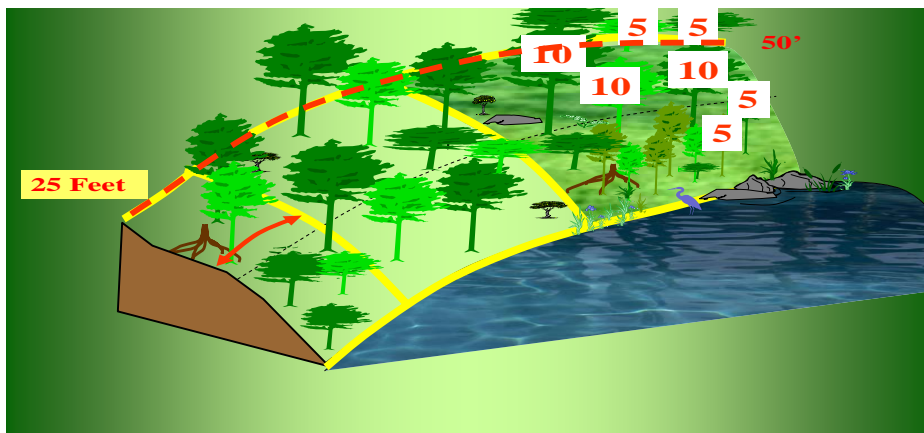
### Vegetation maintenance within the Waterfront Buffer

Within the Waterfront Buffer, branches may be trimmed, pruned, and thinned to the extent necessary to protect structures, maintain clearances and provide views. Limbing of branches for the purpose of providing views is limited to the bottom half of trees and saplings to help ensure the health of the tree or sapling. Owners of lots that were legally developed prior to July 1, 2008,

that have cleared areas within the waterfront buffer such as existing lawns or beaches are not required to replant or restore these areas and owners may continue to maintain these areas as they have in the past. Expanding existing beaches, replenishing existing beaches with additional sand or constructing a new perched beach requires a Wetland Permit under RSA 482-A.

Ground cover is protected within the Waterfront Buffer. Vegetation generally less than 3 feet in height, rocks, stumps and their root systems must be left intact in the ground unless removal is specifically approved by the department or rocks and stumps are removed for the purpose of planting new trees or other woody vegetation. Clearing ground cover for a foot path to access public waters, natural areas and shoreline or cutting those portions that have grown over three feet in height for the purpose of providing views is permissible. A permanent 6-foot wide foot path to access docks, beaches, structures, existing open areas, and the waterbody is allowed provided it is configured in a manner that does not concentrate stormwater or contribute to erosion. All rock and stump removal activities that require the use of mechanized equipment or construction of a new, impervious walkway requires a shoreland impact permit.

Live trees and saplings may be removed provided that certain criteria are met. Starting from the most northerly or easterly boundary property boundary, and working along the shoreline, divide the waterfront buffer into 50 feet x 50 feet grid segments. Within each grid segment a minimum combined tree, sapling, shrub and groundcover point score of at least 50 points must be maintained. If for any reason there is insufficient area for a full segment, the number of points required to be maintained is proportional to the requirement of a full segment. For instance, a segment that measures 25 feet x 50 feet, would only need to maintain at least 25 points worth of trees, saplings, shrubs and ground cover.



**Example: Lot with two full grid segments and one partial grid segment.**

To determine if trees and saplings can be removed, the owner must first verify that at least the minimum tree, sapling, shrub and groundcover point score will remain within the affected grid segment. To accomplish this, at a height of 4.5 feet above the ground, on the uphill side, measure the tree and sapling diameter within each grid segment and score in accordance with the table below. If nursery stock is present, measure the tree diameter with a caliper at a height consistent with established nursery industry standards. Determine the shrub and ground cover score in accordance with the table below. Once the tree, sapling, shrub and groundcover score reaches the minimum score required to remain within a grid segment, then trees and saplings beyond the minimum score may be removed from the grid segment. If the score within a grid segment is less than the required minimum score, then trees and saplings may not be removed. The stumps of felled trees and saplings may be ground flush to ground surface but the stump and root systems

must remain in the ground unless the stump area is replanted with new trees or other woody vegetation. Care must be taken to avoid removal of surrounding ground cover.

**Calculating the tree, sapling, shrub and ground cover score within a 50 foot by 50 foot segment:**

Determine each tree and sapling circumference 4.5 feet above the ground, uphill side. If nursery stock is present, measure the trees with a caliper at a height consistent with established nursery industry standards

Diameter of Tree or Sapling	Score
1 to 3 inches	1pt
Greater than 3 to 6 inches	5 pts
Greater than 6 to 12 inches	10 pts
Greater than 12 inches to 24 inches	15 pts
Greater than 24 inches	25 pts

Shrubs and groundcover are scored as follows but, shall not account for more than 25 points within each full grid segment.

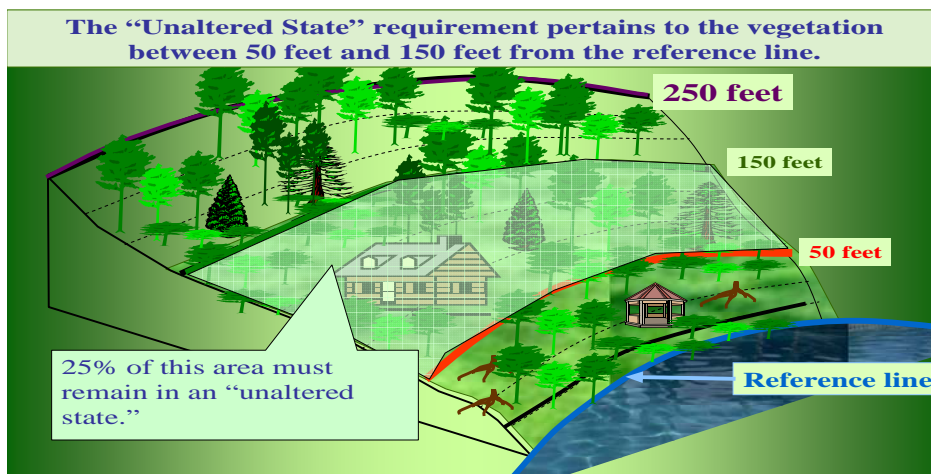
4 square feet of shrub area	1 pt
50 square feet of ground cover	1 pt

If possible, owners are encouraged to retain dead trees as they provide valuable wildlife habitat and nesting opportunities. However, dead, diseased or unsafe trees are not included in the scoring and may be removed at any time provided that damage to surrounding trees and natural groundcover is minimized and erosion and sedimentation to the waterbody is prevented.

No fertilizer, except limestone, can be used within 25 feet of the reference line. Beyond 25 feet, slow or controlled release fertilizer may be applied.

**Vegetation maintenance within the Natural Woodland Buffer**

Within the Natural Woodland Buffer, 25 percent of this region must be left in an unaltered state. “Unaltered State” means vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing or other similar activities except as needed for plant health, normal maintenance and renewal.



Example: 25 percent of this region must remain in an unaltered state.

Owners of lots legally developed or landscaped prior to July 1, 2008, that do not comply with this standard are encouraged to but, shall not be required to increase the percentage of area to be maintained in an unaltered state. Owners of lots that do not currently meet this standard are not permitted to further decrease the area existing in an unaltered state.

Lawns are modified surfaces and are not considered unaltered areas. This does not prevent raking existing lawns and landscaped areas, the removal of non-native or invasive species, or the removal of dead vegetation.

Dead, diseased, or unsafe trees, limbs, saplings or shrubs that pose an imminent hazard to structures or have the ability to cause personal injury may be removed from the natural woodland buffer, even areas that are to remain in an unaltered state. However, preservation of dead and living trees that provide dens and nesting places for wildlife is encouraged.

### **For more information**

For more information about the Shoreland Water Quality Protection Act and the DES Shoreland Program, please go to <http://des.nh.gov/organization/divisions/water/wetlands/cspa/index.htm> or contact the program at (603) 2712147 or [shoreland@des.nh.gov](mailto:shoreland@des.nh.gov).