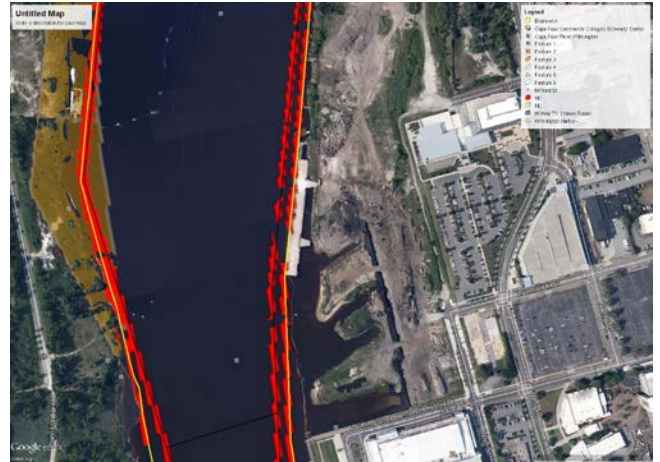




US Army Corps  
of Engineers  
Wilmington District

# City Marina of Wilmington, LLC Downtown Wilmington Marina New Hanover County, NC (Regulatory)

- **City Marina of Wilmington (permittee) is constructing a marina along the Northeast Cape Fear River, in downtown Wilmington, NC.**
- **The project was not constructed in accordance with the permit drawings and the floating docks located water-ward of the harbor line have interfered with the maintenance dredging of the 32 foot turning basin of the Wilmington Harbor Project.**



CONGRESSIONAL DISTRICT: NC - 3

DATE: 23 February 2015

## 1. PURPOSE.

To provide information regarding the current status of the non-compliance issues associated with the City Marina of Wilmington's marina project. The project is located in the Northeast Cape Fear River, between Harnett Street and Cowan Street, in downtown Wilmington, New Hanover County, North Carolina. AID#: SAW-2005-01105

## 2. BACKGROUND.

a. On August 2, 2007, a Section 10 and Section 404 permit was issued to City Marina of Wilmington for the construction of marina within the Northeast Cape Fear River. This permit was renewed in 2012.

b. Through coordination the Corps became aware that the project may be interfering with the maintenance of the 32 foot turning basin of the Wilmington Harbor Project. On October 8, 2014, the Corps inspected the site and found that some dock pilings were installed an average of 5 feet water-ward of the harbor line (fixed concrete dock) and that the pilings were installed through the middle of the floating dock. The Corps determined that the project is not in compliance with DA permit.

c. On October 20, 2014, the Corps mailed the permittee a letter describing the non-compliance issues and the project's interference with the maintenance of the Federal project. In the letter, the

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Corps requested the permittee to reinstall the pilings located within the harbor line in a way that is in compliance with the permitted plans or provide the Corps with a plan that allows the floating docks to be removable to accommodate periodic maintenance dredging of the Federal project.

d. In a letter dated October 31, 2014, the permittee responded to the Corps' October 20, 2014 non-compliance letter and stated that the current structures were within the project's permitted footprint and that the permit authorizes all necessary devices for a full service marina, including utility and fuel lines, which cannot be removable; therefore, making the floating dock structure a permanent fixture.

e. The Corps met with the permittee on October 6, 2014, October 23, 2014 and October 31, 2014 to discuss the project's interference with the maintenance of the Federal project and/or non-compliance issues.

f. The permittee and the Corps have not been able to agree to any remedial actions that include the removal or modification of the floating dock to allow the Corps to operate and maintain the Federal project.

g. On December 1, 2014, the Corps sent a letter to the permittee that suspends the DA permit for the marina project. The permittee was given 10 days to request a meeting or a public hearing to present information on the matter.

h. On January 14, 2015, the Corps met with the permittee at his request. The permittee stated that, given the proper authorizations, they could maintain the required dredging depths within the vicinity of the floating dock to prevent the need for dredging by the Corps. If dredging could not be met, then the dock could be removed by means of removing the piers or cutting them and floating the dock to a safe location. The need to have fuel lines affixed to the floating dock was also argued for, which was not authorized with the original permit, and an expectation to service 400-foot yachts was mentioned. The permittee was given two weeks to fully respond to the December 1, 2014 letter in writing describing how all issues will be addressed.

i. On February 2, 2015 a response letter was received and on February 11, 2015 the Corps met to discuss it and ways to move forward. It was determined that the existing permit will have to be modified to include fuel lines on the floating dock and a separate permit will be required to authorize maintenance dredging along the floating dock.

### 3. CURRENT STATUS.

The Corps will compose a letter of response to the permittee stating the above.