## DRINKING WATER RESOURCES PROTECTION: SURFACE WATER BUFFER PROTECTION

## **Regulation Language**

It is recommended that communities use the 2022 [New Hampshire Drinking Water Quality Buffer Model Ordinance](https://www.therpc.org/application/files/2416/3854/5164/NHDrinkingWaterQualityBufferModelOrdinance.Dec2021.FINAL.pdf)as a guide. Below are several additional options for coastal communities to consider:

**III. DRINKING WATER QUALITY BUFFER DEFINITIONS, CRITERIA AND REQUIREMENTS**

**B. Drinking Water Quality Buffers**

1. A minimum of 100 feet to ensure water quality protection is supported. A Drinking Water Quality Buffer of 100 feet shall be established from the following:

a. Surface waters actively used as a source of drinking water by a public water system,

b. Contiguous wetlands contributing to the source, as defined by {insert name and section reference of an existing municipal wetlands zoning ordinance}, that are adjacent to the source.

2. A minimum of 75 feet from the ordinary high water mark for all perennial rivers and streams that directly or indirectly discharge into the source.

3. The total buffer width shall be measured as a perpendicular line on the land surface from the reference line, or for rivers, the ordinary high-water mark, as defined under the New Hampshire’s Shoreland Water Quality Protection Act.

*Revise existing wetlands protection district to place additional protection on higher value wetlands based on functional components as determined by the NH method evaluation.*

Procedural Requirements

4. Ensure that a certified wetlands scientist is required, in providing a wetland designation based on the Corps of Engineers Wetlands Delineation Manual, to score wetlands based off their functional areas using the NH method. There are twelve (12) functional areas (i.e., ecological integrity, flood storage, groundwater recharge, sediment trapping and nutrient loading, etc.) from which a community can choose from. Scores resulting from this evaluation shall be used by the wetland scientist to select the required buffer widths as part of the wetland boundary delineation.

Wetland Buffer

5. Buffers are hereby established around and encircling all wetlands other than those that were created as legally permitted sedimentation/detention basins or roadside drainage ditches. The minimum width of the wetlands buffer shall be fifty (50) feet horizontal distance as measured outward from the perimeter edge of the wetland.

6. Certified wetlands scientists shall score the following wetland functions using the NH method: [fill in which of the twelve (12) functional areas were chosen]. The certified wetlands scientist shall use these scores in accordance with the minimum scoring triggers to determine if the wetland is required to have a buffer width larger than the minimum requirement of fifty (50) feet.

7. Buffer Width Guidelines

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| **Buffer Function** | **Required Buffer Width** |
| Minimum buffer width | 50ft |
| One function | 75ft |
| Two or more functions | 100ft |

8. Guidance for minimum function scores

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| **Buffer Function** | **Average Scores\*** |
| Ecological Integrity | 5.63 |
| Wetland-Dependent Wildlife Habitat | 4.3 |
| Fish and Aquatic Habitat | 3.36 |
| Scenic Quality | 2.54 |
| Educational Potential | 2.51 |
| Wetland-based Recreation | 1.63 |
| Floodwater Storage | 2.96 |
| Groundwater | 4.62 |
| Sediment Trapping | 7.16 |
| Nutrient Transformation | 6.83 |
| Shoreline Anchoring | 6.97 |
| Noteworthiness | 8.65 |
| \* *Average scores were taken from the Town of Atkinson.* |

Ensure That Vernal Pools Are Protected

9. If the wetland present is a vernal pool, the buffer width shall be one hundred (100) feet. The State of New Hampshire defines vernal pools in Env-Wt 104:44. According to this definition, a typical characteristic of vernal pools is supporting three or more secondary vernal pool indicators. The state of New Hampshire defines secondary vernal pool indicators in Env-Wt 104.15. The certified wetland scientist shall use these definitions in the distinction of vernal pools.