

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
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Steven H. Foster
Town Manager

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Town Clerk

July 26, 2011

Congressman Walter B. Jones, Jr.
2333 Rayburn Office Building
US House of Representatives
Washington, DC 20510

Regarding: Submittal of Public Comment - Coastal Barrier Resource Area (L06)

As Mayor of the Town of North Topsail Beach, I would like to take this opportunity to thank you and their staff for their assistance in introducing legislation to correct a situation that was never intended under the law, and a situation where the law was and has been incorrectly applied since October 1982.

As you are well aware, the Coastal Barrier Resources Act (CBRA), Public Law 97-348 (96 Stat. 1653; 16 U.S.C. 3501 et seq.), enacted October 18, 1982, designated various undeveloped coastal barrier islands, depicted by specific maps, for inclusion in the Coastal Barrier Resources System. Areas so designated were made ineligible for direct or indirect Federal financial assistance that might support development, including flood insurance, except for emergency life-saving activities. The Town of North Topsail Beach strongly supports the goals of the Act and feels that the Act has served a positive purpose of both limiting Federal financial exposure in areas where development may not be advisable, and more importantly protecting environmentally sensitive areas that otherwise may not be protected.

The Town since its incorporation in 1990 has held environmental conservation in the highest regard. It repeatedly included in its ordinances protections to the environment, including the Town's state mandated "Land Use Plan" which includes:

1) Preservation and Protection of Local Environment and Natural Resources.

- Conserve maritime forests, protect ORW, control storm water runoff, require vegetative buffers, protect sea turtle habitats, ban beach driving, ban recreational vehicles from all estuarine and oceanfront public trust areas, preserve the Conservation District, require sewers over septic, encourage Parks and natural areas, and enforce our dune protection ordinance.

2) Requiring and Enforcing Strict Zoning

- Low density development only (4 dwelling units per acre or fewer), enforce housing code as it affects abandoned/condemned structures, no rezoning of Conservation District, and improve building codes to prevent storm damage.

3) Preservation of the Town's Beach

Additionally, the Town has requested that the USFWS to designate the areas zoned as "Conservation Districts" by the Town be formally designated as "Otherwise Protected Areas" (OPAs) by the Service in order to even better protect these sensitive areas. In summary the Town holds environmental values as one of our most important considerations, and supports the efforts of the Congress and the USFWS.

However, after exhaustive study by the Town, it appears that the North Topsail Beach Area (LO6) designated by the US Fish and Wildlife Service has been incorrectly included as a legitimate area under the Law, and therefore the Town is requesting that Congress make the necessary corrections in order to remove the LO6 designation. In coming to this conclusion evidence clearly establishes significant infrastructure existed in LO6 prior to the passage of the Law in 1982, which was clearly unintended by the Act as passed by Congress. Even the USFWS own infrastructure analysis concluded that roadway, sewer, electrical, and public water systems existed in the area prior to the areas designation. Furthermore the North Topsail Beach CBRS Unit (LO6) is easily accessible by a high rise bridge. This bridge, which was built before the 1982 Act, has contributed to the rapid development of our Town as a residential community and a major tourist destination. The peak seasonal population is estimated to be over 17,000.

This incorrect designation has resulted in numerous negative impacts on the Town. The incorrect designation of CBRA (LO6) divides the town into two unequal parts causing some property owners to benefit more than others. Since there is no discernible physical difference between the 7.25 mile CBRA and the 3.85 mile non- CBRA sections of our town, there exists no apparent justification for the CBRA designation. Likewise, of the three similar towns that populate the 26 mile long Topsail Island, only the Town of North Topsail Beach has a CBRA unit (LO6). The present uncertainty of CBRA boundary maps and grandfathering has raised concerns whether the local property owners purchased insurance from NFIP is valid coverage. FEMA provides some emergency assistance to CBRA; unfortunately the kinds and amounts of assistance are not defined. This has caused frictions and has damaged the image and reputation of our town. This issue of CBRA is the most significant issue that the Town faces due to the many negative impacts, and unintended consequences that it raises.

The Town held a public forum on July 19, 2011 to solicit comments from its citizens and property owners on their experience with the LO6 designation. All of these comments are intended to educate our legislators that there has also been a negative impact on the lives of people and the operation of local government because of this Law. These comments reflect the day to day problems that our citizens must navigate due to the incorrect designation applied by USFWS almost 30 years ago. We respectfully submit these comments for your review.

Once again thank you and your staff for all of your efforts on this issue, and we would be pleased to provide any information that you feel is necessary to achieve the elimination of this designation from the Town.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Tuman". The signature is fluid and cursive, with the first name "Daniel" being more prominent than the last name "Tuman".

Daniel Tuman
Mayor

Attachment