



**US Army Corps
of Engineers®**

What are the Limits of the Corps Jurisdiction?

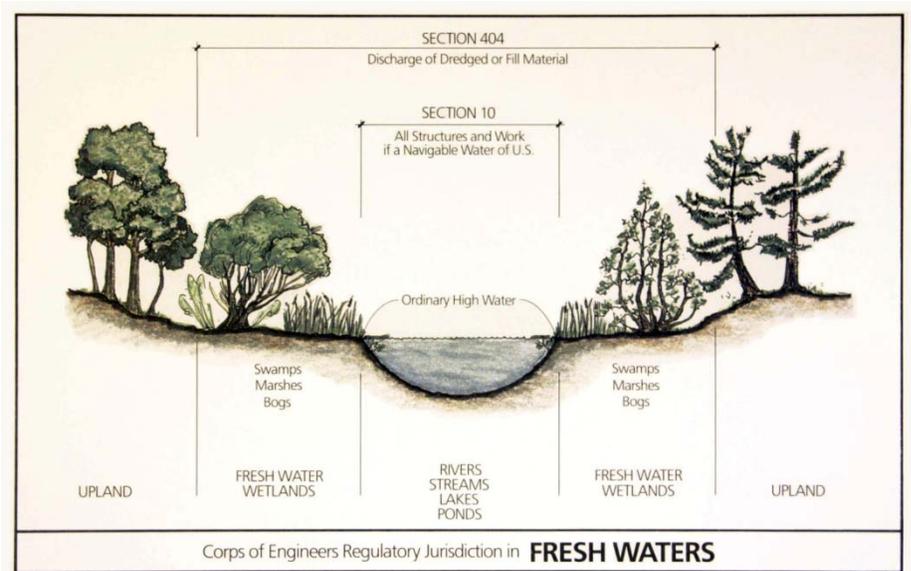
The Corps regulations broadly define two important terms, “waters of the United States” for the purpose of Section 404 of the Clean Water Act; and “navigable waters of the United States” for Section 10 of the Rivers and Harbors Act.

Waters of the United States

The definition of “waters of the United States” includes the following:

- a. Navigable waters of the United States.
- b. Wetlands.
- c. Tributaries to navigable waters of the United States, including adjacent wetlands and lakes and ponds.
- d. Interstate waters and their tributaries, including adjacent wetlands.
- e. All other waters of the United States not identified above, such as isolated wetlands, intermittent streams, and other waters that are not part of a tributary system to interstate waters or to navigable waters of the United States, where the use, degradation or destruction of these waters could affect interstate or foreign commerce.

Section 404 of the Clean Water Act defines the landward limit of jurisdiction as the high tide line in tidal waters and the ordinary high water mark as the limit in non-tidal waters. When adjacent wetlands are present, the limit of jurisdiction extends to the limit of the wetland.



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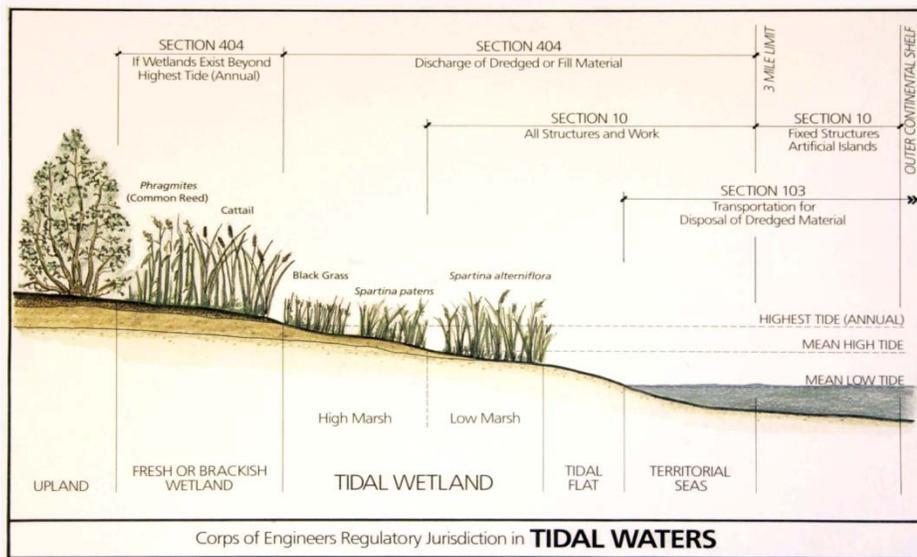
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696 Virginia Road, Concord, MA 01742-2751
website www.nae.usace.army.mil

Navigable Waters of the United States

This term includes the oceans and navigable coastal and inland waters, lakes, rivers, and streams. Corps jurisdiction extends shoreward to the mean high water line.

The Corps general definition of navigable waters of the United States is “those waters subject to the ebb and flow of the tide shoreward to the mean high water mark and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity.”



Within the New England District, the Corps has determined the following to be navigable waters of the United States:

Maine: All tidal waters and their tributaries to the head of tide; Kennebec River to Moosehead Lake; Penobscot River to the confluence of the East and West Branch at Medway; Lake Umbagog within the state of Maine.

New Hampshire: All tidal waters and their tributaries to the head of tide; Merrimack River from the Massachusetts-New Hampshire state line to Concord; Lake Umbagog within the state of New Hampshire; Connecticut River to Pittsburg.

Vermont: Lake Champlain; Lake Memphremagog; many rivers.

Massachusetts: All tidal waters and their tributaries to the head of tide; Merrimack River to the New Hampshire state line; all of the Connecticut River within the state of Massachusetts.

Connecticut: All tidal waters and their tributaries to the head of tide; Connecticut River to the Massachusetts state line.

Rhode Island: All tidal waters and their tributaries to the head of tide.

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