*The following article written by DES Commissioner Thomas S. Burack first appeared in the September/October 2007 issue of* Environmental News. *It is reprinted here with permission from the N.H. Department of Environmental Services.*

**New Hampshire's Shorelands – Out of the Past and into the Future**

Our state is blessed with a wealth of water resources. The retreat of the glacier some 10,000 to 12,000 years ago left us the lakes, ponds, and rivers that populate our present day picturesque topography. Verdant forests rooted in soils that have evolved over thousands of years surround and buffer these waterbodies and are a natural provider of water quality protection. Historically, New Hampshire has valued its forests for their beauty and ability to provide a sustainable economic resource. But forests do much more than that - especially when they surround water. Forested buffers serve to control erosion, promote stormwater infiltration, retain sediment, take up excess nutrients, moderate near shore surface water temperature, provide wildlife habitat, and help facilitate groundwater recharge. In short, native trees and vegetation provide us with essential ecologic services.

In June of 2008, the legislature enacted important amendments to the Comprehensive Shoreland Protection Act (CSPA). The existing CSPA provides protection to the state's public waters by establishing a 150' forested buffer area as well as restricted use areas within 250' of lakes, large ponds and our state's largest rivers. The recently enacted amendments enhance the current CSPA and were based on recommendations from a legislative commission convened in 2005 to examine the strengths and weaknesses of the statute.

The changes, effective April 1, 2008, are broad in scope and are designed to strike a balance between the preferences of shoreland property owners and the need to protect our shoreland resource. The amendments establish a permit program for construction, excavation and filling activities within the protected shoreland, a 50' waterfront buffer in which vegetation removal is restricted and pesticides and herbicides are prohibited, and impervious surface limitations. An additional 1,391 miles of river will come under the protection of the CSPA as a result of the adoption of the New Hampshire Hydrography Dataset (NHD) for stream order determination. All rivers designated under the state's Rivers Management Act, including the Saco and Pemigewasset Rivers, will now come under the protection of the CSPA. Other changes to the CSPA (see box) were made to clarify provisions related to vertical expansion, shoreline frontage requirements, a statewide primary building setback, and restrictions related to impervious surfaces. The current procedures to obtain waivers to expand the footprint of non-conforming structures or variances from the standards in RSA 483-B:9,V, such as septic setbacks, will still be available.

To promote broad public understanding of, and compliance with, the new CSPA provisions, DES has enlisted the assistance of many of our partners and stakeholders to develop and implement a major outreach effort to educate the public, contractors, municipalities and other interested parties. We all have an interest in the long-term integrity of our public waters. Through the CSPA and the stewardship efforts of

shoreland property owners, we can ensure that future development of the shoreline protects water quality and the quality of life on our state's water bodies.
For more information please visit the DES Shoreland website at www.des.nh.gov/cspa.

**The Waterfront and Natural Woodland Buffers**
***Redefining the concept of "well distributed stand***."

Under the existing CSPA, within 150 ft of the surface water, no more than 50% of the basal area of trees and 50% of the number of saplings can be removed in a twenty year period provided that a well distributed stand of all vegetation layers remains. With the implementation of the new legislation, the basal area calculation is eliminated and a **grid and points system** will be used to measure and maintain enough tree cover within 50 ft of the surface water (waterfront buffer) to buffer the waterbody. In the area between 50' and 150' (the natural woodland buffer), the restrictions on impervious surfaces and disturbed area will allow development while leaving vegetation to provide additional buffering capacity

## Other changes to the CSPA:

- The removal of the prohibition on vertical expansions of non-conforming structures.
- New lots or properties that add residential units will need 150' of shoreline frontage per residential unit whether or not there is on-site septic.
- A statewide 50' primary building setback - no exceptions. Municipalities may continue to enact or maintain their own local ordinances that establish greater setbacks.
- A requirement to leave 50 percent of the area *outside of impervious surfaces* within the 150' natural woodland buffer undisturbed.