

# *Town of North Topsail Beach*

Donald Martin, Mayor  
Larry Hardison, Mayor Pro Tem  
Aldermen:  
Richard Farley  
Richard Peters  
Robert Swantek  
Daniel Tuman



Lara N. Burleson, MPA  
Town Manager

Carin Z. Faulkner, MPA  
Town Clerk

July 30, 2009

Coastal Barriers Coordinator Division of Habitat and Resource Conservation  
c/o Katie Niemi  
U.S. Fish and Wildlife Service  
4401 N. Fairfax Drive, Room 860A  
Arlington, VA 22203

UPDATED Letter  
Also sent via: e-mail to [CBRAcomments@fws.gov](mailto:CBRAcomments@fws.gov)  
Hand Delivered

RE: Comments from Town of North Topsail Beach, NC (L06) regarding Coastal Barrier Resource System Digital Mapping Pilot Project

Dear Ms Niemi:

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 comment on the John H. Chafee Coastal Barrier Resources System Digital Mapping Pilot Project. When the Town of North Topsail Beach received notification that a comment period had begun the Mayor, Board of Aldermen, and staff worked quickly to organize a public comment session with the intent to incorporate all the communities' comments into one document to be forwarded to the U.S. Fish and Wildlife Service (Service). During the public input session, held on May 26, 2009 by the Mayor and Board of Aldermen, it became evident that the Town could not waste this opportunity to express to the Service and Congress our Town's concerns, desires, and requests with regard to this mapping modernization project. The consensus was to proceed in our request to have the L06 CBRA zone designation re-evaluated with the belief that (1) our comments would be positively received and acted upon by not only the Service, but also Congress; and (2) that Congressional directive to the Service to make "any necessary technical corrections" authorized the Service to re-evaluate the L06 CBRA Zone designation. Please accept this letter not only on behalf of the Mayor and Board of Aldermen, but also from the citizens of North Topsail Beach.

The Town requests that the Service address the following 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 which supported the Service's analysis and conclusions that North Topsail Beach possessed the necessary infrastructure. At this time the Town of North Topsail Beach respectfully requests that the Service re-evaluate the original CBRA zone designation to not only reduce if not eliminate the CBRA Zone footprint on the Town of North Topsail Beach, but also to designate those areas zoned as Conservation District, at the time of the original designation in October of 1982, as Otherwise Protected Areas (OPAs).

To support our requests we have enclosed an Infrastructure Analysis of the infrastructure which existed in North Topsail Beach in 1982 prior to CBRA designation in October of that year. Included in the infrastructure analysis document are the following elements: An Introduction; Background Information; Infrastructure Analysis for the Roadways, Electric, Water and Wastewater; Analysis Conclusion and supporting documentation in the form of Exhibits. This analysis includes evidence that there 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, (2) a wastewater disposal system sufficient to serve each lot or building site, (3) electrical service for each lot or building site and (4) a fresh water supply for each lot or building site were all in place.

To further support our request we have enclosed a CD containing copies of the Official Zoning Map from 1982 along with excerpts of the Town Zoning ordinance discussing the zoning designation of Conservation District (CON-D). CON-D was "established to protect the floodplain, coastal waters and areas of environmental concern of the Coastal Area Management Act. It is further the intent that intensive use of the land not be permitted and that only water-dependent uses be permitted in this district."

We look forward to working with the Service to review our infrastructure analysis and to resolve the issue as to what parts if any should be included in the CBRA Zone. We are ready to meet with U.S. Fish and Wildlife staff as soon as possible as their schedule will allow. Do not hesitate to contact me at 910.328.1349 or by e-mail at [laraburleson@north-topsail-beach.org](mailto:laraburleson@north-topsail-beach.org).

Respectfully,



Lara N. Burleson  
Town Manager  
North Topsail Beach

Enclosure: (1) Town of North Topsail Beach Infrastructure Analysis with limited Exhibits  
(2) Excerpt of Town Zoning Code Sec 7 – 120 thru Sec 7 – 128  
(3) CD w/ PDF of Official 1982 Zoning Map

cc: Governor Beverly Perdue

Dee Freeman, Secretary of NCDENR

Jim Gregson, NC Division of Coastal Management

Harry Brown, State Senator

W. Robert Grady, State Representative

Congressman Walter B. Jones, Jr. (NC-3rd)

Congressman Mike McIntyre

Senator Richard Burr

Senator Kay Hagan

Congressman Nick J. Rahall II, Committee Chair of Natural Resources

Congressman Doc Hastings, Committee Minority Chair of Natural Resources

Senator Barbara Boxer, Chair of Environment & Public Works

Senator Jim Inhofe, Minority Chair of Environment & Public Works