Conservation Matters

A monthly column focused on conservation education, as the result of collaboration among several area conservation commissions and organizations. If your town's commission or conservation organization would like to contribute articles, please contact Jessica Tabolt Halm jess_tabolt@hotmail.com

Title: Protecting Water Quality in NH

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About three decades ago, a committee consisting of realtors/developers, marina owners, contractors, environmental professionals, and lay folk was formed to examine the question of what regulations were needed to maintain the quality of NH shorelands. As a result of the committee's work, the NH legislature formulated and passed the Comprehensive Shoreland Protection Act (CSPA; RSA 483-b) in 1991.

There were advantages and disadvantages to the 1991 Act. The Act established a shoreland buffer zone within 150 feet of a water body. Lands within the first 50 feet were called the "vegetated" buffer zone. One of the main problems revolved around how to calculate the vegetative buffer in the first 50 feet adjacent to the shore. A modified Act passed in 2002 changed the vegetative buffer calculations to a point system based on the size of the trees/shrubs growing in the zone. Other changes were made to expedite development in the whole shoreland zone by reducing the paper work. In 2008, the name of the legislation was changed from the Comprehensive Shoreland Protection Act to the Shoreland Water Quality Protection Act (SWQPA), which stipulated that only natural vegetation could be used in the point system calculation for the buffer zone; manicured lawns and flower gardens could no longer count as forming a "vegetative buffer".

At the present time, there are no differences between how the act is applied to lakes, streams or estuaries. A subgroup of the Shoreland Advisory Committee (established in 1991 to advise NHDES and the legislature on shoreland matters) is examining this situation to determine whether there are enough significant differences between the three types of shorelands that perhaps there should be different regulations for each.

DES has determined that nearly 80% of impaired surface water in NH has been caused by or is related to stormwater runoff. The current SWQPA prohibits new structures within 50 feet, and fertilizer application within 25 feet of shore frontage. The Act also regulates (via another RSA) the kinds of docks, wharfs and piers that can be used and constructed on the shoreland margin. To reduce the flux of materials into the water body, the 50 foot vegetative buffer is to be maintained in a natural state. Thus, the regulations stipulate no rock or stump removal or ground clearing. This serves to reduce the influx of sediment and contaminants into the water body, and provides a visual buffer of shorefront properties when viewed from the water body.

Another major component of the act deals with "impervious surfaces". When rain falls on a naturally vegetated surface, it usually seeps into the ground and doesn't pool up. Rain that falls on an impervious surface, such as a rooftop or pavement, flows off the surface and carries any substances that have been previously deposited with it. We know that salt on our roads in the

winter time make them safer for transportation, but at the same time we know that the salt washed off the road contaminates wells and has a direct effect on road side vegetation, often killing it. To minimize the effects of impervious surfaces, the Act designates a natural woodland buffer within 150 feet of the shoreline. No more than 30% of the first 150 feet can be impervious surface (roof, patios, driveway, etc.). If there is more than 20%, but less than 30%, the property owner must implement a system of storm water management.

To a property owner, some of the regulations may seem onerous, but in retrospect, the assessed value of a property is often related to the quality of the view and/or the quality of the water in the lake, stream or estuary. Real estate values go down when the water quality goes down. For NH citizens, implementation and enforcement of these regulations safeguards the water quality of our streams, lakes and estuaries, and enhances the view from the water.

As we all know, not doing anything for our personal health usually results in greater costs later on. The same is true for our environment. Doing something now prevents greater costs later on, and this is what the Shoreland Water Quality Protection Act does for us.