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http://www.dred.state.nh.us/forlands

UNIVERSITY of NEW HAMPSHIRE
COOPERATIVE EXTENSION

NH Timber Harvesting Law Fact Sheet

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. 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 is 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. Fifty % basal area means one-half of the cummulative total of basal area of all live trees at least 2 inch DBH (diameter breast height).

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:

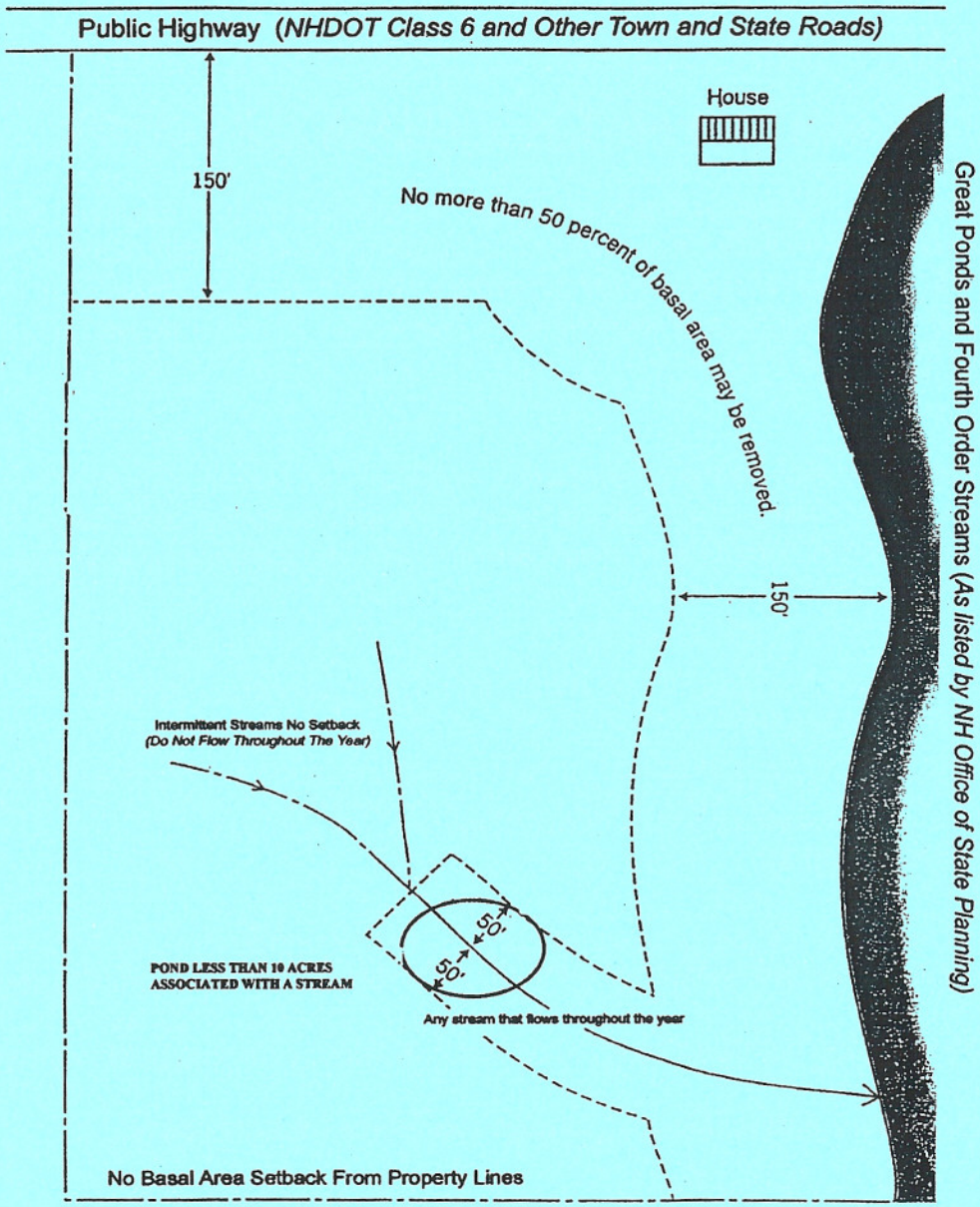
1. any great pond, which is a standing body of water 10 acres or greater in area
2. any 4th order* or higher stream
3. public highway

Within 50 feet:

1. of any other stream, river, or brook that is not a 4th order* or higher stream which normally flows throughout the year.
2. Any standing body of water less than 10 acres associated with a stream, river, or brook, which normally flows throughout the year.

*Contact Forestry Information Center for a listing of 4th order streams at 1-800-444-8978.

Are there exceptions 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 request for a variance must be in writing and approved prior to cutting. Request must be submitted at least 30 days prior to cutting. For more information please contact the Division of Forests and Lands or check the Division web site at: http://www.dred.state.nh.us/forlands

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 this section 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. If conversion does not occur within 180 days, written consent is required from the Director of the Division of Forests & Lands to extend the periord for conversion.

BASAL AREA LAW
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