

*Town of North Topsail Beach*

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Steven H. Foster  
 Town Manager

Carin Z. Faulkner, MPA  
 Town Clerk

July 5, 2011

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

Regarding: Request for Information - CBRA

Dear Ms. Niemi:

I am writing in response to a recent meeting that you attended with Mr. Josh Bowlen of Congressman Jones' Office, Mr. Harry Burroughs of the House Natural Resources Committee, and Mr. Daniel Sheehan, our Washington Representative.

The Town of North Topsail Beach has been advised that the Fish and Wildlife Service has questions concerning the timing of home-site development following placement of physical infrastructure within L06. To fully address these questions the Town asks for a citation or the actual regulations related to the "imminent development" requirements as associated with the Act's level of infrastructure criterion. North Topsail Beach has tried to follow the guidelines established within the Service's Digital Mapping Project, publicly issued regulatory language, as well as Congressional guidance and statutory directives established under the Coastal Barrier Resources Re-Authorization Act of 2000. The Town is having trouble locating the exact "imminent development" requirements as they may relate to the "level of infrastructure" criterion.

Ahead of the Service's response to that request, the Town proactively wanted to provide FWS with timely information concerning development following the placement of full infrastructure within Topsail unit L06. It is important to understand that the bulk of the fastland included within the Topsail CBRS is conservation land (and was at the time of designation) that was undeveloped and continues to be undeveloped. Actually, taking into account the latest (2008) FWS technical corrections, roughly 100% of the last Topsail CBRS addition (1990) was conservation land. As stated within the public comments the Town submitted to the FWS in 2009, the Town is not asking for any these areas to be removed from the System. However, the Town feels that the land should properly be designated as "Other Protected Areas."

The only areas with full infrastructure, and with which the Town is requesting technical corrections be made, are the Island Drive (Hwy 210) and New River Inlet Road (SR 1568) corridors. Due to coastal environmental concerns, Onslow County mandated on-the-ground placement of full-scale water and sewer systems prior to any land sales and development. In response private investors created the North Topsail Water and Sewer Company in 1979.

As documented in the Town's comments to FWS, infrastructure permits and easements were obtained for these areas in 1979 and early 1980. Infrastructure was completed in stages with half of the New River Inlet Road project completed in 1980 and the remainder of that corridor completed by August 1981. The Island Drive corridor was completed in September 1981. Completion of these projects was fully documented within "as built" construction records and recorded deed transfers of the utility lines in 1981. There was not any lull or gap in development following the construction of this infrastructure; in fact, development was immediate and dramatic. Again, the Town previously documented Topsail development in its 2009 FWS response.

The Town used publicly available GIS data from the Onslow County Tax records which itemize newly built home dwellings per year. The Topsail construction norm prior to infrastructure was listed from 1975-79 and the homes built after infrastructure was present, from 1980-85.

Topsail new home construction units prior to infrastructure:

1975	8
1976	8
1977	10
1978	15
1979	8

Topsail new home construction units after infrastructure:

1980	138
1981	138
1982	100
1983	179
1984	232
1985	250

As seen above, once infrastructure is in place, Topsail development grows by well over 1000% and continues to maintain that pace each year. In fact, West Onslow Beach (as North Topsail was called prior to 1990) was nominated as one the fastest growing areas in North Carolina. This nomination was documented and included in the Town's 2009 FWS response.

As to whether this development took place in or out of the CBRA, the activity that occurred between 1980 and 1982 was prior to any established CBRS zone. The overwhelming majority of construction (over 77%) in years 1983-85 took place within the CBRA as a direct result of the infrastructure constructed, 1980-1981. The Onslow County Tax Office has recently informed the Town that the County was already billing for 224 constructed home sites within the L06 CBRA zone in 1983. The pace of this development continued throughout the 1980s and was only limited by economic and market constraints: even with infrastructure in place and land "ready" for development, it serves little purpose for developers to flood the market all at once with a thousand newly constructed home sites.

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Lastly, the map recently provided to the Service is simply a 2011 map with outlines drawn of the Town's 1982 conservation areas. The conservation data provided on this new map is not any different from the 1982 map the Town provided FWS in 2009. It would seem pertinent to provide the Service with a current map so that the Town's 1982 conservation areas can be properly assigned during the digital mapping process.

The Town would like to thank you in advance for your timely reply to its request for a citation and clear definition of the "imminent development" requirement. If there are any other issues that you have with the Town's findings, the Town would appreciate your forwarding those concerns, so that our staff can quickly address them.

Once again, many thanks and we look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven H. Foster", written in a cursive style.

Steven H. Foster  
Town Manager

CC: Senator Richard Burr  
Senator Kay Hagan  
Congressman Walter B. Jones Jr.  
Harry Burroughs (House Natural Resources Committee)