

WD-SP-5

2013

## 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, formerly named the Comprehensive Shoreland Protection Act (CSPA), has protected a 150 ft 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. 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, however, property owners *must* operate in accordance with the guidelines below.

The 150 ft 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 ft from the reference line is the natural woodland buffer zone. Different vegetation removal limitations apply within each of these zones and are as follows:



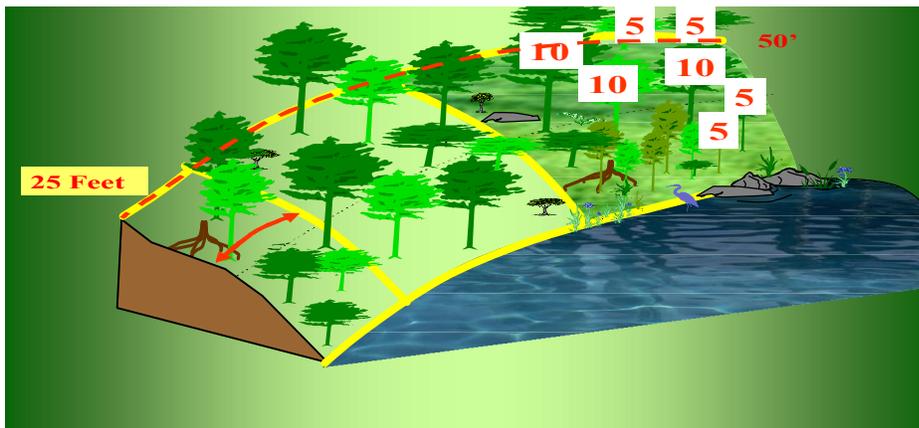
Example: The Waterfront Buffer Zone and the Natural Woodland Buffer Zone

## 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. Removal 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<sup>st</sup>, 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. Clearing vegetation to provide a 6 foot wide 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. Making pathway improvements such as constructing walkways requires a shoreland 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 ft x 50 ft grid segments. Within each grid segment a minimum tree and sapling score of 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 grid segment that measures 25 ft x 50 ft, (*half of a full 50 ft x 50 ft grid segment*) must maintain at least 25 points worth of trees and saplings.



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

To determine if trees and saplings can be removed, the owner must verify that at least the minimum tree and sapling point score will remain within the affected grid segment. To accomplish this, at a height of 4 ½ feet above the ground, on the uphill side, measure the diameter of each tree and sapling 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. Within any given grid segment, trees and saplings can be removed provided the sum of the remaining trees and saplings meets the required

minimum point score. If the initial total score within a given grid segment is less than the required minimum score, trees and saplings may not be removed. The stumps of felled trees and saplings may be ground flush to the ground surface but, the stump and root systems must remain in the ground. When removing trees, care must be taken to avoid damaging surrounding trees and ground cover.

**Calculating the tree and sapling score within a 50 foot by 50 foot segment:**

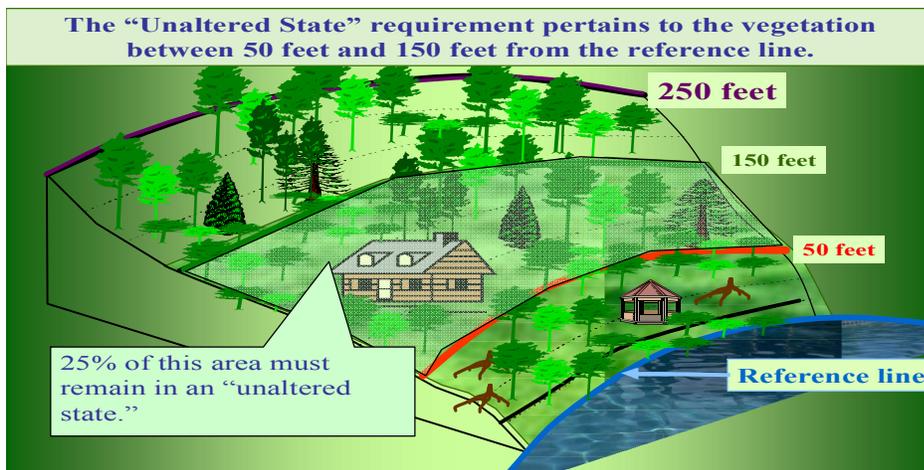
Determine each tree and sapling diameter 4½ feet above the ground, uphill side. If nursery stock is present, measure the trees with a caliper at a height consistent with established nursery industry standards

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

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.

**Vegetation maintenance within the Natural Woodland Buffer**

Between 50 feet and 150 feet from the reference line, 25% of this area must remain in an unaltered state. “Unaltered State” means native vegetation allowed to grow without cutting, limbing, trimming, pruning, mowing or other similar activities except as needed for renewal or to maintain or improve plant health.



**Example: 25% 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 size of any areas 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 at anytime. 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 shoreland program at (603) 271-2147 or [shoreland@des.nh.gov](mailto:shoreland@des.nh.gov) .