

Town of North Topsail Beach



Technical Corrections to Coastal Barrier Resource System Unit (L06)

Technical errors were made in both the original 1982 mapping and subsequent 1990 CBRS additions to the Coastal Barrier Resources System (CBRS) unit L06 (North Topsail Beach). Legislation is required to correct these errors so that the areas in North Topsail Beach which had a documented full complement of infrastructure prior to designation prior to unit designation will be removed from the System and conservation lands shall be correctly reclassified as Otherwise Protected Areas.

Background

The 1982 Coastal Barrier Resources Act (CBRA) significantly reduced, and eliminated federal assistance available to coastal areas designated as “*undeveloped*” by the US Fish and Wildlife Service (USFWS). Congress had provided the Department of Interior with “*specific guidance*” which it expected to be used in determining whether lands within a coastal barrier should be considered undeveloped. The two cited criteria were (1) “*density of development*” and (2) “*level of infrastructure*” present at the time of System inclusion.

The USFWS has acknowledged a number of issues with the original mapping process including its admission that the level of infrastructure criterion was never applied, “*detail assessment of the status of infrastructure was not possible, given limitations of available information and resources*”. The Service has stated it did establish a process that “*when landowners wrote to the [Department], however claiming a full complement of infrastructure was in place in their property, the claims were investigated.*”

Issues

However, in the original designation of the Topsail Unit (L06), when in local officials wrote and referenced the presence of significant physical infrastructure within the proposed System unit, the Service **erroneously** responded was that pre-existing infrastructure had “*no relevance*” in the CBRS process.

This had a substantial impact upon North Topsail Beach as local officials had mandated large infrastructure investments **prior** to full-scale coastal development as an environmental safeguard.

Though unintended, the USFWS policy of applying only the “*density of development*” criterion for CBRS proposes served to reward areas that previously allowed for unfettered development while placing areas practicing sound coastal land-use planning at a disadvantage.

In addition, the 1982 CBRA specified that land held for conservation or recreation **was not** to be included within the System. This criterion was not followed by the Service as System unit L06 included large sections of locally mandated conservation areas.

The 1990 Coastal Barrier Improvement Act allowed for conservation areas that are “*within the boundaries of an area established under Federal, State, or local law*” to be designated as “*Other Protected Area*” (OPA). The Service added new sections of conservation lands within System Unit L06 but **erroneously** failed to designate these areas as OPA. Additional areas of North Topsail Beach that were previously validated as developed by USFWS in 1982 were also erroneously added to the System.

Solution

The 2000 Coastal Barrier Resources Reauthorization Act (CBRRA) **codified** the “*level of infrastructure*” criterion when recommending appropriate “*undeveloped*” coastal barriers for inclusion in the System, and for reviewing a unit’s development status at the time of inclusion.

As part of the 2000 CBRRA review process both the Service and North Topsail Beach have extensively documented the **existence of a full complement of infrastructure** in unit L06 prior to designation but Congress has not given the Service authority make such technical corrections.

Legislation is needed to make technical corrections to System unit L06 and to ensure that North Topsail Beach is treated equitably to similar areas who met the statutory criteria.