

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

April 26, 2011

RE: Correction to Coastal Barrier Resource System Unit L06

To Whom it May Concern:

On behalf of the Mayor, Board of Aldermen, citizens and property owners of North Topsail Beach, North Carolina we thank you for the opportunity to meet with you today. North Topsail Beach officials made a similar trip to Washington D.C. in August of 2009 to present comments on the John H. Chafee Coastal Barrier Resources System Digital Mapping Pilot Project to U.S. Fish and Wildlife Service. The Town requested to have the L06 CBRA zone designation re-evaluated by the Service with the belief that the Town's comments would be positively received and acted upon by not only the Service, but also Congress; and that the Congressional directive to the Service to make "*any necessary technical corrections*" authorized the Service to re-evaluate the L06 CBRA Zone designation. As you know, it is now April 2011 and the Service has not presented its recommendations to Congress and is still evaluating the comments received in 2009.

The Town asked the Service to address four issues in particular which are still concerns: (1) when assessment of the criteria to determine whether or not an area was "*developed*" is reviewed the overwhelming evidence shows that North Topsail Beach should not have been designated as undeveloped; (2) the Service's own infrastructure analysis concluded that roadway, wastewater, electrical and fresh water infrastructure was in place to serve North Topsail Beach; (3) that consistent application of Departmental rules and regulations that specify ". . . *the legislative history of this provision [designation as 'developed'] also contemplated that actual existence of 'infrastructure' – a concept we [Congress and U.S. Fish and Wildlife Service] had defined to mean access to each lot or building site plus the reasonable availability of some combination of utilities and services - would serve in lieu of the actual existence of structures themselves*" would have led to the designation of North Topsail Beach as **developed** and (4) when the opportunity for those areas locally designated as conservation to be designated as Otherwise Protected Areas they were not so designated.

The Town of North Topsail Beach conducted an infrastructure analysis (on attached CD) which supported the Service's analysis and conclusions that North Topsail Beach possessed the necessary infrastructure. This analysis includes evidence that a full complement of infrastructure was in place at the time of designation (1) a road, with reinforced road bed, to each lot or building site was in place, (2) a wastewater disposal system sufficient to serve each lot or building site was in place, (3) electrical service for each lot or building site was in place and (4) a fresh water supply for each lot or building site was also in place.

We appreciate the opportunity to present this information to you and look forward to reaching a legislative solution to correct the technical errors that were made and to ensure that North Topsail be treated equitably under the Coastal Barrier Resources Act.

Respectfully,

Steven H. Foster
Town Manager