

# SETBACK GUIDANCE FOR STRUCTURES ALONG CERTAIN FEDERAL CHANNELS

## FREQUENTLY ASKED QUESTIONS



AUGUST 2013

### 1. What is the setback guidance?

The setback guidance was established to provide the criteria by which structures proposed to be constructed along the federal channels are evaluated, to allow for the safe navigation and periodic maintenance of those federal channels. The complete setback guidance document may be found on our website at [www.saj.usace.army.mil](http://www.saj.usace.army.mil); click on Missions, then Regulatory, then Items of Interest.

### 2. What waterways does the setback guidance apply to, and what is the concern regarding structures along these waterways?

The waterways to which the setback guidance applies include the federal channels on the Atlantic Intracoastal Waterway (from the Florida state line to the St. Johns River), Intracoastal Waterway (east coast of Florida from the St. Johns River to Miami), the Intracoastal Waterway (west coast of Florida from the Caloosahatchee River to the Anclote River) and the Okeechobee Waterway (W.P. Franklin Lock west to Punta Rassa and from the St. Lucie Lock east to the Intracoastal Waterway). The U.S. Army Corps of Engineers is responsible under the Rivers and Harbors Act of 1899 to maintain the nation's navigable waterways. Structures along these waterways, including docks, can hinder navigation and the Corps' ability to operate and maintain the federal channel.

### 3. How do structures on private property affect the Corps' ability to maintain the federal channel?

As a property owner, it's important for you to enjoy the benefits that come with your waterfront property, including access, aesthetics and property value. It's also important for the Corps to maintain a safe waterway in an efficient and cost-effective manner in support of commerce, national defense and recreation.

We must provide minimum operational clearance for a growing number of faster, longer and wider vessels using the waterway. Multiplying fixed shoreline structures (including docks, dock pilings, bulkheads, rock revetments, boatlifts and moored vessels), together with channel shoaling, have created potentially dangerous situations. Smaller, recreational watercraft that once used the outer boundaries of the channel have been forced into the main channel, where they must share space with much larger and slower moving vessels. This problem is magnified in congested areas such as bridge crossings and channel bends. Though the revisions to the setback criteria are relatively minor, they are necessary to ensure that we keep pace with changing conditions on these busy public waterways that are so important to all.

### 4. What changes have been made to the 1998 setback criteria?

The revisions to the 1998 guidance are relatively minor. The updated guidance clarifies how the criteria is applied to existing structures – docks as well as riprap, submerged bulkheads and wave breaks – all of which can hinder navigation and the government's ability to operate and maintain the federal channel. Under the new guidance, there are width restrictions for those structures that may be located less than 62.5 feet from the near design edge of the channel. Additionally, the minimum setback has been revised from three times the federal channel project depth to three times the project depth plus two feet, to compensate for the accuracy requirement of plus or minus one foot for the X&Y coordinate surveys.

### 5. What authorizations are required to construct a structure along the waterway?

In accordance with the Rivers and Harbors Act of 1899,

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each structure must receive a Department of the Army permit, issued by the Corps. A Consent to Easement is also required if the structure is located within the federal easement adjacent to the channel. All structures must meet the setback criteria designed to keep obstructions as far from the federal channel as is practicable.

## 6. What is the process and cost for acquiring a permit?

Any new, replacement or modified structure along the federal channels covered by the setback guidance requires a Department of the Army permit and possibly a Consent to Easement. Once a complete application, including drawings, is submitted, the Corps will review the application and process it on a first-come, first-served basis. The maximum cost for a Department of the Army permit is \$100; however, the actual fee will depend upon the type of permit required. The Consent to Easement typically costs \$300.

## 7. My dock was built before the previous setback variance was established. How does the criteria apply to me?

Existing, currently serviceable structures that were previously authorized by the Corps may be repaired, provided they do not exceed the authorized distance from the channel. If an existing structure is destroyed by an act of nature, or if an applicant proposes to modify an existing structure, a new permit application will be required which will be reviewed under the revised setback guidance.

## 8. I am not sure if my structure extends beyond the setback limits. Who should I contact to quest information on the position of my structure relative to the channel?

Hiring a land surveyor who is professionally registered within the state of Florida is a good way to ensure that you receive accurate data regarding the location of your structure relative to the channel. This data should then be submitted to the Corps for verification of the distance between your structure and the channel.

## 9. Who should I contact if I have questions regarding the status of a permit for my structure?

If you have a question as to whether you have or require a federal permit for your structure, you may contact our Regulatory Division at 904-232-1177. If you wish to determine the status of Consent to Easement on your property, you may contact our Real Estate Division at 904-232-3872. For questions regarding the technique used by the Corps to verify the distance of the structure from the channel, you may contact our Navigation Section at 904-232-2258.

## 10. I recently bought a home in the area, what do I need to do to ensure that I am in compliance with the permitting requirements?

If possible, check with the previous owner to determine if they had received federal authorization for the structure or dock. If you are unable to do so, you may contact our Regulatory Division at 904-232-1177 and provide information about the previous owner and location so that we may query our database.

## 11. If I do not bring my dock into compliance with the federal guidelines, what will happen?

The Corps will take all appropriate steps to ensure the maximum safety for all users of the federal navigation channel. This could include legal action and the removal of your structure/dock at your expense.

## 12. I am planning on selling my home. Can I transfer my permit to the new owner?

A copy of a Transfer of Permit notice was included with your permit. Please work with the buyer to complete the appropriate page and submit it to our Regulatory Division for processing. You should receive a notice indicating that your request for transfer has been successfully processed. If you have lost your transfer form, you may call the Regulatory Division at 904-232-1177 for a replacement.

## FOR MORE INFORMATION



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904-232-1177

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