

Prepared Statement of

The Honorable Daniel Tuman, Mayor
Town of North Topsail Beach, North Carolina
Before the
House Subcommittee on Fisheries, Wildlife, Oceans and
Insular Affairs
H.R. 187

April 8, 2014

Mr. Chairman and members of this distinguished Subcommittee, thank you for the opportunity to provide you with factual information in support of H.R. 187. Together with its Senate counterpart, S. 533, this bill corrects technical errors made in the original 1982 mapping and subsequent 1990 additions to the Coastal Barrier Resources System (CBRS) unit L06 (North Topsail Beach). In implementing the Act, the U.S. Fish and Wildlife Service mistakenly designated some of the northern end of North Topsail Beach as a CBRA zone. H.R. 187 and our proposed revisions to the CBRS unit L06 will correct this erroneous designation while keeping the number of acres in the unit constant.

North Topsail Beach is a family oriented beach town. It was incorporated as a Town in 1990. We are located between the Cities of Jacksonville NC and Wilmington NC. We are a rural area adjacent to a Marine Corps Base, Camp Lejeune, and many of our residents, property owners and day visitors have a military connection. We are on Topsail Island which is a barrier island that has 26 miles of shoreline. Topsail Island is home to three very popular and easily reached beach towns, North Topsail Beach to the north, Surf City in the middle, and Topsail Beach to the south. Topsail Island is accessible by two bridges. A swing-bridge provides access to Surf City. North Topsail Beach is accessible from the mainland by way of highway NC210 and a causeway, the Larry Walton Memorial Bridge. This bridge, built in the 1968, is a very large structure, provides convenient access to Topsail Island and is responsible, in part, for the island-wide development of Topsail Island.

The main issue plaguing North Topsail Beach is its erroneous inclusion into the CBRS's unit L06. As you know, CBRS areas are defined as "any **undeveloped** coastal barrier." Thus, to be included in the CBRS, an area must be undeveloped. In contrast to the statute, unit L06 was already residentially zoned and platted by Onslow County, under development, and had a full complement of infrastructure in the ground prior to its erroneous inclusion in the CBRS. If the intent of the John H Chafee Coastal Barrier Resources Act was to identify and include undeveloped coastal areas within its restrictions to discourage development, then the inclusion of unit L06 was an error from Day One.

The presence of CBRS within North Topsail Beach is a hardship for owners of property in our area and a financial burden for our Town. While most of the northern 7.25 miles of the Town are within CBRS, there are pockets or small areas within this total area that are not. This has created numerous problems for various property owners and their insurers and mortgage agents as to whether they are in or out of the CBRS boundary and qualify or don't qualify for NFIP (National Flood Insurance Program). Since most

mortgage companies and banks require the purchasers of property to also purchase flood insurance, prospective buyers and sellers have had problems that sometimes never get resolved. Furthermore, private flood insurance can be available at a very high price or may not be available at all. USFW maps have not always clearly delineated the actual boundary lines and USFW has reported the need to draw accurate maps and has asked Congress to fund this work. The Town has heard numerous stories from owners who can't sell their property because private flood insurance was either not available or because it was so too expensive for potential buyers. For example, North Topsail Beach pays \$33,000 in private flood insurance premiums for its town hall which is a very modest building. Local insurance agents have estimated that our premiums would be less than \$10,000 under NFIP.

In addition, there is a stigma related to CBRS. On the part of some people and groups there is the belief that residing within a CBRS designated area is a hazard to both property and human life. Although there is nothing in our local history that can offered as evidence that would support this notion, or anything in the information that is compiled by the North Carolina Division of Coastal Management that could differentiate one part of the town from the other, the thought still exists among some. Consequently, this attitude has caused division within the town on future plans and expenditures. Outside our town, this has fostered the belief that with living on barrier islands, others are paying higher taxes to insure and subsidize our frivolous lifestyle. To refute this claim, FEMA has told us and others that the coastal NFIP program in North Carolina is a money maker not loser. We believe that, with the required building codes and shoreline protection policy, disasters of the magnitude that occurred with Hurricane Sandy can be avoided.

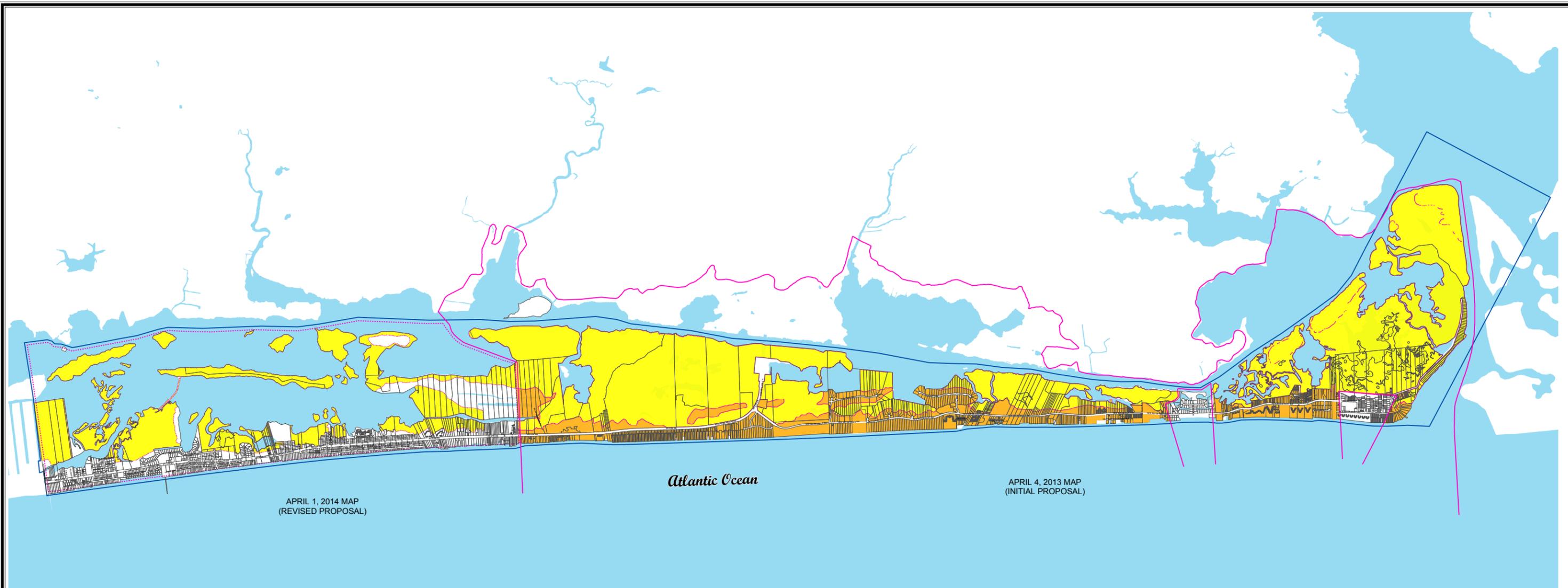
The Town of North Topsail Beach has done extensive research to document the prior development of the area. In essence, we did the research that the Fish and Wildlife Service said it did not have the time or money to do, and we provided our substantial report to that agency in August of 2009 and subsequently to this Subcommittee and its Senate counterpart. Among the facts we uncovered was a 1983 finding by NOAA's Office of Ocean and Coastal Risk Management that roads, a sewage treatment plant and plans for residential development were already in place as far back as 1978. In addition, a 1988 Department of the Interior Environmental Statement concluded that "substantial public infrastructure (e.g. roads and utility lines) already existed at the time the units were placed in the CBRS." The dates of these conclusions are significant since one pre-dates the original CBRA designation and the other is prior to the modifications to the CBRS maps in 1990. It was in that year that the Coastal Barrier Resources Act was amended to give Congress, and not the Fish & Wildlife Service, the authority to make changes made to CBRA maps. What was called the 1990 Coastal Barrier Improvement Act allowed for a conservation area "*within the boundaries of an area established under Federal, State or local law*" to be designated as an "Other Protected Area" (OPA). As a result, 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 by USFWS in 1982 as developed were also erroneously added to the System. The 2000 Coastal Barrier Reauthorization Act (CBRRA) **codified** the criteria used to assess the "level of infrastructure" when "undeveloped" coastal barriers are recommended for inclusion in the System, and for reviewing a unit's development status at the time of inclusion.

H.R. 187 creates a new map for CBRS Unit L06. We propose that this new map removes 659 residentially developed acres, 1.0 square miles, of North Topsail Beach from the CBRS designation. 2155 acres of undeveloped and environmentally sensitive lands, North Topsail Beach's Conservation District, remain within CBRS Unit L06 and are reclassified as OPA (Otherwise Protected Areas). To offset the this land removed from the CBRS zone and keep the unit L06 at 6,043.5 acres, the Town also recommends expanding the boundaries of L06 to include the entire Town of North Topsail Beach (3929 acres) and proposes adding 659 new acres to CBRS. Consequently, the total L06 CBRS acreage of 2,814 remains unchanged with this legislation.

Our proposal of no net loss of CBRA acreage is another example of our Town's commitment to be a responsible custodian of the environmentally fragile areas within its boundaries. We are indeed proud of the policies and ordinances that control these areas. Of the 3929.0 total acres within North Topsail Beach, 2,565.0 acres, 65% of the town's land area, are classified as Conservation District. This district is established to protect the floodplain, coastal waters and areas of environmental concern under the North Carolina Coastal Area Management Act (CAMA). No residential development is allowed in this area for both environmental and future sea level rise concerns. Residential development is only permitted along the immediate higher elevation shoreline, with vegetative buffer zones isolating the residential areas from the lower elevation, environmentally sensitive Conservation District along the sound-side of the island.

In conclusion, this request is very important to all of us assembled here and there is something very important at stake. Our affected citizens and property owners need to be told that finally they are being treated fairly and equitably under the Law.

Thank you Ladies and Gentlemen. On behalf of the Town of North Topsail Beach, I urge you to approve H.R. 187.



LEGEND

- NORTH TOPSAIL BEACH TOWN LIMITS
- CBRS TOPSAIL UNIT L06 6,403.5 ACRES* (USFWS OCTOBER 24, 1990)
- - - PROPOSED INCREASE OF 2,578 ACRES ADDED TO L06
- PROPOSED DECREASE OF 659 ACRES TO BE REMOVED FROM CBRS
- PROPOSED INCREASE OF 659 ACRES TO BE ADDED TO OPA
- ADDITIONAL REQUEST TO BE RECLASSIFIED AS OPA 2,155 ACRES

* USFWS REPORT TO CONGRESS JOHN H. CHAFFEE COASTAL BARRIER RESOURCES SYSTEM DIGITAL MAPPING PILOT PROJECT P. D-14

NOTES

L06 expanded to include the entire Town of NTB, (3,929 acres).
 659 acres of residential lands removed from CBRS.
 659 new acres added to CBRS.
 Total L06 CBRS acreage of 2,814 remains unchanged but reclassified as OPA.



TOWN OF NORTH TOPSAIL BEACH

CHANGES REQUESTED TO CBRS L06

Created: APRIL 4, 2013
 Revised: APRIL 1, 2014

THIS MAP IS INTENDED FOR REFERENCE ONLY.
ALL DIMENSIONS ARE APPROXIMATE.
AS PER NORTH CAROLINA G.S. 132-10, THIS MAP IS NOT TO BE
RESOLD OR OTHERWISE USED FOR COMMERCIAL PURPOSES.

PRODUCED BY ONSLOW COUNTY GIS PER NORTH TOPSAIL BEACH REQUEST

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"The "Existing Boundary" was digitized to approximately represent the location of the center of the roughly 80-100 foot thick controlling boundaries shown on the current official CBRS map for the area dated October 24, 1990. The "Existing Boundary" has not been fit to the new underlying base map imagery, and should not be relied on as the official CBRS boundaries for this area. The official CBRS map for Unit L06 is available for viewing and download at <http://www.fws.gov/cbra/Maps/CBRS/254.pdf>."

1 inch = 4,161 feet

"In most cases the seaward boundary of a CBRS unit is defined by the 30 foot bathymetric contour rather than a hard boundary depicted on the official source map. In these cases, the digital boundaries have been terminated by connecting the ends of the lateral boundaries on the seaward side. Therefore, the actual CBRS seaward boundary may extend farther offshore than is shown by the polygons. In large coastal embayments and the Great Lakes, the boundary is defined by the 20-ft bathymetric contour or a line approximately one mile seaward of the shoreline, whichever is nearer the coastal barrier."

Town of North Topsail Beach



**Residential Development for the Town of North Topsail Beach
1980 through Present**

Year	New Housing Units	Total Housing
1980	138	352
1981	138	490
1982	100	590
1983	178	768
1984	232	1000
1985	239	1239
1986	119	1358
1987	84	1442
1988	139	1581
1989	53	1634
1990	22	1656
1991	20	1676
1992	22	1698
1993	23	1721
1994	32	1753
1995	45	1798
1996	40	1838
1997	37	1875
1998	46	1921
1999	31	1952
2000	25	1977
2001	31	2008
2002	57	2065
2003	81	5146
2004	120	2266
2005	105	2371
2006	69	2440
2007	16	2456
2008	10	2466
2009	10	2476
2010	11	2487
2011	21	2508
2012	15	2523
2013	24	2547