
Buffer Options *for the* Bay

NAVIGATING REGULATIONS: HOW ARE BUFFER REGULATIONS ENFORCED?

New Hampshire Department of Environmental Services (NHDES) is responsible for enforcement of federal and state regulations related to buffers. NHDES can impose administrative orders and fines of up to \$ 5,000 per violation (multiple violations at a site are possible). Acting through the Attorney General’s Office, they can also seek civil penalties of up to \$10,000 per violation per day and/or criminal penalties up to a misdemeanor for private individuals and felony for corporations.

In cases where the impact is exceptionally large or environmentally damaging or the violator has a prior enforcement history and/or is unwilling to correct deficiencies, NHDES may take more formal actions, such as Administrative Orders, Administrative Fines, or referral to the Department of Justice. Remedial actions, including restoration, frequently require the violator to hire a state-certified wetland scientist or an erosion control specialist to develop and submit a plan to bring the site into compliance.

Often, however, infractions are minor enough to go unnoticed or they do not fall under NHDES jurisdiction. This can lead to a “death by a million small cuts” scenario. While municipal code enforcement officers can access private land, they often don’t. [BOB’s community assessment of community perspectives in the Exeter-Squamscott subwatershed](#) underscored challenges to enforcement, including insufficient capacity, conflicting priorities, the logistical difficulties of implementing and monitoring no clearing and fertilizer ordinances, and the lack of a clear rationale for the regulations.

WHO CAN HELP WITH NAVIGATING BUFFER REGULATIONS?

[Great Bay National Estuarine Research Reserve](#)

[N.H. Department of Environmental Services](#)

[Natural Resource Conservation Service \(NRCS\) Epping Office](#)

[Natural Resources Outreach Coalition \(NROC\)](#)

[Piscataqua Region Estuaries Partnership](#)

[Rockingham County Conservation District](#)

[Rockingham Planning Commission](#)

[Strafford County Conservation District](#)

[Strafford Regional Planning Commission](#)

[University of New Hampshire Cooperative Extension](#)

[University of New Hampshire & N.H. Sea Grant](#)