

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Commander's Policy Memorandum # 20 – No Wake Zones

1. Purpose. This memorandum provides general policy and guidance for establishing and marking "No Wake Zones" along navigation channels within the U.S. Army Corps of Engineers, Wilmington District.
2. Applicability. This policy applies to all permit applications pursuant to Section 10 of the Rivers and Harbors of 1899, 33 USC Section 403, for the establishment and/or marking of "No Wake Zones" along navigable waterways. In addition to permitting authority under Section 10 authority, The District Engineer is also authorized to direct the "use, administration, and navigation of navigable waters, Federal locks and hurricane gate chambers" pursuant to 33 CFR 207.160. The Wilmington District has, since the early 1970's, considered that, absent overriding safety concerns, "No Wake Zones" within federally authorized and maintained waterways are an unreasonable interference with navigation and the navigable capacity of the Federal channel. This memorandum formalizes this unwritten policy. This policy statement is internal Wilmington District guidance; it is not a permit to be utilized by the public.
3. Definitions. Federally authorized and maintained navigation channels are those channels the construction, improvement or maintenance of which are authorized by Congress; marked by the Federal government; and maintained by the U.S. Army Corps of Engineers. Navigable capacity is the ability of the channel to accommodate the movement of waterborne commerce and the public rights of navigation for which the Federal channel was designed and authorized.
4. General. The Wildlife Resources Commission and the U.S. Coast Guard administer rules for water safety in North Carolina. The North Carolina Boating Safety Act provides a process for any subdivision of the state to make a formal application to the Wildlife Resources Commission to establish a boating restriction related to water safety. The Wilmington District Regulatory Division will not consider an application for boating restrictions on any navigable waters until the Wildlife Resources Commission or the U.S. Coast Guard have determined that it intends to enforce such a restriction. Once such a determination has been made, the Wilmington District will review the proposed boating restriction and associated signage by the most efficient means available. In navigable

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waters that are not federally authorized and maintained, this will typically be by general permit. For requests affecting federally authorized and maintained waters, the Wilmington District will issue a public notice and notice to mariners to solicit public comments as part of the permit process.

5. Federal Projects/Navigation Channels. "No Wake Zones" and other boating restriction markers on Federal navigation channels will not be permitted unless the District Engineer determines that substantial safety concerns exist and that the restriction will remedy those concerns without significant impacts to the "navigable capacity" of the Federal channel. Other means of addressing such safety concerns will have to be considered before a "No Wake Zone" will be authorized. Any authorization will be limited to the absolute minimum area necessary to address the safety issue.

CHARLES R. ALEXANDER, JR.
Colonel, EN
Commanding

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