

REGULAR MEETING MINUTES

Thursday August 22, 2024, 2:00 PM
Surf City Town Hall, Surf City, NC

Commission Members Present

Steve Smith, Chair
Mike Benson, Vice Chair
William Snyder
Larry Strother
Ed Broadhurst
David Ward
Hiram Williams
Teresa Batts
Brad George

Associates Present

Kyle Breuer, SC Manager
Congr. Mike McIntyre (advocate vir.)
David Ferrell (advocate)
Kerri Allen, NCCF (vir.)
Chris Griffin (TFG rep)
Stephanie Missert (TFG rep)
Kathy Zagzebski (Turtle Hospital)
Christina Burke, TB Asst. Manager
Larry Combs (alt.)

Guests

John Kolonski, SC Councilman
John Gardner, NTB BISAC
Tom Staker, TB BIS

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](#)

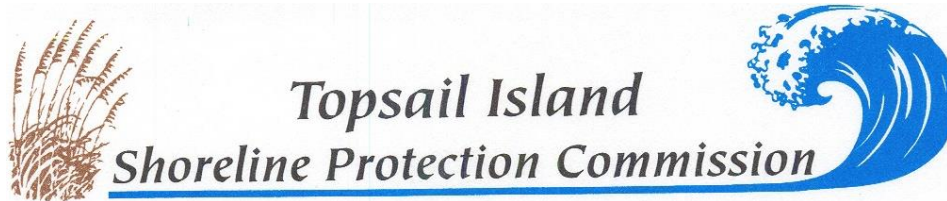
No comments.

III. [Approval of Agenda](#)

David Ward made a motion to approve the agenda. Ed Broadhurst seconded the motion, and it was carried unanimously.

IV. [Approval of Minutes for April 2024](#)

William Snyder made a motion to approve the minutes. Larry Strother seconded the motion, and it was carried unanimously.



V. Consultant & Partner's Reviews

a. Federal Legislation Activities - Ward and Smith, P.A. –Congressman Mike McIntyre. House and Senate Pass WRDA Bills. Congressman McIntyre reported that Congress is nearing completion of the 2024 Water Resources Development Act (WRDA), which authorizes various Army Corps of Engineers Civil Works projects and related work on a biennial basis. Several sections of H.R. 8812, Water Resources Development Act of 2024 (House Bill) are of interest to coastal communities is the section on Dredge Material Disposal Facility Partnership. This section allows non-Federal entities to utilize certain non-Federal disposal facilities managed by the Secretary for dredged material disposal with permission from the facility owner and the Secretary. Another section addresses the National Coastal Mapping Program. This section authorizes the Secretary to carry out a National coastal mapping program to provide recurring mapping of coastlines to support navigation, flood risk management, environmental restoration, and emergency operations projects. A third section authorizes the Secretary to remove abandoned vessels. There is also a section for Easements for Hurricane and Storm Damage Reduction Projects. This section directs the Secretary to provide flexibility and transparency for real estate requirements for hurricane and storm damage reduction projects. Grants to public entities in North Carolina for water resources projects, including but not limited to water, wastewater, and stormwater infrastructure projects, are increased in the Section 5113 authorization from \$13 million to \$50 million.

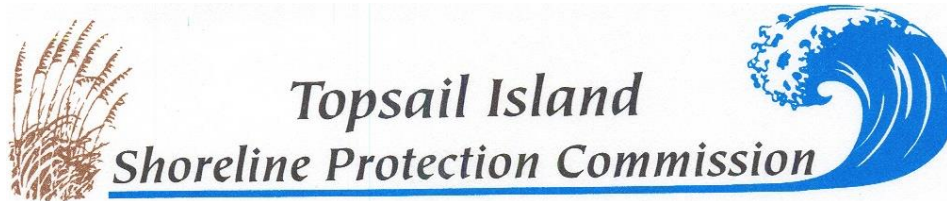
As part of the Biden-Harris Administration's Investing in America agenda, the U.S. Environmental Protection Agency (EPA) announced that the Atlantic Conservation Coalition has been selected to receive a \$421,238,074 Climate Pollution Reduction Grant to implement community-driven solutions that tackle climate change, reduce air pollution, advance environmental justice, and accelerate America's clean energy transition.

North Topsail Beach CBRA Mapping Issue. H.R. 2437, Congressman Murphy's bill to amend the mapped boundaries of Coastal Barrier Resources System (CBRS) Unit L06 in North Topsail Beach, remains before the House of Representatives. Hopefully, it will pass before the new Congress convenes.

Sand Borrowing. H.R. 524, Congressman Rouzer's bill to allow certain Federally authorized USACE beach nourishment projects to borrow sand from within the CBRS for use outside the CBRS. H.R. 524 passed out of the House on April 11, 2024, with full Congressional approval expect by the end of the year.

Surf City General Reevaluation Report (GRR). Given the priority status of the study, we are confident this language will be included in the final version of WRDA that Congress expects to approve by the end of the year.

Congressman McIntyre referred to his [monthly report for full details](#).



b. NC State Legislation Activities – Maynard Nexsen PC – David Ferrell

David Ferrell was able to join us in person to report on the final actions of the current General Assembly. The House and Senate wrapped up the summer session at the end of June without agreeing on a state budget bill due to substantial disagreements between House and Senate leadership. The legislature did leave open the possibility that further action could be taken on the budget this year in a post-election November session that will run from November 19-22.

The N.C. Department of Environmental Quality's Division of Water Resources is awarding more than \$10.5 million for seven projects in coastal North Carolina for beach and dune renourishment, as well as other projects related to hurricane and storm damage. Topsail Island received a \$690,060.50 grant for its Vitex Eradication Project from the Coastal Storm Damage Mitigation Fund.

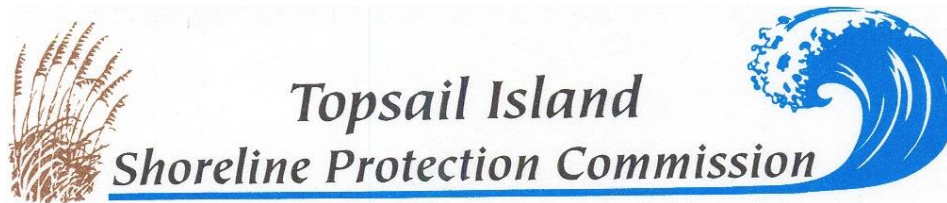
Senate Bill 607, Regulatory Reform Act of 2024.

- Delay fisheries harvest reporting system by one year.
- Requires the Coastal Resources Commission to revise the CAMA rules to provide that for certain fixed docks, piers, or walkways damaged or destroyed by natural elements, fire, or normal deterioration, activity to rebuild the dock, pier, or walkway to its pre-damage condition shall be considered repair of the structure, and shall not require CAMA permits.
- Authorizes the establishment of a measurement line for dune building projects conducted pursuant to permitted terminal groin construction. The bill authorizes the Coastal Resources Commission to, for the purpose of a dune building and beach planting project, authorize local governments that have received a permit to construct a terminal groin to establish a measurement line that represents the location of the first line of stable and natural vegetation that is covered by the dune building and beach planting project.
- Excludes aquaculture from the definition of "development" for purposes of CAMA and limits the authority of the Marine Fisheries Commission to adopt rules regulating aquaculture equipment.
- Authorizes replacement of certain erosion control structures - The bill makes several changes to the definition of "terminal groin" to include a structure constructed. The bill increases the number of permits for the construction of terminal groins the CRC may issue from six to seven.

See David Ferrell's [final report for details](#).

c. North Carolina Coastal Federation – Kerri Allen

Kerri had good discussion with DCM and Fish and Wildlife staff in Raleigh about



abandoned vessels. A formal state program is in the works with funding to implement with NCCF coordinating the program. Community ordinances will be important to creating the state law. The living shoreline program continues to draw interest, and the Coastal Federation still has funding support for projects. The Coastal Federation does have an engineer who specializes in stormwater management and can make 'house calls' to communities who want an evaluation. Larry Combs asked the question about federal legislation to remove abandoned vessels and how that coincides with the state law. Stephanie Missert explained that WRDA expands the Corps ability to remove abandoned vessels beyond federal navigation channels.

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

Kathleen was not able to attend but that the fall meeting of NCBIWAs will be held on November 18-19 in Wilmington.

e. Turtle Hospital – Kathy Zagzebski

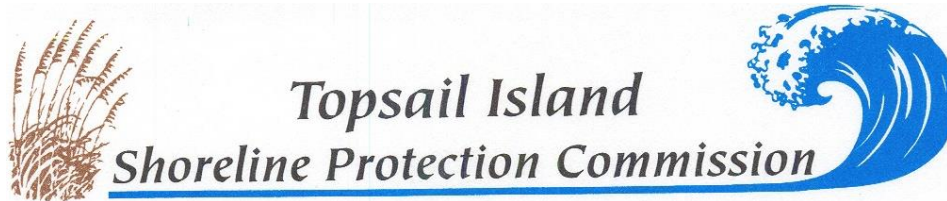
Sea Turtle nesting season: Beach season winding down with beach walks ending next week. Turtle nest hatching is about 40% complete. There have been 103 nests this year with a possibility for a few more late season nests. There were 67 nests in North Topsail Beach, 30 in Surf City and 6 in Topsail Beach. We have two new initiatives this year one with the Leather Back Trust which works in Costa Rica in cooperation with the Wildlife Commission. Temperature loggers were placed in nests to monitor sand nest temperatures that determine whether males and females will develop as eggs mature. The lighting work initiative continues with a survey in North Topsail Beach by interns to educate the public and electric utilities to turn off outside lights during nesting season. Data collected will be used to develop a public awareness program.

Sea Turtle hospital: Activities continue at the highest levels ever. There have been 174 patients so far this year, a new record. Public tours continue on a reduced schedule as interns return to school. Our Surf to Sound 5K is coming up in Surf City which is one of the largest 5Ks in the area. There is a state bill to make the loggerhead turtle the state marine reptile.

VI. Old Business & Updates

a. DEQ award for Vitex Removal for Topsail Island – Christina Burke

She reported that work continues on the project with compliance efforts underway. The three towns will have a MOU for work in their jurisdiction with Topsail Beach as the physical agent. A waiver is under development for homeowners to grant permission for eradication on their property. The waiver and other pertinent information about the program will be placed on the tisp.org website. An RFP is under development to manage the project and actually do the removal treatments starting in Spring 2025.



b. Updated Charter – Steve Smith

Chairman Smith relayed that the charter revision has been approved by all three towns and Pender Co. so with a majority the revision is accepted.

c. Pending Legislation – Residential Building Code – Hiram Williams

Hiram has always had an interest in building codes as a long-time resident and builder on Topsail. He noted that there were failures in the state building code in the past when it comes to hurricanes. The state code is based on the International Building Code (IBC). Hiram became a member of the residential ad hoc State Building Code Committee. The building code was revised but the state legislature extended this to a 6-yr cycle so we are behind in 'modernizing' the code with the longer cycle for changes to take effect. As a member of the Home Builder's Association this longer cycle became a political issue especially when the federal government proposed an energy efficiency code into home building. This led to a House Bill that so far has been vetoed but continues to be considered. Coastal construction has not been degraded, but the energy efficiency issue will increase the cost of construction by \$18K-\$31K which would take 90 years to pay back this increased cost through a mortgage. The insurance industry can help in this effort to keep building costs down. There will be a lot of questions on the additional energy efficiency requirement and the increase in cost of homes.

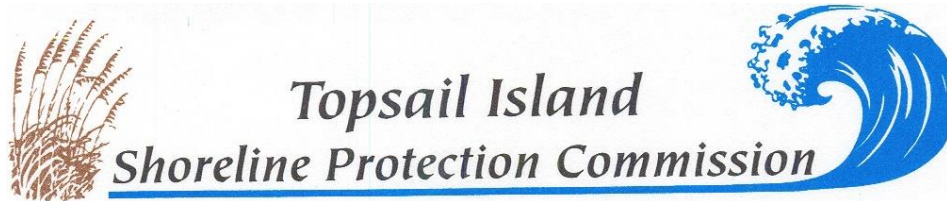
d. Shellfish Leases – Steve Smith

Public hearing on August 28, 2024: should the commission respond to these proposed new leases – a letter, a presence at the meeting? Column leases are a navigation hazard. What is the carrying capacity of leases in a given body of water? North Topsail Beach Board of Alderman was in favor of a letter of concern. What about the aesthetics appearance of white pvc pipes marking the lease area in relation to density of houses on the shore? Lease area can deny recreational fishing access along shorelines. Lease areas can be a hazard to boaters. Unfortunately, there is not time do a letter from TISPC. Floating structures on the lease site to process oysters is also an aesthetic problem when our island livelihood is based on tourism. The director has been considering these leases for over 2 years, so Fish and Wildlife will need to make a decision soon. Column leases are quite different than bottom leases since there is actual on-site equipment required. Lease requests have increased 600% in past 2 years. Column leases have limited boat/kayak access in several areas. Consensus is to leave it up to each town to respond to the public hearing. Should we propose a moratorium for our two counties? Since the state regulates leases, the state should be taking into consideration all of these concerns in their effort to regulate leases.

VII. Town Reviews

a. North Topsail Beach

Mike Benson reported for Manager Derian. Our Phase 4 project will start this fall with 303,000 cy over 2.3 miles from Phase 5 to Town Hall. The Corps will do a dredge project in the AIWW at Cedar Bush Cut this winter with approx. 90,000 cy deposited on the



beach near the Topsail Reef Condominiums. A post-Debby survey found our beaches to be mostly intact with the exception of two weak dunes at the BA#4 access and at the Topsail Dunes Condominiums where we may do a dune push for a breach area there. Work continues on the 5-yr plan with TI Coastal to get permits for DA143 as a sand borrow area.

b. Surf City.

Manage Kyle Bruer reported that the Town has acquired funding from two sources NC State safety and NCRCCP for stormwater phase 4 projects at several sites in town. The South Shoreline project was completed and is performing well during recent storms. Corps review of Surf City project is being documented in review with a December 2025 start date preceded by the Chief's report in May. Town will work through the Coastal Storm Damage Fund to dredge Banks Channel beginning where the Topsail Beach work ended with beach quality sand placed on the beach.

c. Topsail Beach

Deputy Manager Christina Burke reported a few items. Our beach performed as expected after Tropical Storm Debby. Our board passed an ordinance for a construction line so that all our ocean front houses will now be conforming, and seaward development will be controlled. Our Planning Board is working a draft flood ordinance to develop new flood plain maps. Finalizing contract with WK Dickson to develop a stormwater resilience program. The Rocky Mount area floods periodically from rain and sound overwash so we continue to address this problem.

VIII. New Business

a. Chairman Smith reported that commercial insurance rates are increasing dramatically as cost of doing business in town increases.

IX. Upcoming Meetings & Conference

a. CRC – August 27 & 28, 2024, Beaufort Hotel

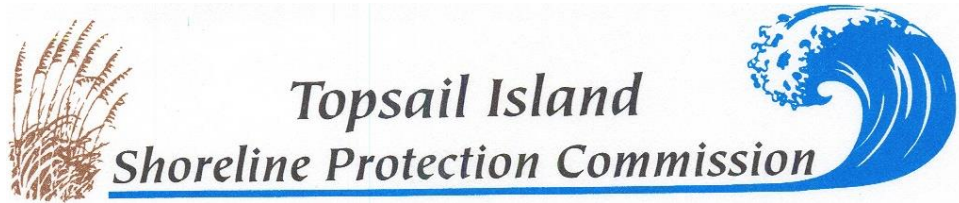
b. Shellfish Lease Public Hearing for Onslow County leases, August 28 @ 5:30 PM @ Holly Ridge Community Center

c. Waters Conference – October 1,

d. NCBIWA's Fall Conference – Nov. 18 & 19 @ The Aloft by Hotel, 501 Nutt Street, Wilmington

X. Public/Commission Members Comments

Brad George reported that the Pender County Board of Commissioners is working on an ordinance to prohibit abandoned vessels in the County.



- XI. Next Meeting – Thursday, October 24, 2024 – Surf City Town Hall
- XII. Adjournment and thank you for your support
Chairman Smith asked for a motion to adjourn. David Ward made the motion with a second by Teresa Batts and it passed unanimously.