US Army Corps of Engineers ®
New England District

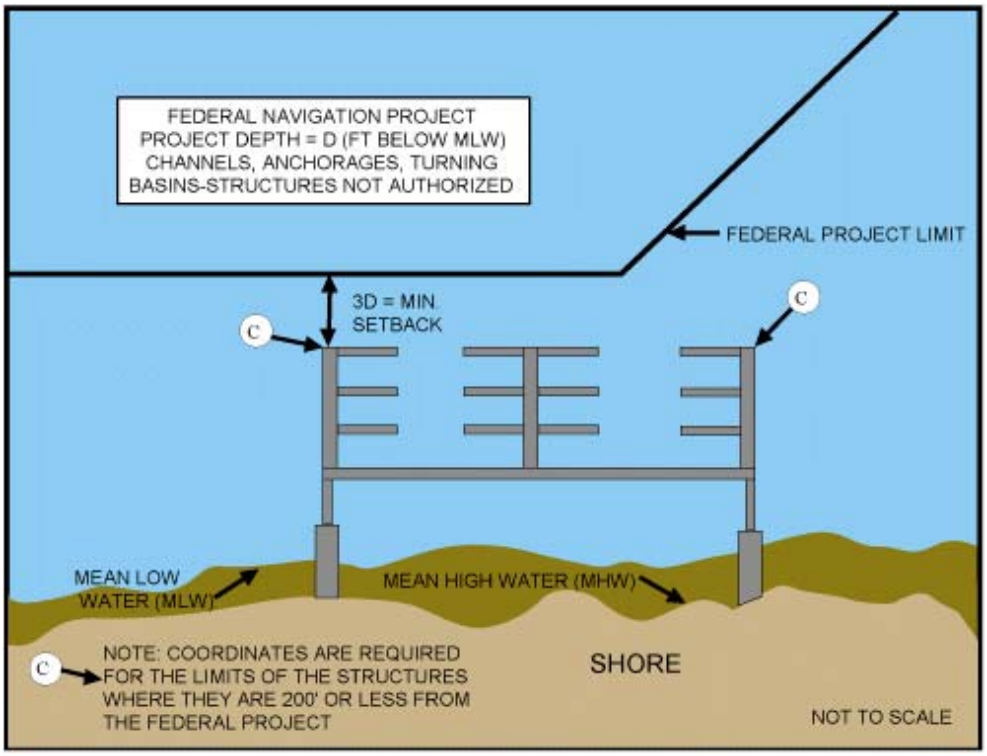
Guidelines

For the placement of fixed and floating structures in navigable waters of the United States by the Regulatory Program of the New England District, U.S. Army Corps of Engineers

1. These guidelines have been developed due to the intense pressures of development in our coastal waters and on the adjacent land which have led to increasing conflict between users of these resources. They attempt to provide common sense guidance in allocating space for structures in navigable waters, recognizing reasonable use expectations of the general public and waterfront landowners. These guidelines do not constitute policy or regulation. They do, however, provide guidance for project design which typically will not generate adverse public comment or result in permit denial.

2. There is no statutory or regulatory prohibition against the Corps issuing regulatory permits authorizing structures or other work in Federal Navigation Project (FNP). However, the Corps permit regulations require district and division commanders to consider the extent to which that proposed work may be in conflict with the uses (and their respective navigational requirements) at issue when the FNP was authorized as well as with subsequent maintenance dredging activities. In general, the Corps discourages and has not permitted structures in FNPs, except as noted in paragraph 6 below. FNPs are typically channels, turning basins and anchorages.

3. In those cases where a project is proposed within two hundred feet (200') of a FNP the applicant shall determine and show the state plane coordinates for the extreme lateral limits of his project, the point on structures furthest beyond mean high water (MHW), and the point of closest approach of any structure to the FNP (see sketch no. 1).



Sketch No. 1: Illustration of guidelines for structures near federal navigation projects.

4. Similarly, structures which may cause an intrusion into FNPs will typically not be permitted. FNPs are channels and anchorages created at public expense. Examples of intrusions are permanently moored vessels, fish harvesting devices, etc.

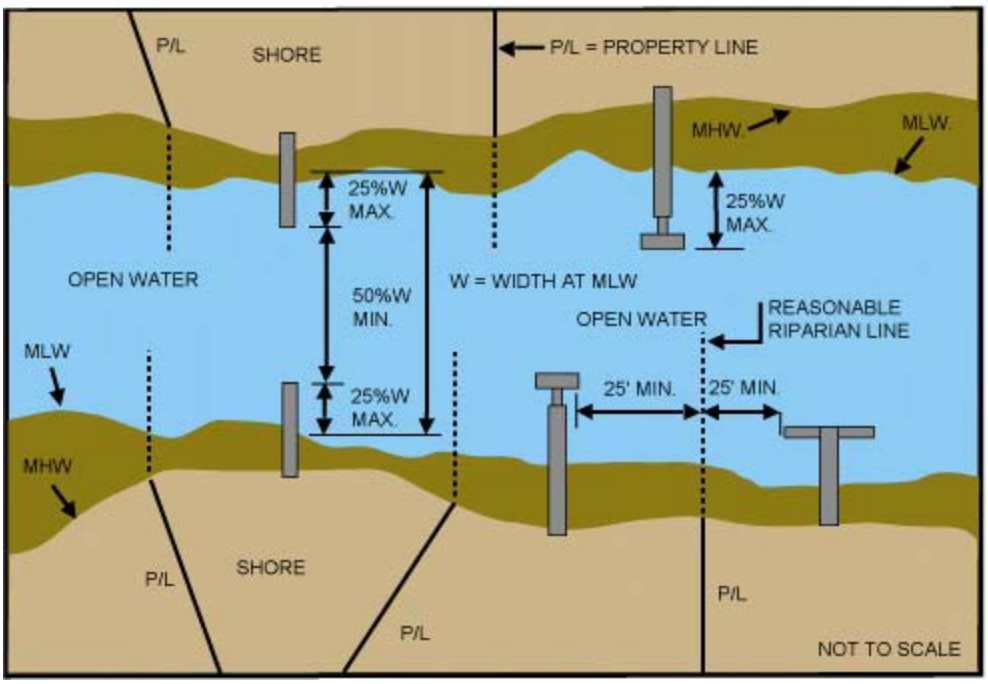
5. To preclude intrusions into FNPs, appropriate setbacks for structures from the project limits may be established on a case by case basis. The setbacks can be determined using appropriate criteria such as:

    A. Project maintenance requirements. 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 dredge (see sketch no. 1).
    B. Traditional navigation patterns where because of type and size of vessel, channel conditions, fishing or recreational activities, etc. closer approach of structures to a FNP is not in the public interest.
    C. The configuration and capacity of structures proposed adjacent to FNPs to facilitate intrusion into it. An example would be a pier capable of mooring vessels longer than itself which would extend into the FNP. Such structures would require a greater setback than noted above.
    D. 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.

6. An exception to the guideline regarding FNPs, structures may be favorably considered where the applicant is a state or local government who would place such structures in a Federal Anchorage to provide greater or more effective use to the public, with the condition that such facilities would be available on an equal access basis to all citizens of the U.S.

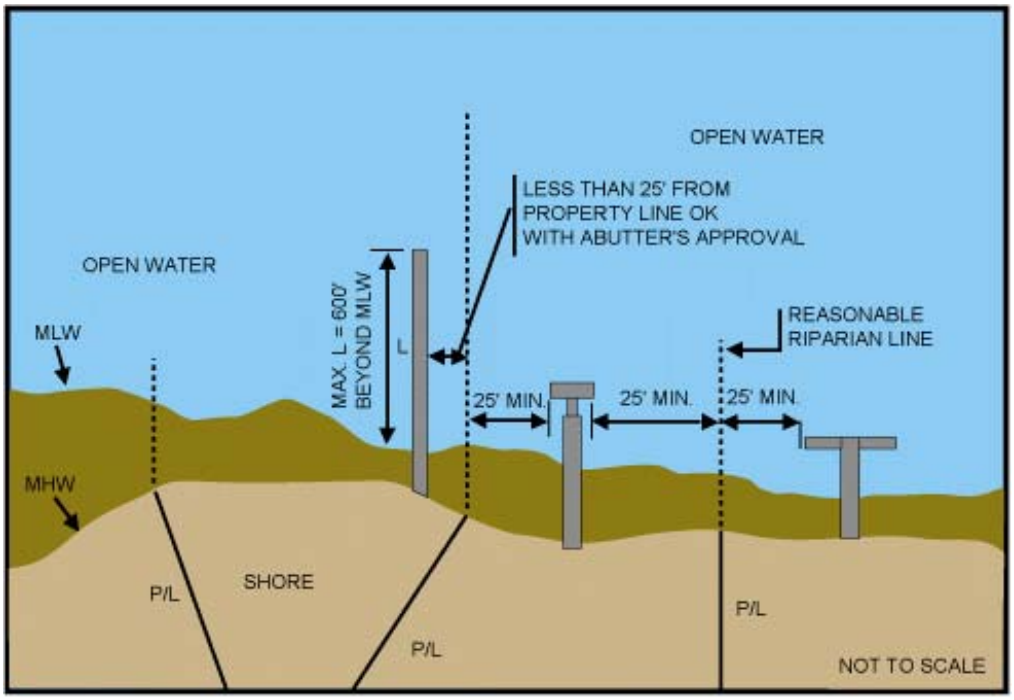
7. In a linear waterway, i.e., river, canal, narrow estuary, etc., a reasonable area of public water should be maintained in the public interest to sustain activities not specifically related to simply transiting the area in safety. Such activities are cruising, fishing, sail boarding, swimming, water 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 No. 2: Guidance on length of structures in linear waterways.

8. A maximum intrusion into a waterway in areas where there is not a physical width constriction is also desirable to preclude excessive loss of public water usage. In general, new structures should conform in length to adjacent structures and customary usage of the surrounding area. In areas where existing structures and usage do not seem applicable, a reasonable maximum authorized distance beyond mean low water of 600 feet (the traditional cable length) will be used. This may be modified if necessary for site specific conditions or public benefit (see sketch no. 3).



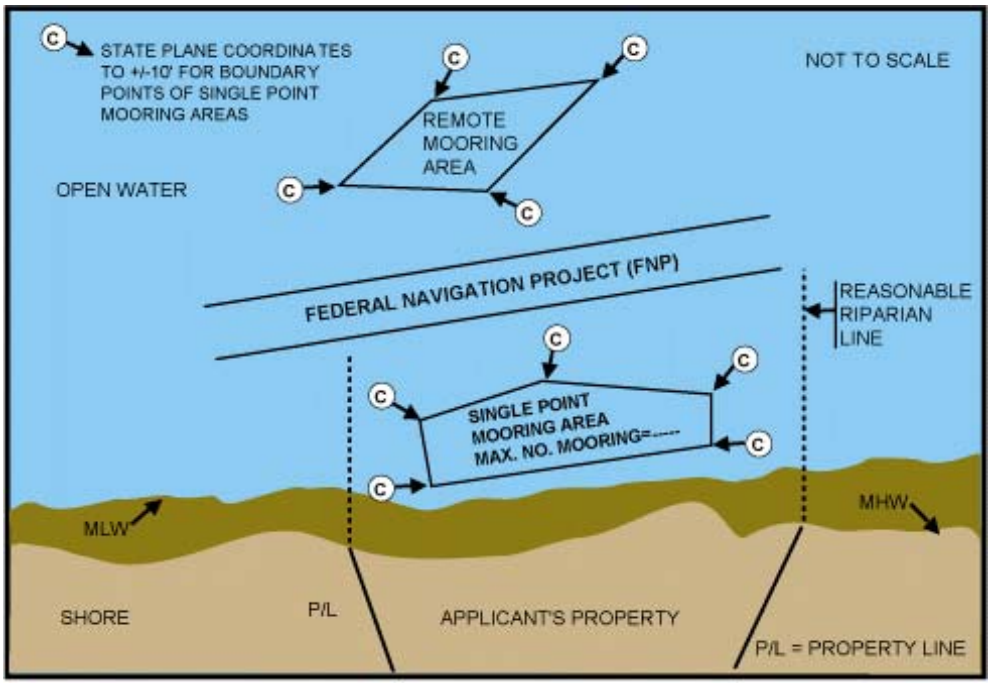
Sketch No. 3: Guidance on spacing structures relative to adjacent properties and maximum length beyond mean low water (MLW).

9. Numerous conflicts between neighboring waterfront property owners have arisen during our permit review process concerning the spacing of projects relative to riparian lines (demarcations of rights in the water associated with owning waterfront property). These conflicts are generally concerned with 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).

   If abutting property owners reach a mutual agreement regarding structures which has a lesser setback, that setback may be authorized, if the applicant agrees to record any ensuing Corps permit which will have that agreement as a condition and the abutter's letters of no objection, with the Registrar of Deeds, or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property.

10. Fields of individual single point moorings shall be defined by a polygonal area whose angle points are defined by coordinates, to within 10 feet, in the applicable state plane coordinate system and by a maximum number of moorings authorized within it. A rule of thumb for the area needed by a vessel on a single point mooring is a circle with a radius equal to vessel length plus five times the depth of water at high tide. This can be reduced but the minimum should be length plus three times water depth.

    These mooring fields should be in reasonably close proximity to the applicant's property and preferably encompassed by his reasonable riparian lines and far enough offshore to keep noise disturbance to other shore owners in reasonable limits and not restrict reasonable future development by these owners. If mooring areas remote from the applicant's property are proposed, a clear description of why this is necessary and what are the potential positive and negative impacts to the public's use of the water may occur (see sketch no. 4).



Sketch No. 4: Illustration of guidelines for single point mooring fields.