

Basal Area Law (RSA 227-J:9)

The basal area law requires that forested buffers be left along town and state roads, streams, and bodies of water, following a timber harvest (Figure 5). These buffer zones can prevent erosion, provide wildlife habitat, protect stream temperature and aquatic life, and preserve the aesthetics of the landscape. This law also applies to land conversion and clearing unrelated to forest management unless all state and local permits necessary for the conversion have been secured. (RSA 227-J:9, IV).

What is Basal Area?

Basal area means the cross-sectional area of a tree measured four-and-a-half feet from the ground (Figure 4). It is expressed in square feet per acre. Simply stated, basal area is a measure of tree density on each acre of land. The higher the basal area, the denser the forest.

What does the law say?

The law says that no more than 50 percent of the basal area may be cut or otherwise felled each year, leaving a well distributed stand of healthy, growing trees:

Within 150 feet of:

- any great pond, which is a standing body of water 10 acres or greater in area
- any fourth order or higher stream To view a consolidated list of fourth order and higher streams, designated rivers, and water bodies >10 acres, follow the link below:

http://des.nh.gov/organization/divisions/water/wetlands/cspa/water_bodies.htm

When the website appears, click "Consolidated List." The list is arranged alphabetically by city/town. A description of when a river/stream becomes fourth order is provided (for example, the Merrimack River becomes fourth order at the juncture of the Pemigewasset and Winnepesaukee Rivers in Franklin). The list also provides the names (and nicknames) of water bodies greater than 10 acres.

- any public highway (**Class VI exempt as of Jan 1, 2019**).

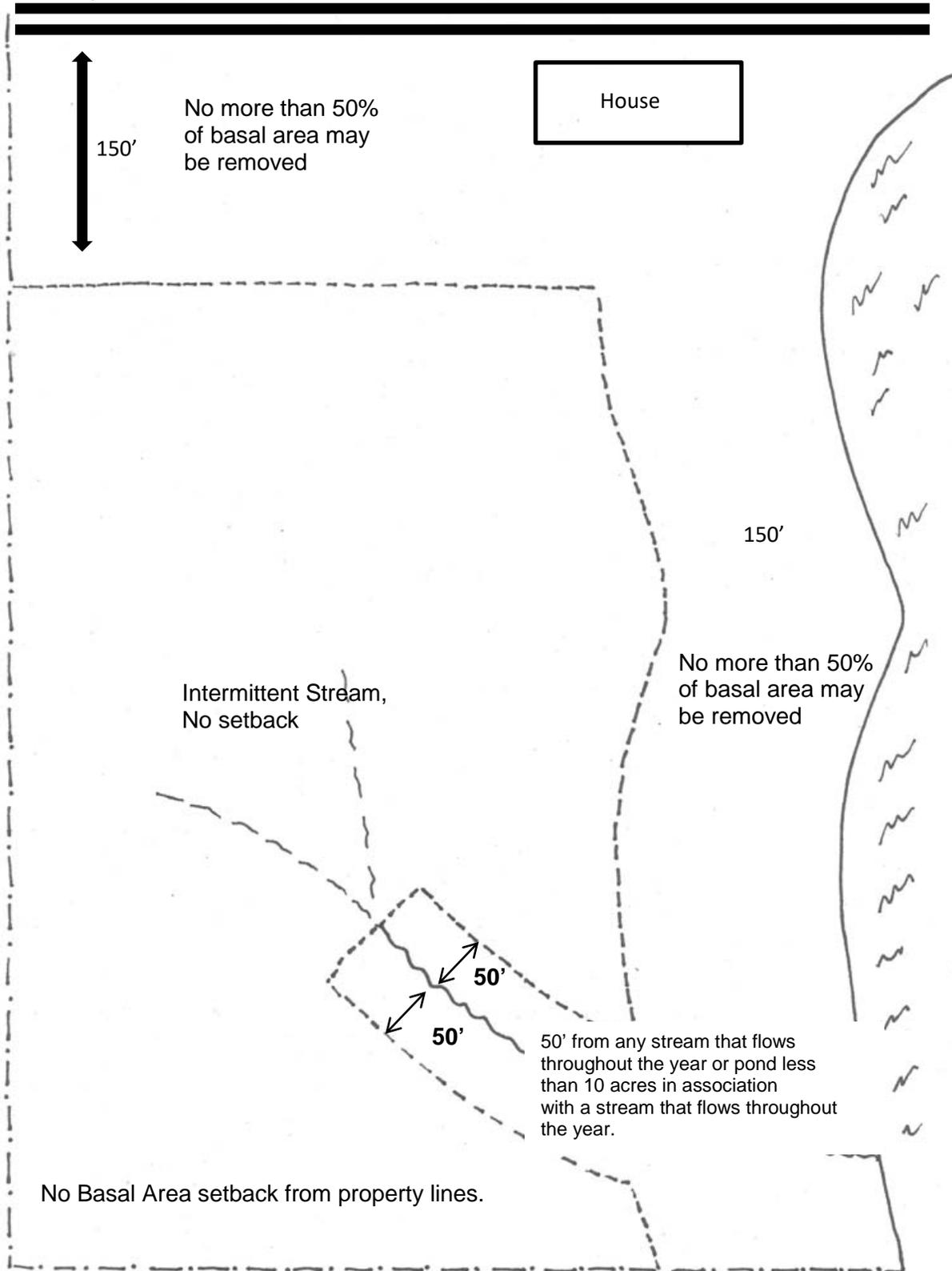
Within 50 feet of:

- any other stream, river, or brook that is not a fourth order or higher stream which normally flows throughout the year.
- any standing body of water less than 10 acres associated with a stream, river or brook, which normally flows throughout the year.

Can I obtain a variance to the Basal Area law?

A landowner may request a variance from the Director of the Division of Forests and Lands to cut more than 50 percent of the basal area along roads, water bodies, or streams. The written request for a variance must include the reason (s) why the variance is necessary and a map showing the location of the property. If the harvest requires approval from local zoning or planning officials, written evidence of such approval must be included with the variance request.

Figure 5. Basal Area Law Map
Public Highway



Great Ponds and fourth order streams

Res 5302.01 Conditions Required to Exceed 50 Percent Basal Area. One or more of the following conditions shall exist in order to qualify for approval to exceed 50 percent basal area:

(a) Cutting up to and including 50 percent of the basal area of trees shall lead to substantial windthrow, mortality or other damage in the residual stand due to stand exposure, shallow or wet soils, stand age or species composition or a combination of these factors;

(b) Salvage of timber is due to damage from fire, insects, diseases, ice, snow, wind or other such natural occurrences;

(c) Public safety is of a prime consideration, due to heavy conifer cover on the south side of major travel routes causing serious icing conditions;

(d) The location of clearings for log yards and truck routes within applicable areas is necessary due to terrain, wet soils, property boundaries, and other site conditions;

(e) Cutting is for the purpose of improving wildlife habitat and can be demonstrated to be part of a long term forest management plan or strategy;

(f) Cutting is for the purpose of a silvicultural strategy or forest management plan for the regeneration of certain forest types requiring removal of overstory trees;

(g) Cutting is for the purpose of a scenic vista or view, providing the area remains in natural vegetation and the purpose is to provide a public benefit;

(h) Cutting is for the purpose of removing vegetation or trees within 150 of an existing dwelling or permanent structure or within 75 feet of the edge of an active agricultural field or crop land, so long as it does not violate the provisions of RSA 483-B; and

(i) Cutting is consistent with the purpose of RSA 227-J:1 as determined by the director.