



TO: STEVE SMITH, CHAIRMAN
TOPSAIL ISLAND SHORELINE PROTECTION COMMISSION

FROM: MIKE MCINTYRE

SUBJECT: FEBRUARY MONTHLY LEGISLATIVE UPDATE (REVISED)

DATE: FEBRUARY 21, 2017

MONTHLY LEGISLATIVE UPDATE (REVISED)

The 115th Congress continues to be busy as it approaches its third month in session. Congressional committees and subcommittees are still organizing; however, Members have been fully assigned to their respective committees and subcommittees. Committees are still making staff changes and scheduling organizational meetings, but hearings, markups and other regular committee activities are in full swing.

There will be a heavy focus this year on passing an infrastructure package, an effort which is already under way on both sides of the aisle. On January 24, Senate Democrats unveiled their “Blueprint to Rebuild America’s Infrastructure,” a 10-year, \$1 trillion proposal to “rebuild our nation’s crumbling infrastructure and create 15 million middle-class jobs.” According to Senate Minority Leader Chuck Schumer (D-NY), President Trump “seems open to a bill that’s this large” after some discussion with congressional leaders at the White House. According to Senator Schumer, the plan consists of:

- \$210 billion for roads and bridges, including expanding the TIGER grant program to \$10 billion and leveraging money at local main streets;
- \$200 billion for “vital infrastructure projects;”
- \$180 billion for rail and bus systems;
- \$110 billion for a new water and sewer program;
- \$100 billion for energy modernization, including updates to the power grid;
- \$75 billion for rebuilding and repairing schools;
- \$70 billion for ports, airports and *waterways*;
- \$20 billion to expand high-speed broadband;
- \$20 billion for public and Indian land renewal;
- \$10 billion for new Veterans Health Administration hospitals, extended care facilities and upgrades at the Army National Guard Readiness Centers; and
- \$10 billion for an Infrastructure Bank to bring in private money.

On February 14, House Transportation and Infrastructure Committee Chairman Bill Shuster (R-PA) said the House Republican infrastructure package will include funding for broadband, electric grid, pipeline and transportation infrastructure, and has discussed this plan with Transportation Secretary Elaine Chao. The House Republican package will not be released until after the House wraps up work on the repeal of the Affordable Care Act and tax reform, according to Chairman Shuster.

Both chambers continue to take action to reform the regulatory process and reevaluate several longer-standing laws, such as the Endangered Species Act, and related regulations. On February 15, the Senate Environment and Public Works Committee held a hearing on “modernizing” the Endangered Species Act, an effort which is largely seen by Democratic Members of Congress as a potential effort to weaken the law. Regarding regulatory reform, on February 14, the House Oversight and Government Reform Committee marked up a number of regulatory reform bills, including the "Searching for and Cutting Regulations that are Unnecessarily Burdensome (“SCRUB”) Act of 2017," the "Regulatory Integrity Act of 2017," and the "OIRA (“Office of Information and Regulatory Affairs”) Insight, Reform and Accountability Act." The "SCRUB Act," which passed the House last year, would establish a nine-member body and authorize an appropriation of up to \$30 million to independently assess which regulations are outdated or unnecessarily burdensome. The "Regulatory Integrity Act," which also passed the House last year, would require agencies to disclose actions about their pending rules along with their public communications about those rules. It would also prohibit agencies from using those communications to lobby the public for support of their rules. In addition, more regulatory reform bills continue to be introduced in the House. Representative Jason Smith (R-MO) introduced H.R. 998, which would establish a process for the review of regulations and sets of rules; and Representative Kyrsten Sinema (D-AZ) introduced H.R. 978, which would establish an independent advisory committee to review rules.

The Senate is still heavily focused on conducting confirmation hearings for Cabinet-level Trump Administration nominees. So far, Senate committees have held confirmation hearings for almost major cabinet nominee. Since Inauguration Day, 16 nominees have been confirmed.

Meanwhile, President Trump has been busy signing 24 Executive Orders and Presidential Memoranda (collectively “executive actions”) since taking office on January 20, some more controversial than others. These executive actions cover a wide range of policy areas, from law enforcement, immigration and homeland security, to regulations, infrastructure and healthcare. The full list of executive actions can be viewed on the White House “Presidential Actions” webpage: <https://www.whitehouse.gov/briefing-room/presidential-actions>.

STATUS OF CONGRESSIONAL ACTION ON NORTH TOPSAIL BEACH CBRS ISSUE

We understand that members of the Topsail Island Shoreline Protection Commission (“Commission”) have previously expressed concern with the final recommended maps proposed by the U.S. Fish and Wildlife Service (“Service”) because it aligns CBRS Units L06 and L05 down the New River Inlet channel which could purportedly complicate the disposal of dredged material from channel maintenance. In order to properly assess this concern, we asked the Service if there are any policies that require dredged material from channel maintenance to be disposed of in the same CBRS unit, which was a specific concern expressed by Topsail Island Shoreline Protection Commission members in public comments submitted to the Service in 2014.

On February 2, we spoke with the Regional CBRA Coordinator for the Atlantic and Gulf Coasts, Cindy Bohn, about the Commission’s concerns regarding the disposal of dredged material from the New River Inlet, as well as Camp Lejeune activities in the New River Inlet, in the context of the proposed maps from

the Service. First, Ms. Bohn was able to confirm that ***the proposed change to align CBRS Units L06 and L05 down the middle of the New River Inlet channel would not affect, in any way, your ability to receive and dispose of dredged material from channel maintenance activities.*** The New River Inlet is an existing federal navigation channel, an exempt waterway, which means federal expenditures are allowable within CBRA designated areas without restriction. The maintenance or construction of improvements of existing federal navigation channels (including the Intracoastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction, are all exempt activities. Ms. Bohn also confirmed that dredged material from channel maintenance activities in an existing federal navigation channel (again, an exempt waterway) ***does not need to stay within the same CBRS unit;*** therefore, the boundary of L06 in the middle of the channel instead of on the shoreline would have no impact on your current dredging and disposal activities. We also discussed this with an Army Corps of Engineers consultant, Steve Stockton (a former Director of Civil Works for the Army Corps of Engineers), who suggested that it is common for the Service to put the boundary in the water rather than on the shoreline. Ms. Bohn confirmed this statement and said the Service is making this change to L06 simply to standardize the L06 map consistent with how other CBRS units are mapped. Second, Ms. Bohn confirmed that ***Camp Lejeune activities would also be exempt from CBRA restrictions because there is an exemption for military activities essential to national security.***

We understand that the Commission is continuing to review the existing and proposed boundaries outlined on the Service's final recommended maps for Topsail Unit L06. We hope the information secured from the Regional CBRA Coordinator for the Atlantic and Gulf Coasts will help inform your discussions regarding this topic. If there are additional questions and clarifications needed, we will work with relevant Service personnel and others to secure such information.

As previously stated in the January Monthly Report to the Commission, and as discussed in a telephone conference with North Topsail Beach Town Manager Stuart Turille on January 11 (see attachment from January Report), we request that the Commission review the maps provided to the Commission with the January Monthly Report and review the potential legislative options. As a reminder, Legislative Option A would amend the current maps for Topsail Unit L06 by excluding from CBRS those areas of North Topsail Beach serviced by a full complement of infrastructure, which existed prior to 1982. Legislative Option B would accept the Service's proposed map changes to Topsail Unit L06, as well as amend the map to exclude from CBRS those areas of North Topsail Beach serviced by a full complement of infrastructure, which existed prior to 1982.

Once the Commission has decided which legislative option it prefers, we can properly proceed with our work with Senator Thom Tillis (R-NC), Senator Richard Burr (R-NC) and Representative Walter Jones (R-NC) on a resolution to this issue.