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NH Timber Harvesting Law Fact Sheet



UNIVERSITY of NEW HAMPSHIRE
COOPERATIVE EXTENSION

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. 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*
- public highway

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.

*Contact the Forestry Information Center for a listing of 4th order streams at 1-800-444-8978 or check the listing on pages 33-36 of *Guide to NH Timber Harvesting Laws*, available on-line at:
<http://ceinfo.unh.edu/Pubs/ForPubs/gtnhthl.pdf>.

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.

What if the Land is Being Converted to Other Uses?

Timber cutting for land conversion purposes, other than timber growing and forest uses, is exempt from the basal area law if those persons intending to convert the use of the land have secured all required local permits including, but not limited to, building, subdivision or zoning permits, excavation permits, or site plan approval necessary for the use to which the land will be converted and are able to furnish proof of such permits.

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Clearing for agriculture that requires no local permits prior to tree removal, except the intent to cut, is therefore exempt from this provision. However, timber cutting for land conversion purposes, other than timber growing and forest uses, that does not require local permits, shall be exempt from this section if conversion occurs within 180 days of exceeding the basal area provisions, or there has been written consent from Director of Forests and Lands to extend the 180 day period.

If the land is being cleared for a subdivision, the subdivision plan must have submitted and approved by the Water Supply and Pollution Control Division of DES in accordance with RSA 485-A:32, III and RSA 227-J:9, III. The plan must be approved before any road construction or land clearing begins. If land clearing begins before the subdivision plan is approved, or before all other necessary permits are obtained, town officials are to notify the Director of the Division of Forests and Lands (RSA 227-J: 9, VII). If the director takes no enforcement action within 10 days, the town may take action to stop the activity, such as issuing a cease –and–desist order.

**BASAL AREA LAW
RSA 227-J:9**

