
ENVIRONMENTAL Fact Sheet



29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • www.des.nh.gov

WD-SP-4

2011

Shorelands Jurisdiction under the Shoreland Water Quality Protection Act

The NH Shoreland Water Quality Protection Act (SWQPA), formally named the Comprehensive Shoreland Protection Act, RSA 483-B, became effective on July 1, 1994 and established the “protected shoreland.” The protected shoreland is all the land located within 250 feet of the “reference line” of public waters.

Within the protected shoreland, certain activities are restricted or prohibited, and others require a permit from the New Hampshire Department of Environmental Services. All activities that are regulated by the DES must comply with applicable local, state and federal regulations. For a complete summary of the minimum standards of the Shoreland Water Quality Protection Act listing the activities and the distances they must be set back from the reference line, see the [Summary of the Shoreland Water Quality Protection Act Minimum Standards](#).

The reference line, used for determining setbacks, is typically the interface between the water and the land for purposes of this act. Determination of the reference line location is waterbody dependent. An explanation of how to locate the reference line for each waterbody type protected under the SWQPA is provided below.

Lakes, Ponds and Artificial Impoundments Greater than 10 Acres

All lakes, ponds and artificial impoundments greater than 10 acres in size are protected under the Shoreland Water Quality Protection Act. The reference line for these waterbodies is the surface elevation as listed in the [Consolidated List of Waterbodies subject to the Shoreland Water Quality Protection Act](#) as maintained by DES.

Fourth Order and Higher Rivers and Streams and Designated River Segments

The jurisdiction of the SWQPA includes all [fourth order and greater rivers and streams](#) and [designated rivers and river segments](#) managed by the NH Rivers Management and Protection Program under RSA 483:15. Stream ordering was determined by using the New Hampshire hydrography dataset archived by the geographically referenced analysis and information system (GRANIT) at the complex systems research center of the University of New Hampshire and developed by GRANIT in collaboration with DES. All rivers and streams protected under the SWQPA are listed on the [Consolidated List of Waterbodies subject to the Shoreland Water Quality Protection Act](#).

The reference line for streams and rivers under the jurisdiction of the CSPA is the ordinary high water mark. The ordinary high water mark is defined as the line on the shore, running parallel to the main stem of the river, established by the fluctuations of water. It is indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high water mark is not easily discernible, the ordinary high water mark may be determined by DES.

Coastal Waters

All coastal waters subject to the ebb and flow of the tide, including the Great Bay Estuary and the associated tidal rivers and streams, are under the jurisdiction of the SWQPA. The reference line for coastal waters is the highest observable tide line, which means a line defining the furthest landward limit of tidal flow. This does **not** include storm events and can be recognized by indicators such as the presence of a strand line of flotsam and debris, the landward margin of salt tolerant vegetation, or a physical barrier that blocks further flow of the tide.

More Information

For more information about the DES Shoreland Program, please go to <http://des.nh.gov/organization/divisions/water/wetlands/cspa/index.htm> .