

REGULAR MEETING MINUTES

Thursday December 12, 2024, 2:00 PM
Topsail Beach Town Hall, Topsail Beach, NC

Commission Members Present

Mike Benson, Vice Chair
Morton Blanchard
Ed Broadhurst
William Snyder
Larry Strother
Hiram Williams

Associates Present

Congr. Mike McIntyre Ward Smith
Marley Peterson, Ward Smith
Stephanie Missert (TFG rep)
Danny McNamara (TFG rep)
Ann Durand (TFG rep)
Chris Griffin (TFG rep)
David Ferrell Maynard Nexsen
Doug Shipley, TB Manager
Christina Burke, TB Asst. Manager
Grayson Overholt, Senator Tillis rep

Guests

John Gunter; Joe Bell; Frank Braxton
Larry Combs

I. [Call to Order & Greetings](#)

Vice-Chairman Benson called the meeting at order at 2:00 p.m. and welcomed the commission members, associates, and those in the audience and online. He also welcomed Morton Blanchard, Topsail Beach Mayor, as a new member of the commission. Vice-Chairman Benson then led the group in the pledge of allegiance to the flag.

II. [Public Comments](#)

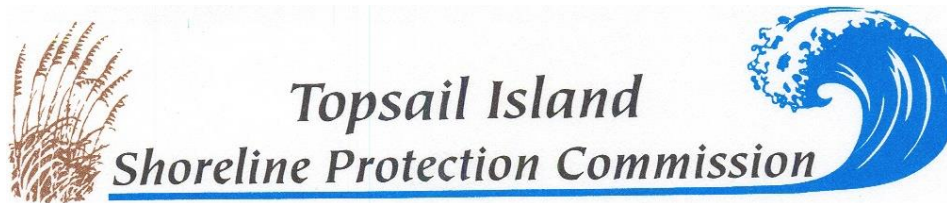
No comments.

III. [Approval of Agenda](#)

Vice-Chairman Benson asked for a motion to approve the agenda. Larry Strother made a motion to approve the agenda. Hiram Williams seconded the motion, and it was carried unanimously.

IV. [Approval of Minutes for August 22, 2024](#)

William Snyder made a motion to approve the minutes. Ed Broadhurst 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.**

Congressman McIntyre reported that Congress has reconvened to address several urgent issues and priorities before the conclusion of the 118th Congress. Government funding will dominate the agenda. The current Continuing Resolution (CR) expires on December 20, requiring lawmakers to negotiate another short-term extension which should include disaster aid to avert a government shutdown.

Water Resources Development Act. The finalized Water Resources Development Act of 2024 (S. 4367) authorizes new projects focused on ports, waterways, flood protection, and ecosystem restoration across the country. It also introduces numerous policy changes affecting the operations of the Army Corps of Engineers.

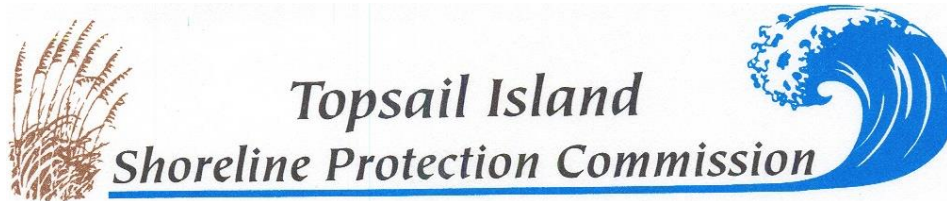
National Flood Insurance Program. Congress is expected to pass another short-term extension of the National Flood Insurance Program (NFIP) this month as part of the CR funding package. This marks the 32nd such extension since 2017, when the last long-term, multi-year NFIP reauthorization expired.

Coastal Habitat Conservation Act. On November 21, the Senate approved the Coastal Habitat Conservation Act (H.R. 2950), authorizing the U.S. Fish and Wildlife Service's Coastal Program. The House passed the bill earlier on September 24. The Coastal Program, established administratively in 1984, offers technical and financial assistance for habitat conservation in coastal watersheds through voluntary partnerships.

EPA Releases Final Lead and Copper Rule. The Biden Administration announced the final Lead and Copper Rule Improvements (LCRI) to significantly reduce lead contamination in drinking water systems across the United States. This action mandates water systems nationwide to identify and replace lead pipes within the next decade and requires more rigorous testing and transparent communication to protect people from the harmful effects of lead.

SBA Disaster Loan Program. Senator Thom Tillis (R-NC) and Senator Ted Budd (R-NC), along with a group of Senators, have proposed the Restoring an Economic Lifeline with Immediate Emergency Funding (Relief) Act, a bill to replenish the Small Business Administration (SBA) Disaster Loan Program, which recently ran out of funds after Hurricanes Helene and Milton.

Reform FEMA Individual Assistance Programs. Senator Thom Tillis (R-NC) and Gary Peters (D-MI) introduced bipartisan legislation to reform the Federal Emergency Management Agency's (FEMA) Individual Assistance program. The bipartisan Disaster Survivors Fairness Act would reform individual federal disaster assistance programs to



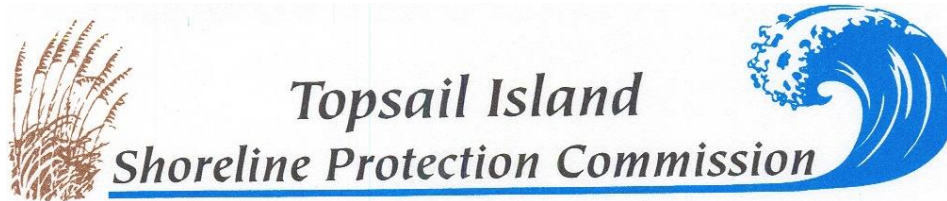
best support survivors. The bill would provide FEMA with new authorities to increase its ability to fund disaster mitigation projects and expand support to homeowners.

North Topsail Beach CBRA Mapping Issue. After three years of persistent advocacy, Congress has approved Coastal Barrier Resources System (CBRS) mapping changes to Topsail Unit L06 in North Topsail Beach that will remove 2.5 acres of land from the unit. The acreage removed from the unit includes four lots within the Barton Bay Yacht Club, containing two structures along Barton Bay Drive and New River Inlet Road and a portion of one lot to the south of New River Inlet Road. This approval was achieved with the passage of H.R. 5490, now Public Law 118-117, the Bolstering Ecosystems Against Coastal Harm Act (BEACH Act). For reference, the mapping changes to Topsail Unit L06 are included in the law under Section 201(a)(166).

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. However, with limited time remaining in the session, it is likely that Representative Murphy will need to reintroduce the bill in the new Congress after it is seated in January. We are currently working with Representative Murphy's office and other Congressional staff, alongside North Topsail Beach Alderman Tom Leonard, to update and prepare the bill for reintroduction early next year.

Sand Borrowing. In addition to the aforementioned changes to Topsail Unit L06, the BEACH Act also includes dozens of other CBRS mapping and policy changes related to the CBRS, including a provision that impacts CBRS sand borrowing policy. Section 104 of the law includes language championed by Representative David Rouzer and supported by TISPC that allows certain Federal beach nourishment projects to borrow sand from within the CBRA zone for use outside the CBRA zone. The language is very narrow and only applies to a handful of projects, including Wrightsville Beach, Carolina Beach, and Kure Beach, which have Federally authorized beach projects. While the provision does not directly benefit Topsail Island communities, it is a step in the right direction in addressing the Commission's concerns regarding CBRA sand borrowing policy. Vice-Chair Benson asked Congressman McIntyre if the new administration might re-interpret this policy such that CBRA sand could be moved to non-CBRA beaches? He replied that a legislative fix would be a better route and Stephanie Missert of TFG concurred.

Surf City General Reevaluation Report (GRR). We are pleased to report that Section 1203(b)(3) of the final 2024 Water Resources Development Act (WRDA), which was just released on December 3, instructs the Secretary of the Army to expedite the feasibility study for the Surf City Coastal Storm Risk Management Project. The 2024 WRDA was approved by Congress and signed into law on December 11.



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

David Ferrell joined us virtually to report on activities of the General Assembly. The legislature finished its work for the year yesterday as the House met to over-ride a veto and pass a constitutional amendment bill to finish the 2024 session.

David reported on election results with the Senate Republicans controlling a super majority with at least 30 votes since re-counts didn't change any Senators in the super majority. On the House side with 71 Republicans, it remains to be seen whether the Republicans will have a super majority at least on some forthcoming issues where Democrats will have to vote with the Republicans. It is unknown how much 'power' incumbent Governor Josh Stein will hold in vetoing legislation. Incumbent Judge Alison Riggs appears to have won her Supreme Court seat again, although the election was so close there will be a court challenge no doubt. Our representatives in New Hanover and Pender Counties were re-elected with Senator Jackson serving as chair in budget roles. The 2025 session starts January 29, 2025.

To summarize legislative actions where the governor's veto of HB10 was overridden. SB382 continues funds for storm damage and shifted additional funds for disaster relief. It also shifts power the governor formally held to legislative bodies which will be very controversial. Both the Senate and House overrode the governor's veto. The bill includes prohibiting down zoning by local governments which will be very controversial. Disaster relief will continue to be a priority in 2025.

c. Turtle Hospital – Kathy Zagzebski

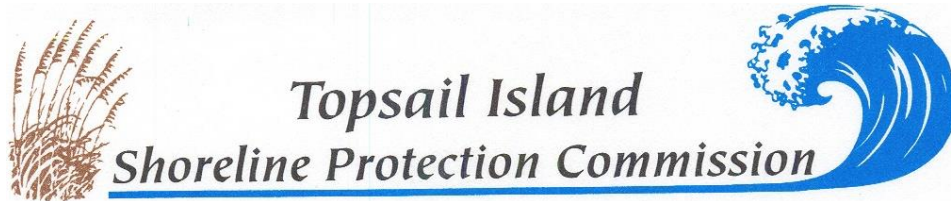
Sea Turtle hospital: With the cold weather we've been having, cold stun season came early this year. We have 58 turtles onsite and are bringing in 16 more today. Most of the strandings are occurring in the Outer Banks, although some are coming in from Cape Lookout and two so far from the Topsail Island area. We are open to the public two more days this year, tonight 4:30-6:30 and Saturday 11-2. We are undergoing some facilities upgrades to expand capacity. We are grateful for all the support from the Topsail community over the past year. In addition, Benson reported that a recent news story indicated 20 cold stunned turtles were coming from Cape Cod.

d. North Carolina Coastal Federation – Kerri Allen

Kerri was unable to attend but has contributed ideas for our goals discussion.

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

Kathleen was not able to attend. However, at the fall meeting of NCBIWA Director Tom Leonard presented the '*Unsung Hero Award*' posthumously to **Chairman Steve Smith**. This award is given by NCBIWA to an individual who has made significant contributions to the organization and/or field of coastal preservation, with little fanfare, but who warrants considerable acknowledgement for their contribution. Tom also presented the



prestigious *Hero of the Coast Award* to **Congressman Mike McIntyre**. This award is given by NCBIWA in great admiration to an individual or organization who has demonstrated determination, leadership, passion, and courage while serving to further the NCBIWA mission of protecting and preserving the coast of North Carolina. Congressman McIntyre is only the third person to receive this award in the history of NCBIWA.

VI. Old Business & Updates

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

Christina reported that work continues. The Board of Commissioners (Topsail Beach) approved a resolution to accept the Interlocal Agreement (ILA) now in place with all three towns. Topsail Beach will provide the state with the ILA so that we can issue an RFP for a contractor to perform the eradication program.

VII. Town Updates

a. Topsail Beach

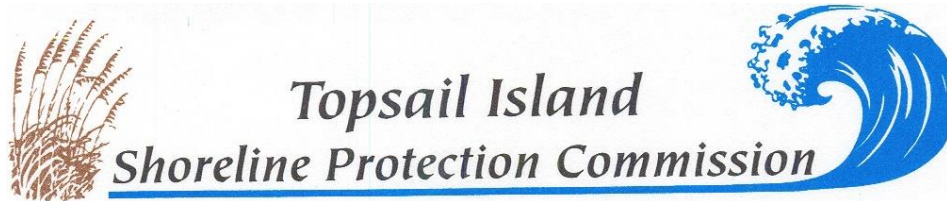
Manager Shipley reported that the FEMA Hurricane Isais close out so can receive final payment of about \$1.6 million dollars. Also, from the BIS committee the 30-yr Beach Plan was reviewed and updated and is now ready for the Town Commissioners.

b. Surf City.

Hiram Williams reported for Mayor Batts that they met with the Corps yesterday and everything seems to be in order for the General ~~ReEve~~evaluation Report ([GRR](#)). Although it appears that the offshore dredge material will have to be screened as it will contain small rocks. Also, Surf City will use the remainder of the Banks Channel sand permit from Topsail Beach for a nourishment project. They hope to nourish all the way the Surf City Pier starting in January to conclude in March. How the pipe will cross Hwy50 is still uncertain.

c. North Topsail Beach

Mike reported that the Corps dredge project to clean out the ICW and New River Inlet at Cedar Bush Cut crossing will start soon with the disposal area to be along the beach at the Topsail Beach Condos. Approximately, 90 thousand yards may be expected. The Phase 4 work has started, beginning at the south end of Phase 4 (around 3686 Island Drive) and will work north approximately 8,000 feet until May 1, 2025, and place approximately 160,000 CY's of sand. Trucks will access the beach through the 2nd Ave. access which is Beach Access # 28 at 518 Topsail Road. Also, Onslow County was included in the Hurricane Helene disaster declaration, so we will be eligible through FEMA for about 88 thousand cubic yards.



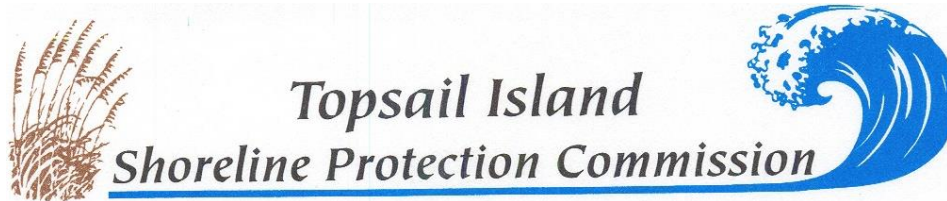
VIII. New Business

a. CRAC & CRC Review- William Snyder

William reported that Kyle Breuer sits on the Coastal Resources Advisory Committee (CRAC) and one of the issues they are looking at is use of artificial turf up to the dune line. Also, the CRC is concerned about rule making and the challenge by the Rules Review Commission on the validity of some CRC rules. Some rules of which the CRC is taking the RRC to court to settle. In the meantime, emergency rules were put in place by the CRC. (Mike, Please note that I was incorrect. The variance for the property in Surf City was denied at the previous CRC meeting, The variance that was denied in this CRC meeting was for construction on a site in Avon in Dare County. Please delete this reference. Several variances were approved by the CRC except one in Surf City where the applicant wanted to build closer to the ocean than allowed. Another rule was re-establishing Jockey's Ridge as a state protected site.

b. NCBIWA Review – William Synder

William noted that all the presentations from the November 18th meeting were now online. The USACE Corps spoketalked about their goal to have 70% of dredged material used beneficially. Thin-layer placement was one method the Corps might use. A dredge project was reviewed that is proposed to protected save Cape Lookout Lighthouse and re-establish a bird rookery in Core Sound. They expect their federal projects in the district to continue as well as a positive outcome to initiate the Surf City project. Kevin Hart from the Division of Water Resources said that the Shallow Draft Inlet Fund receives \$20-22 million each year and currently has about \$569.4 million available with the Surf City project to get \$18 million. The Coastal Storm Damage Mitigation Fund was able to fund \$690 thousand dollars for Beach Vitex for Topsail Island to various projects this year. There was a presentation about tThe Buxton abandoned US Navy and Coast Guard facilities Lighthouse issue with petroleum leaking from old tanks into the ocean due to severe beach erosion. The site is currently undergoing remediation. There was a panel on offshore wind concerning and the proposed Kitty Hawk and Long Bay project areas. Panel members did not have answers to many of the details that local and state groups are concerned about. No construction will occur before 6 years and many questions remain unanswered. The Science Committee of the Coastal Resources Commission reported that they agree with projections that a 12-inch rise in sea level is expected by 2050. There was a panel discussion concerning beach quality sand inventories. A representative from the Bureau of Offshore Energy management (BOEM) reported that Also, according to their inventory, there is not enough beach quality sand for all the beach management plans in place, with several beach management plans claiming the same sand source! The Oak Island beach nourishment project that is starting soon will use hopper dredges to bring sand from 20 miles offshore 20 miles to bring sand to the beach at a cost of \$100 million. The Corps is using a new water injection dredge with success in the port in Wilmington.



c. Accomplishments 2024 and Goals 2025 – Mike Benson

Mike referred to the draft copy of the accomplishments for the commission's consideration that was put together by a sub-committee. He suggested we continue to consider and come back in January to finalize.

The draft Goals for 2025 were reviewed with *six state goals* including a new one to support the moratorium on new shellfish leases in Pender and Onslow Counties. Kerri Allen from the Coastal Federation asked for support for a new state-wide program for abandoned vessels that would allow for federal funding after declared storms. She also mentioned support for the Stump Sound protection program and living shorelines. Larry Combs suggested adding insurance rate increases as a common state issue for the island.

The proposed federal goals include continuing the work to allow more communities to borrow sand from CBRA to non-CBRA beaches; to amend the CBRS map unit in North Topsail Beach; and to support the Surf City federal project. Also, the one FEMA team for the island was discussed. Stephanie Missert(TFG) offered that there was a virtual April meeting with the FEMA regional reps while our group was in Washington. The outcome was if we don't get one FEMA contact after a storm, then we have a contact name for FEMA Region 4 at the state level, so the region can get involved, but until an actual storm occurs, we won't know how this will work out. Should we continue to be a part of offshore wind discussion and rulemaking? Yes.

Under local commission goals we include the Vitex eradication; Beach Clean initiative; networking through NCBIWA; adoption of beach mats; monitoring CRC rule making; sea level rise issue' and beneficial disposal of dredge materials.

d. 2025 Meeting Dates – Mike Benson

The proposed meeting dates have been cleared with Surf City so we will be meeting there except for the December meeting which will have occur at another location.

e. Election of Chairman – Mike Benson

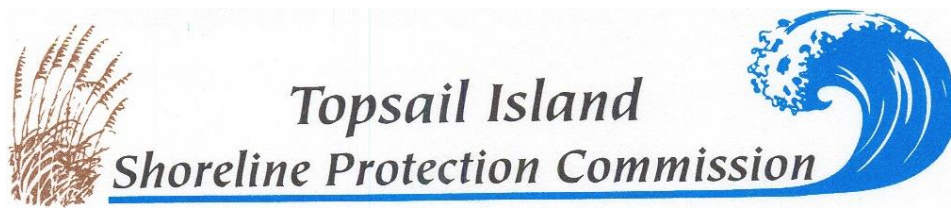
Mike relayed a conversation with former Chairman Smith a few days before he passed. Chairman Smith wanted to step aside but served as a resource person next year. He indicated that his nominee for chairman was William ~~Snynder~~^{Snyder}. Thus, Mike nominated William Synder with a second from Larry Strother. There were no other nominations. The vote for William ~~Snynder~~^{Snyder} was unanimous.

f. Election of Vice-Chairman – Mike Benson

Likewise, Steve Smith and I agreed that Larry Strother would be a good vice-chair. Thus, Mike nominated Larry Strother as vice-chair with a second from Ed Broadhurst. There were no other nominations. The vote was unanimous for Larry Strother as vice-chair.

IX. Public/Commission Members Comments

Grayson Overholt, Regional Representative for Senate Tillis introduced himself. He offered to help with the FEMA Regional Office following a declared storm for the one-team for the island issue. He suggested creating a joint standard letter from all three



municipalities to Senator Tillis and to FEMA Region 4 that could be used to facilitate the one-team request for Topsail Island.

X. Next Meeting – 2 PM, Thursday, January 23, 2025 – Surf City Town Hall

XI. Adjournment and thank you for your support

Mike asked for a motion to adjourn. Ed Broadhurst made the motion with a second by Hiram Williams and it passed unanimously.