

# *Town of North Topsail Beach*

Daniel Tuman, Mayor  
Tom Leonard, Mayor Pro Tem  
Aldermen:  
Suzanne Gray  
Don Harte  
Richard Macartney  
Richard Peters



Stuart Turille  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

*Winner of 2014 Best Restored Beaches Award*

June 20, 2014

The Honorable Walter B. Jones, Jr.  
2333 Rayburn House Office Building  
United States House  
Washington, D.C. 20515

RE: Response to USFW Testimony at the April 8, 2014 House Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs Legislative Hearing on H.R. 187: To correct the boundaries of CBRS Unit L06, Topsail, North Carolina

Dear Congressman Jones,

On behalf of the Board of Aldermen, citizens, and property owners of North Topsail Beach, this is a response to USFW Testimony submitted to the House Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs legislative hearing held on Tuesday, April 8, 2014 on H.R. 187, to correct boundaries of the John H. Chafee Coastal Barrier Resources System Unit L06, Topsail, North Carolina.

It was testified that a July 28, 1982 memo from the Coastal Barrier Task Force to the Secretary of the Interior on the Interim Proposed Undeveloped Coastal Barrier Designation for the Topsail Unit (L06), North Carolina states:

“aerial photography taken April 30, 1982, verifies the existence of the components including a linear beach feature, sand dunes, and landward aquatic habitat within the area proposed for designation as an undeveloped coastal barrier. In addition, those aerial photographs confirm the lack of sufficient structures and other facilities or visible impacts to consider the area proposed for designation developed as defined by the statute.”

Furthermore, it was also testified that, with the exception of some areas excluded from the system, the level of infrastructure in North Topsail Beach at that time was “the presence on a coastal barrier of a single road, or even through highway, plus associated transmission and water and sewer lines in this highway corridor does not constitute the necessary full complement of infrastructure necessary to support development.”

In response to the USFW testimony above, it is the position of the Town of North Topsail Beach that the Coastal Barrier Task Force erred in its findings for their July 28, 1982 memo. This error was caused by relying on aerial photography rather than investigating for factual records and

documentation at the time. They failed to consider the full criteria for a coastal barrier that is considered (already) developed. The full criteria (Federal Register/Vol. 47, No. 158/ Monday, August 16, 1982/Proposed Rules) that should have been considered are as follows:

“All or part of a coastal barrier will be considered developed, even when there is less than one structure per five acres of fast land, if there was a full complement of infrastructure in place. This is consistent with the clear intent of Congress on this point (Congressional Record, July 31, 1981, p. H5793). A full complement of infrastructure requires that there be vehicle access (i.e., improved roads or docks) to each lot or building site plus reasonable availability of a water supply, a waste water disposal system, and electrical service to each lot or building site. Ability to use on-site wells and/or septic systems on each later building site in a development, when legally authorized and the normal practice in the vicinity will constitute water supply and sewage infrastructure since they can be drilled and or installed concurrently with the construction of the structure. The presence on a coastal barrier of a single road, or a through highway plus associated electric transmission and water and sewer lines in the highway corridor does not constitute the necessary full complement of the infrastructure necessary to support development (House Report 97-158, Vol. 1, June 19, 1981, p. 100; and Congressional Record, July 31, 1981, p. H5793).”

When the Coastal Barrier Task Force made their report on July 28, 1982, West Onslow Beach (now the Town of North Topsail Beach) was residentially zoned, had an approved and legally controlled zoning ordinance, and had a full complement of infrastructure already in place that met documented federal criteria. A complete set of documentation is available to support this statement. Available for USFW inspection are:

- Zoning Maps for West Onslow Beach from 1982 (enclosed CD)
- Relevant Excerpts from Zoning & Subdivision Ordinance for West Onslow Beach from 1982 (Attachment 1)
- Town of North Topsail Beach Infrastructure Analysis Prepared July 2009 (available online)
- Letters from Onslow County, ONWASA, Pluris and Jones-Onslow Electric that support the Town’s infrastructure claims (Attachments 2-5)

This documentation is provided as direct evidence in support of the H.R. 187 legislation to adopt the new map for CBRS L06 as prepared by the Town of North Topsail Beach and for USFW to redraw their map accordingly.

Although they are unrelated to CBRA (Coastal Barrier Resources Act) and to H.R.187, USFW has also made references to a report by Orrin H. Pilkey and William J. Neal and an earlier report by the Town’s BEST Committee. While the motives of USFW for referencing these items are suspect, the information highlighted is either misleading or factually wrong.

I have attached a letter from William Cleary PhD. along with his biography (Attachments 6 & 7). Dr. Cleary is a coastal scientist who has done actual scientific work, has noteworthy accomplishments and is highly respected. Dr. Cleary is supportive of the plans of North Topsail Beach and shows that there is no valid evidence in Pilkey’s characterization of North Topsail Beach as the “state’s most vulnerable barrier island.”

June 30, 2014

Dr. Rob Young has also expressed concerns about future sea level rise. North Topsail Beach does not permit development in low-lying areas. It also has a solution recommended by the Army Corps of Engineers should sea-level rise become a concern in the future.

USFW stated that in reading the BEST report, should North Topsail Beach be removed from CBRS, the U.S. Government would be asked to pay for the Town's beach nourishment program. No such information is included in this report. The Town has an inlet management and shoreline protection program. It is a five-phase program. The first phase was completed in January 2013 (Attachment 8). This project won the 2014 "America's Best Restored Beaches Award" by the American Beach and Shoreline Protection Association (Attachment 9). Another project is scheduled for later this year. By next spring, 50% of the Town's shoreline will be restored. Our goal is to restore the remainder of the Town shortly thereafter. This work is being paid by the Town. No federal funds are involved.

Details of the Town's Inlet Management, Shoreline Protection Plans, and other information referenced in this letter can be found on the Town's website at <http://www.ntbnc.org/Pages/CBRANews.aspx> or by calling Carin Faulkner, Town Clerk, at 910-328-1349 ext. 25.

Respectfully,

Daniel Tuman  
Mayor  
North Topsail Beach

Also attached:

H.R. 187 & S. 533 CBRA Fact Sheet (Attachment 10)

July 5, 2011 Letter to USFW RE: Imminent Development (Attachment 11)

NTB Residential Development 1980 to present (Attachment 12)