

REGULAR MEETING MINUTES

Monday April 29, 2024, 2:00 PM
Surf City Town Hall, Surf City, NC

Commission Members Present

Steve Smith, Chair
Mike Benson, Vice Chair
William Snyder
Tom Leonard
Larry Strother
Larry Combs (alt.)
Hiram Williams
Teresa Batts
Mark Price

Associates Present

Chase Horton (advocate)
Kathy Zagzebski (Turtle Hospital)
Kyle Breuer, SC Manager
Doug Shipley, TB Manager
Christina Burke, TB Asst. Manager
Carla Citarelli, Surf City Town Clerk
Rochelle Jagst, TB Clerk (vir.)
Stephanie Missert & Chris Griffin (adv. vir.)

Guests

John Kolonski, SC Councilman
Trudy Soloman, SC Councilman
Coley Corderio
John Gardner, NTB BISAC

I. Call to Order & Greetings

Chairman Smith called the meeting at order at 2:00 p.m. Chairman Smith welcomed the commission members, associates, and those in the audience and online. Chairman Smith then led the group in the pledge of allegiance to the flag.

II. Public Comments

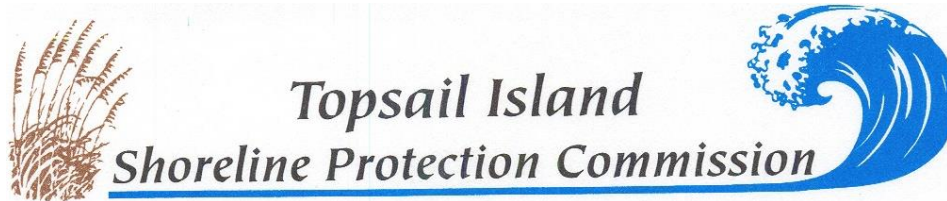
No comments. Motion to close Public Comments by Larry Strother, seconded by William Snyder. Passed unanimously.

III. Approval of Agenda

Chairman Smith asked to add a new agenda item on a Division of Marine Fisheries regulation under New Business. Hiram Williams made a motion to approve the amended agenda. William Snyder seconded the motion, and it was carried unanimously.

IV. Approval of Minutes for February 2024

Teresa Batts made a motion to approve the minutes. Larry Combs seconded the motion, and it was carried unanimously.



V. Consultant & Partner's Reviews

a. **Federal Legislation Activities - Ward and Smith, P.A. – Stephanie Missert and Chris**

Griffin of the Ferguson Group filled in for Congressman Mike McIntyre.

Stephanie Missert noted the Administration's budget has a dramatic cut to the Army Corps of Engineer funding but not unusual, so Congress ends up appropriating more to the Corps than the Administration.

TISPC advocacy items. She reported on our recent advocacy trip to Washington the details of which are reported in the April report from Mike McIntyre. There is a listing in the report on the follow-ups they are working on. In particular a good follow-up with FEMA Region 4, which was a very productive meeting. Region 4 seems willing to work with the island, so coordination is improved. We are also waiting on the House Natural Resources Committee for the Congression Budget Office to score the CBRA bill HB2437. We hope to get a score pretty soon. She wanted Surf City to know that the Corps has not responded with their General Re-evaluation. Chairman Smith thank Stephanie, the Ferguson Group, and Congressman McIntyre for a very successful Washington trip.

b. **NC State Legislation Activities – Maynard Nexsen PC – Chase Horton**

Chase reported that the short session started formally on Wednesday. Revenue numbers are higher than expected with a surplus of \$1.4 billion plus. We met with Rep. Caron Smith last week and will meet with Senator Jackson this week to review your TISPC state goals. Some of the surplus was higher than expected sales tax increase. Chairman Smith asked Chase to stay after our meeting to meet with Manager Breuer and Mayor Batts to go over the state obligation to the federal project.

c. **North Carolina Coastal Federation – Kerri Allen**

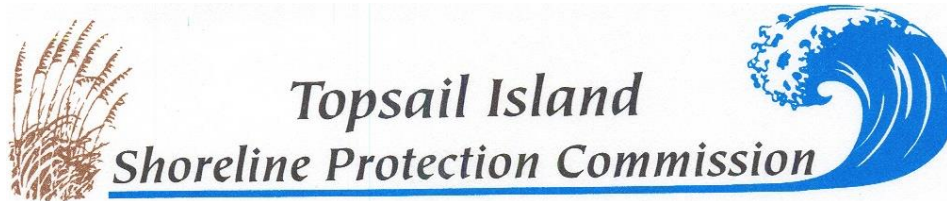
No report from Kerri, but Chairman Smith said on her behalf that the debris pickup in the marsh continues, and she is comparing the difference types of living shorelines to see how they are performing.

d. **North Carolina Beach, Inlet and Waterway Association – Kathleen Riely**

Chairman Smith reported for Kathleen that the spring meeting of NCBIWAs will be held on May 9-10 at the Islander Hotel in Emerald Isle. He will be the moderator for a couple of group discussions.

e. **Turtle Hospital – Kathy Zagzebski**

Director Zagzebski reported that the hospital has had its busiest year ever with even four turtles today and over 120 this year. She thanked everyone who came out for our Community Day in March. We are happy to conduct information programs for any town this summer. No turtles sighted yet on Topsail but there was a sighting at Holden Beach. We want to reach out to HOAs, realtors, and other groups about 'helping the



turtles' by changing out oceanfront porch lights for those that are wildlife 'turtle friendly' and other initiatives. The hospital gave 25 lights away in a drawing recently in honor of our 25-year anniversary. Public tours continue now. Over 800 students toured the hospital this year so far. Turtle Talks will continue in the three towns this summer.

VI. Old Business & Updates

a. Review of Washinton, DC Meetings – April 15-17, 2024 – Tom Leonard

Tom used a set of slides to recount the meeting with a slant toward the top priorities of North Topsail Beach. He went through the meeting objectives and then the meetings they had with each congressional delegation, FEMA, and USACE. Asked for one point of contact with FEMA given the county line issue, but FEMA Region 4 seems to understand. We visited with the National Resources Subcommittee on Water, Wildlife, and Fisheries who will continue to monitor CBRA bill. He hopes an opponent of the bill will actually visit NTB to see the situation. Congression Murphy office is trying to find the right official to visit us. Senator Budd heard about the Surf City with federal project issues. Chairman Smith noted each town led off the discussion when that town's priority was CBRA, CBRA sand borrowing, or the Surf City federal project. Although the sand borrowing issue addressed by Rep. Rouzer's bill will not help us it does help a couple of communities to the south like Wrightsville Beach, but this was the only way to get bill passage. Hopefully in the future this legislation will help us. Tom then talked about the meeting with Senator Tillis' staff and support for our goals. Finally, on the last day we met with the Corps of Engineers, but the meeting was not very productive at the Corps HQ level. The Corps did agree that geotechnical studies do not have to be re-done for DA 143 which will save NTB time and money with our new project.

b. Review of CRC Meeting – April 24 & 25, 2024 – Kyle Breuer, Steve Smith

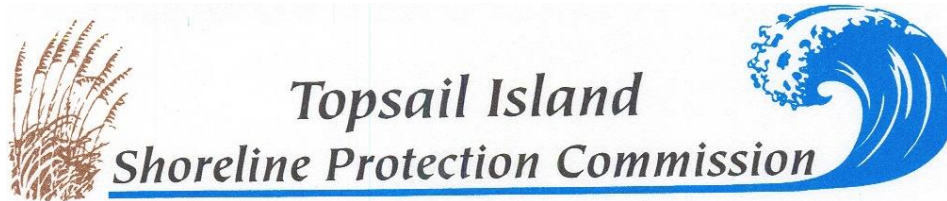
Kyle reported that CRAC discussed the land use guidelines that are under review and may be implemented in 2025. Secondly, Kyle is optimistic about the topic of thin layer placement of dredge spoils to build up marsh areas to better survive storm events and buffer sea level rise along with living shorelines.

Chairman Smith referred to the CRC/CRAC notes that he distributed yesterday.

Coastal Resource Advisory Committee

They discussed the following:

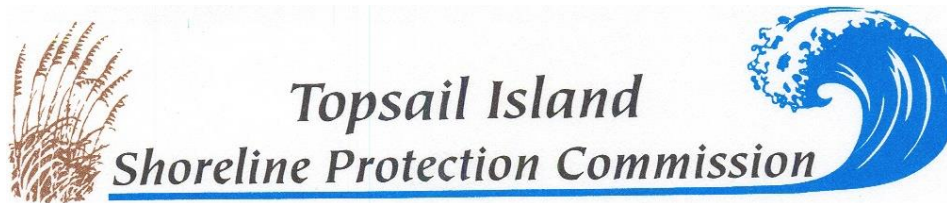
1. Land Use Plan - stated that some LUP not matching what is happening. DCM is not getting any feedback from other government agencies on LUP. The use of words need to be considered and there seemed to be pushing a more formal approach like using "it will" as it is mandated action. The did put on screen section that said no permit will be issued if it violates an LUP action. The survey had a lot of issues.... No response was is 20% to 30% range, answering NO was in 20% to 30% range and YES was in 50% range. No really clear direction on most questions. It will be redone and will plan a meeting with only the towns. They do not expect to complete recommendations until 2025.



2. Straw Bales on Beach - Two testing sites. Showed no major issues. Rules to be presented in CRC meeting. CRAC has several recommendations. Need to let public use the bales, need to check with Texas as they have been doing for years, use of pine straw, tied or untied bales.
3. Thin layer placement of sand in marsh areas - there is a need DCM is working on. Need to move forward faster... expect more on this.

Coastal Resource Commission

1. Sea Level Rise - 1 to 1.5 feet by 2050 based on recent data; however, if you look at NOAA Site it is only 0.9 feet in 100 years. There is a disconnect..... one is using long-term history data and just projecting a trend based on long-term past data; while the is looking at very recent data and forecasting a different rate for sea level rise at a faster pace. Impacts on septic, ground water, with rise more flood, increase loss of dunes faster, etc. Rise in north areas of NC is moving faster vs. the southeast of NC. The storm of today will be worse in future years because of sea level rise. Need to plan for this higher rate of flooding and damage. There is a website to look at impact of sea level rise for NC.
2. Flooding - system looking a use of technology in drain system. Trials being done at Carolina Beach, Beaufort & East End. They are having more non rain floods. Wind is also adding to increased flooding.
3. Tide Gauges - 4 types. Trying to align to same standard. All are low cost - \$5,000 or less. Have 64 in place working to get more than 100. Adding features like wind speed. Finding many reasons for false reading - spider & their web in and around cone is an issue. Also looking to resolve high rain interfering with reading.
4. Passed rules for use of Hay Bales. During discussions they showed pictures of noncompliance hay bales, Christmas trees and use of pine straw. One picture showed NTB's use of pine straw!
5. Temporary rules not acceptable to Rules Review Committee (RRC). They are going to push back and it looks like the courts will decide. The reason it is different this year is because the law was changed to allow rules to be removed from the books if Rules Review Committee has an issue. Other state departments are also hitting this new wall by RRC.
6. Jockey's Ridge has lost its protection with Rules Review. About 15 people spoke wanting protection re-established by CRC. A motion was made on return from closed session to establish protection for Jockey's Ridge. It passed. They commented they do not understand how the Rules Review Committee could say that Jockey's Ridge was not



a unique geological area. They will also consult with the state's geological department. To prevent in future, it would take a NC Session Law. Currently it is an administrative decision.

7. CRC did hold a closed session for about 40 minutes. They discussed with lawyer Item #5 and #6. They then took action on item #5 & #6.

8. They took one by one the other rejected rules and presented changes that they believe will satisfy the Rules Review Committee; these are the rules that are not covered in the temporary rules of item #5. There were adjustments in titles, additions to descriptions, etc. No changes in the rules as we know them in their purpose and enforcement. All passed CRC.

c. Review possible Charter changes and agree on next step— Steve Smith, Mike Benson

Mike discussed changes to the charter to address the issues we have with the sound-side of the island and the protection of the saltmarsh. The changes reflect the feedback from all three towns. We now have a wider breath of scope which we are addressing. Steve questioned whether we should add 'other endangered species' to the purpose of protecting sea turtle habitat. He also asked about the issue of insurance – should we add that? Larry Combs said that we should add it to our purpose even though its outside our purview but who else on the island would do that. Tom Leonard seconded that and cited the NCBIWAs group that usually includes this topic on their agenda each year. Consensus was to include 'insurance.' Also, Steve asked about including water quality of the sound and the tourist attraction it offers to our visitors. These would expand our roles but they are important to complement what the commission does. Steve and Mike will finalize the document for the next commission meeting to look at before sending it to the towns and counties.

d. Status of State rules for derelict vessels

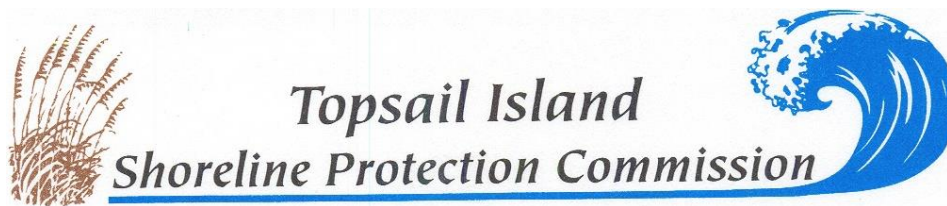
No changes with the state derelict vessels bill. Topsail Beach has not approved theirs yet but both Surf City and North Topsail Beach did adopt ordinances.

e. Letter sent asking State to consider density and impact on other business for shellfish rules

Steve did send a letter to Marine Fisheries asking the State to consider the impact of shellfish lease areas on the use of public waters by the general public. William cited Kerri Allen's question 'What is the carrying capacity of these waters?'

f. Green Practices Environment Awareness Seminar

April – see PowerPoint – Steve Smith



VII. New Items

a. **Approval to send letter asking State to consider density and impact on other business for shellfish rules**

This item already covered above.

b. **Coastal Land Trust Purchase of "The South End" Topsail Beach**

William said that the owners of the 'South End' were approached by the Coastal Land Trust to acquire the land for preservation in an \$8 million dollar project. They are applying for grants from several state and federal sources. Fund raising expected to cover 75% with the other portion coming from local sources. On May 11 at 10:30 am in the Historical Society Building they will hold a meeting to discuss this project. State legislators will visit the area from time to time to promote.

c. **Jockey's Ridge loss of protection status**

Steve talked about the loss of protection status for Jockey's Ridge by the Rules Review Commission. Steve sent notes to Senator Larzarra and Rep Smith to let them know of this issue.

d. **Marine Fisheries proposal for recreational fishermen to report catch**

Marine Fisheries has proposed that recreational fisherman must report their catch of certain species such as red drum, flounder, striped bass, etc. Steve questioned whether the Commission should send a letter of opposition? Will collected data reflect the 'true' population of a given species. It is just not practical. We should send a letter of opposition.

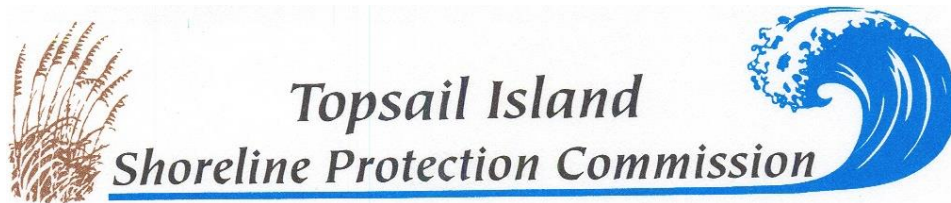
VIII. Town's Local Projects/Direction

a. **North Topsail Beach – Alice Derian**

Tom Leonard reported for Manager Derian that Phase 5 is finishing up by the end of May. South end fire station demolition has been completed with groundbreaking for the replacement station scheduled for May 15 at 10am. We attended the Ocean City exhibit opening at the Historical Society Museum. Our board approved funds for permits for a 5-yr plan that will nourish all 5 miles of shoreline along New River Inlet Rd.

b. **Surf City – Kyle Breuer**

Manager Breuer reported that the South Shore project should be completed soon. The wet well was tested with a water influx and it performed as expected. Other street sites are also under investigation for remediation. We had a 5,800 cy yd emergency dune restoration project completed recently between access 22 and 24. Corp project is dragging at Washington level but Wilmington District has been helpful to get General



Reevaluation Report completed. He thanked Christina Burke for getting the island-wide Vitex grant submitted to CSDM fund. We have all the Vitex surveys completed and put data into a GIS map.

c. Topsail Beach – Doug Shipley

Manager Shipley reported that our beach nourishment project has completed with about 1.9 million cy placed on the beach at a cost of \$25 million dollars with \$18 million from the Shallow Draft Fund and the balance from the town. We are still waiting for some outside funds from various FEMA storm projects.

IX. Upcoming Meetings & Conference

- a. CRC Science Panel – Inlet Hazard Area – May 1 @ 2 PM to continue its review of Inlet Hazard Area boundaries.
- b. NCBIWA Spring Conference – May 9 & 10 – Islander Hotel, Emerald Isle
- c. Coastal Land Trust Public Meeting – May 11, 10:30 AM – Assembly Building, Topsail Beach
- d. CRC – June 5 & 6 – Location TBD

X. Public/Commission Members Comments

- a. No comments

XI. Next Meeting – Thursday, June 27, 2024 – Surf City Town Hall

XII. Adjournment and thank you for your support

Chairman Smith asked for a motion to adjourn. Mike Benson made the motion with a second by William Snyder and it passed unanimously.