

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Commander's Policy Memorandum # 5 - Setbacks Along Federally Authorized Waterways

1. Purpose. This memorandum provides general policy and guidance for setbacks of piers, docks, or any other waterfront structures constructed along federally authorized and maintained navigation channels within the U.S. Army Corps of Engineers, Wilmington District. It is the intent of this policy to both equitably manage the construction of structures along the Federal channels while preserving the Government's ability to maintain such waterways.
2. Applicability. This policy amends the prior policy of 18 August 1999 and applies to all permit applications received after the date of this memorandum, pursuant to Section 10 of the River and Harbor Act, 33 USC, Section 403, and potentially Section 404 of the Clean Water Act for the construction and placement of docks, piers, and other structures along federally authorized and maintained shallow draft navigation channels within the Wilmington District. This policy will not apply to Federal projects that have established harbor and pierhead lines or where setbacks have been established by law. This policy statement is an internal Wilmington District guidance; it is not a permit to be utilized by the public.
3. Definitions. Shallow draft navigation channels are federally maintained navigation channels with project depth dimensions less than 18 feet mean low water.
4. General. The following setbacks are designed to ensure that no structures encroach beyond the top edge of the navigation channel and that there is sufficient clearance for dredging the navigation channel. Absent unusual circumstances, the following guidelines will apply.
 - a. Except as provided in subparagraphs b., c., and d. below, piers, docks, or other waterfront structures should not extend any closer to the near bottom edge of the Federal channel than the sum of three times the project depth plus 2 feet overdepth, plus 10 feet. (Example: 6-foot project + 2-foot overdepth = 8 feet x 3 + 10 feet = 34-foot setback from near edge of channel)

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b. Atlantic Intracoastal Waterway. Piers, docks, or other waterfront structures should not extend any closer to the near bottom edge of the Federal channel than 80 feet.

c. Inlet Navigation Projects. Many of the Federal navigation projects involving channel maintenance within ocean inlets follow the deepest water at the time of maintenance, as opposed to established project limits (fixed Federal channel). Due to the unstable nature of inlets and resultant relocation of project channels within those inlets, piers, docks, or other waterfront structures shall not be constructed within the inlet area, defined as the area from the ocean limits of the project through the natural deep water of the gorge to its intersection with the AIWW or other fixed Federal channel.

d. Small Boat Harbors and Harbors of Refuge. Piers, docks, or other waterfront structures should not extend any closer to the near bottom edge of the Federal channel than the sum of three times the project depth plus 2 feet overdepth. (Example: 6-foot project + 2-foot overdepth = 8 feet x 3 = 24-foot setback from the near edge of the channel) This provision shall only apply where there is no through channel passing through or connecting to the harbor.

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