

TITLE L

WATER MANAGEMENT AND PROTECTION

CHAPTER 483-C

PUBLIC USE OF NEW HAMPSHIRE COASTAL SHORELANDS

Section 483-C:1

483-C:1 Public Use of Coastal Shorelands. –

- I. It is the purpose of the general court in this section to recognize and confirm the historical practice and common law right of the public to enjoy the greatest portion of New Hampshire coastal shoreland, in accordance with the public trust doctrine subject to those littoral rights recognized at common law.
- II. The general court recognizes that New Hampshire holds in "public trust" rights in all shorelands subject to the ebb and flow of the tide to the high water mark and subject to those littoral rights recognized at common law. This "public trust" shoreland establishes the extreme seaward boundary extension of all private property rights in New Hampshire except for those "jus privatum" rights validly conveyed by legislative act without impairment of New Hampshire's "jus publicum" interests.
- III. Any person may use the public trust coastal shorelands of New Hampshire for all useful and lawful purposes, to include recreational purposes, subject to the provisions of municipal ordinances relative to the "reasonable use" of the public trust shorelands.
- IV. The provisions of this section shall in no way be construed as affecting the title of private property owners of land contiguous to land subject to the public trust.
- V. The high water mark which bounds the shoreward extent of the public trust shorelands in New Hampshire, excluding abnormal storm events, means the furthest landward limit reached by the highest tidal flow, commonly referred to as the highest spring or highest "syzygy" tide occurring during the 19-year Metonic cycle. The landward trace of the high water mark in New Hampshire is established by the tidal station data within the contemporary 19-year "National Tidal Datum Epoch" for Portland, Maine, Casco Bay (NOS MAINE 841 8150) as that data is transposed to New Hampshire tidal stations by the "differences" tidal constant established by the National Ocean Service (NOS) of the National Oceanic and Atmospheric Administration (NOAA) for New Hampshire tidal stations and published in the annual "Tide Tables High and Low Water Predictions, East Coast of North and South America, Including Greenland". The contemporary 19-year National Tidal Datum Epoch is the national tidal database maintained by NOS of NOAA.
- VI. For the purposes of this section, "coastal shorelands" means that portion of the shoreland extending to the high water mark.

Source. 1995, 8:1, eff. June 3, 1995.