

U.S. Army
Corps of Engineers
New England District

Navigation

May 22, 2007

Rivers & Harbors Act of 1899

- **The Rivers and Harbors Act of 1899 requires approval from the Corps of Engineers for any work or structures in or affecting navigable waters of the United States.**

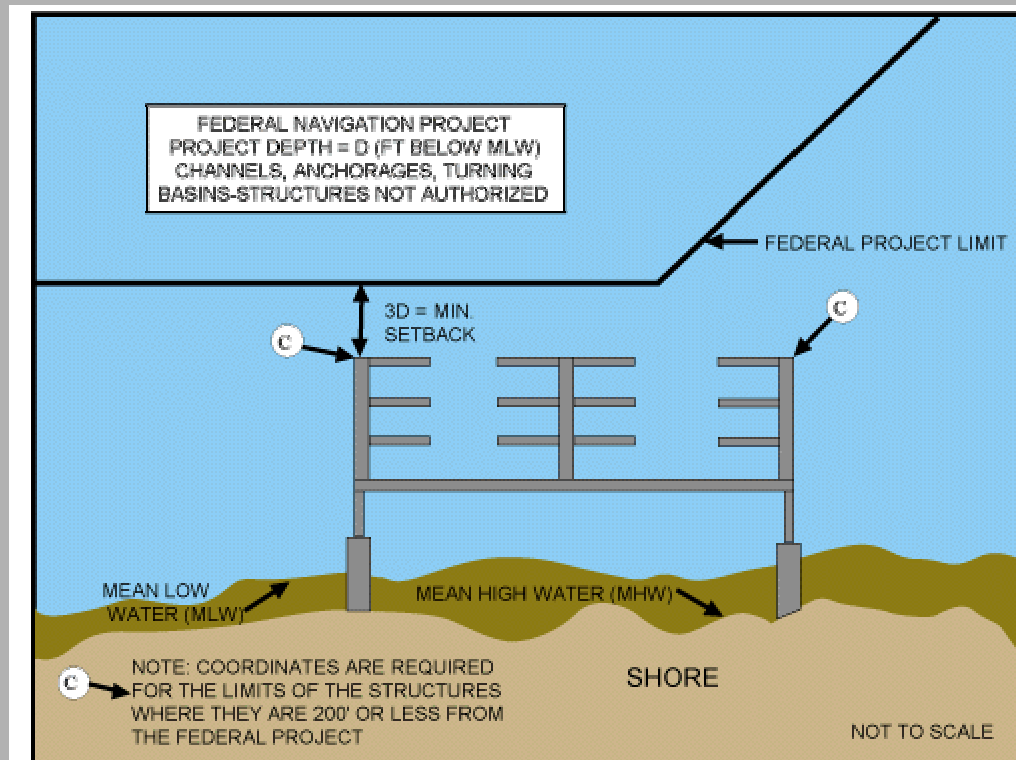
Guidance

- The New England District, U.S. Army Corps of Engineers has developed guidance for the placement of fixed and floating structures in navigable waters. This guidance does not constitute policy or regulation.
- Proposed activities in the areas of FNPs (Federal Navigation Projects) will be evaluated to insure that they are compatible with the purposes of the project.

Guidance (Continued)

- To prevent encroachments into FNP's, recommended setbacks for structures from the FNP limits will be established on a case by case basis. The setbacks can be determined using the following criteria:
 - The typical setback shall be a horizontal distance three (3) times the authorized project depth since Corps projects often specify, for dredging purposes, side slopes of 3H: 1V. This will, over the long term, minimize the need, expense, and inconvenience of forcing people to remove structures to perform dredging or surveys. (See Sketch No. 1)
 - Traditional navigation patterns where because of the type and size of the vessel, existing channel conditions, fishing or recreational activities, closer approach of structures to a FNP is not in the public interest.
 - A greater setback than noted above could be required if the proposed vessels moored at proposed structures would extend into FNP's.
 - The presence of adjacent, authorized structures where it would be reasonable for new facilities to conform to their length to provide safe access to the new structure. In some instances this might authorize a smaller setback than noted above.

Sketch 1

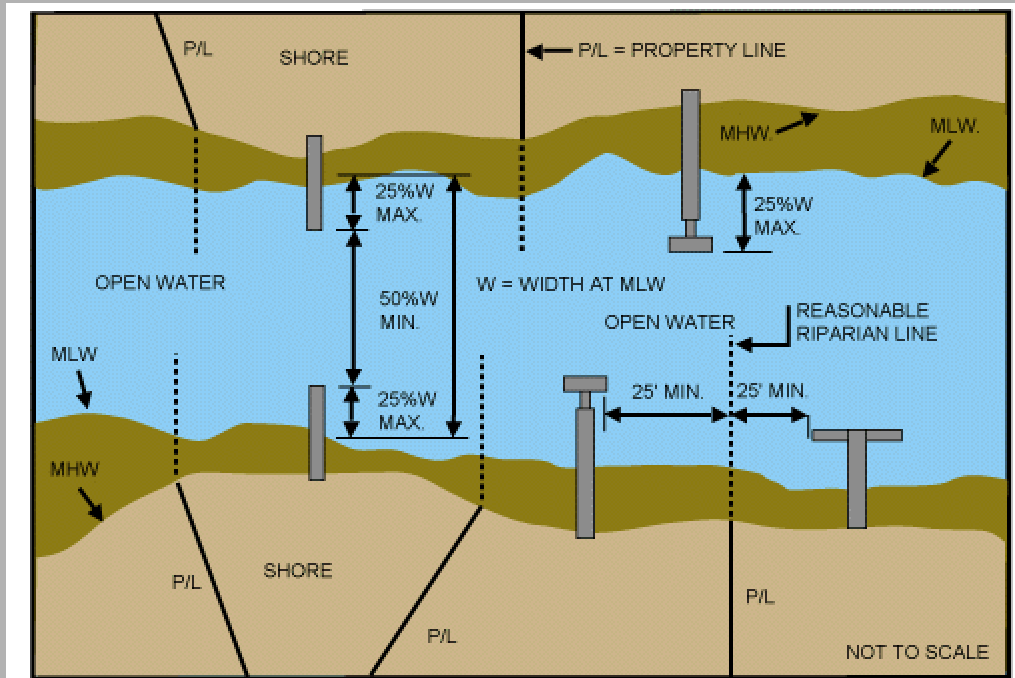


**SKETCH NO. 1: ILLUSTRATION OF GUIDELINES FOR STRUCTURES
NEAR FEDERAL NAVIGATION PROJECTS**

Guidance (Continued)

- An exception to this guidance would be if the applicant is a state or local government proposing to place structures in a Federal Anchorage to provide use to the public with the condition that such facilities would be available on an equal access basis to all citizens of the United States.
- In waterways where there are no FNPs, a reasonable area of public water should be maintained in the public interest to sustain activities such as cruising, fishing, sail boarding, swimming, water skiing, etc. which require open, unobstructed water and should not be eliminated for private interest.
- In such areas, no structure should extend more than 25% of the waterway width at mean low water. This will maintain 50% of the width as open water, an even split, between public and private interest. (See Sketch No. 2)

Sketch 2

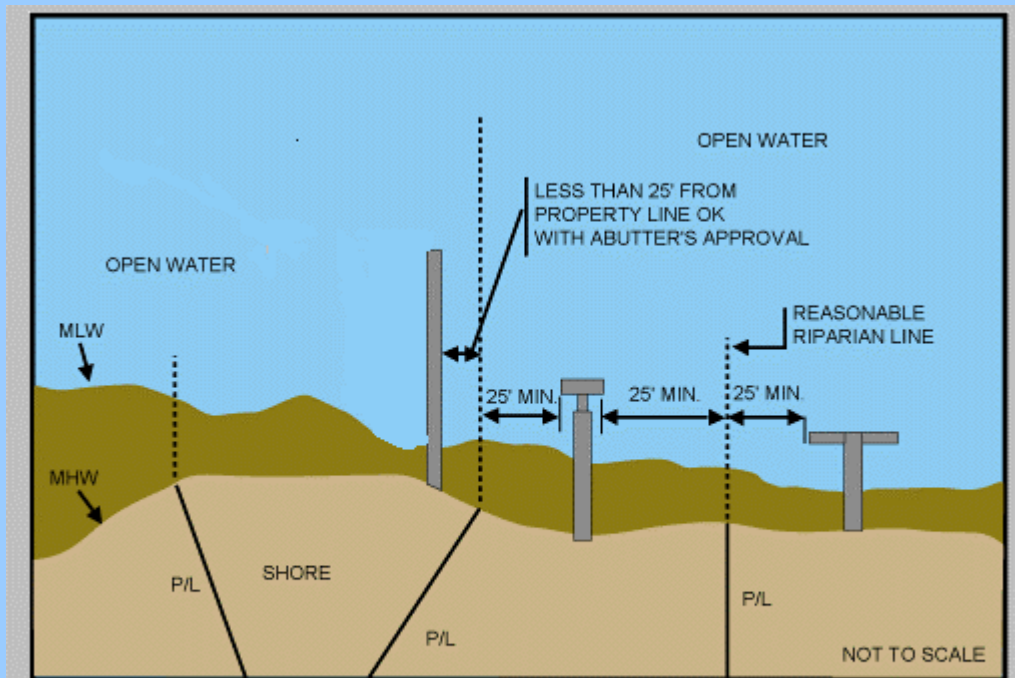


SKETCH NO. 2: GUIDANCE ON LENGTH OF STRUCTURES IN LINEAR WATERWAYS

Guidance (Continued)

- New structures proposed in waterways where there is not a width constriction should conform in length to adjacent structures and customary usage of the surrounding area. In areas where this is not applicable, a reasonable distance will be considered.
- Due to numerous conflicts between neighboring waterfront property owners over access to piers and floats for mooring vessels, we typically require a minimum setback from the reasonable riparian boundary of 25 feet. This is based on the fact that a median sized recreational vessel length is in the range of 32 feet. A minimum turning distance for such a vessel is 1.5 times its own length or 48 feet which we have rounded to 50 feet. Each adjacent facility provides half the required turning distance, which is an equitable distribution of the resource. (See Sketch No. 3) This setback may be modified for site specific conditions.

Sketch 3



SKETCH NO. 3: GUIDANCE ON SPACING STRUCTURES RELATIVE TO ADJACENT PROPERTIES

Guidance (Continued)

- If abutting property owners reach a mutual agreement regarding structures with a smaller setback, that setback may be authorized if either a signed agreement between the parties or a letter of no objection from the abutting property owners is sent to the Corps.