



US Army Corps  
of Engineers  
Wilmington District

## Southport Marina Brunswick County, NC

- Federal project proposed for deauthorization.
- Marina owners were allowed to rebuild docking structures to pre-storm conditions (with additional docks & slips) within the federal navigation channel and channel setback limits.
- Current USACE guidance prohibits placement of structures within the federal navigation channel and channel setback limits.



Southport Marina highlighted adjacent to the AIWW

CONGRESSIONAL DISTRICT: NC 3

DATE: 10 MARCH 2023

1. **AUTHORIZATION:** River and Harbor Acts of 1912, 1927, and 1937, as amended. Regulatory Permit Authorization pursuant to Section 10 of the Rivers and Harbors Act (1899).
2. **LOCATION AND DESCRIPTION:** Southport Marina is located in southeastern North Carolina adjacent to the Atlantic Intracoastal Waterway (AIWW) in the town of Southport, situated in Brunswick County. The Southport Marina includes a Federal project, authorized as the North Carolina State Ports Southport Small Boat Harbor, which is located north of the AIWW navigation channel. The Federal harbor consists of an entrance channel, 150 feet wide and 400 feet long; an eastern harbor-access channel, 70 feet wide and 430 feet long; and a western harbor-access channel, 60 feet wide and 185 feet long, to a turning basin, 180 feet wide and 550 feet long waterway, all to a depth of 6 feet. (Reference above photo.)

Southport Marina was sold in 2016 by the North Carolina State Ports Authority to Preston Development, a commercial entity, and now operates as a private marina and contains at least 25 private boat slips within the Federal Small Boat Harbor turning basin and a refueling facility within the entrance channel.

3. **ISSUE AND OTHER INFORMATION:** Southport Marina contains both a federal navigation channel as well as a non-federal basin. Docking facilities were established in the non-federal portion of the basin prior to the 1990s. Docking and fueling facilities were permitted and

constructed within the federal navigation channel between 1997 and 2007 via several authorizations and modifications. Records show that these authorizations were not fully coordinated to account for operational consideration regarding the USACE navigation project. However, since 2010, requests to expand the facilities further into the federal navigation channel have been denied.

The District Command's Policy Memorandum No. 5, *Setbacks Along Federally Authorized Waterways*, states "*Existing, piers, docks, or other waterfront structures destroyed beyond repair by a storm, act of nature, or other sudden event, will only be replaced in accordance with the current Wilmington District setback policy, as well as any USACE Regulatory and North Carolina Division of Coastal Management permit requirements.*" The current District setback policy states no new nor reconstruction or redevelopment of existing structures, will be allowed with the authorized boundaries of any Federal channel or setback limit. The setback limits for small boat harbors, which includes Southport Marina, is 15 feet.

**CURRENT STATUS:** Hurricane Isaias made landfall in southeastern North Carolina on August 3, 2020, which resulted in the complete destruction of all pier and docking facilities in the marina. On August 25, 2020, a Coastal Area Management Act (CAMA) Emergency General Permit was issued by the North Carolina Division of Coastal Management to rebuild the marina. On September 2, 2020, Wilmington District received a modification request to expand the docking facilities and relocate the fueling dock further into the federal navigation channel. The modification request was denied based on the setback encroachment. In January 2021, the District Commander approved the fuel dock and previously existing docks to be reconstructed to pre-storm conditions within the federal navigation channel, however, it was acknowledged that the District should seek deauthorization of the project, since as a private entity, it no longer serves its originally authorized navigation purpose.