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## REGULAR MEETING MINUTES

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Thursday, August 26, 2021, 2:00 PM  
Surf City Town Hall

### **Commission Members Present**

Steve Smith, Chair  
Mike Benson, Vice Chair  
Ed Broadhurst  
Tom Leonard  
Jade Litcher  
Hiram Williams  
**Virtual**  
Mark Price

### **Associates Present**

Kerri Allen, NC Coastal Federation  
Kyle Breuer, Town Manager, Surf City  
Larry Combs, TB-BIS alt  
Morton Blanchard, TB Commissioner  
William Snyder, TB-BIS alt  
Stephanie Hobbs, Surf City Clerk  
Kathleen Riely, NCBIWA  
Mike Rose, Town Manager, Topsail Beach  
Kathy Zagzebski, Karen Beasley Sea Turtle  
Rescue and Rehabilitation Center  
Tom Staker, citizen  
**Virtual**  
Connie Wilson, TISPC Advocate  
Michael Hicks, NC-RCCP, Kleinfelder  
Chris Wingenbach, Kleinfelder  
Deb Hill, NTB Planning Director  
Kyle Johnson, Kleinfelder  
India Mackinson, Recording Clerk

### I. Call to Order & Greetings

Chairman Smith called the meeting to order at 2:02 pm.

### II. Public Comments

None were made.

### III. Approval of Agenda

Chairman Smith added item 5(g) with Michael Hicks to discuss the Resilient Coastal Communities Program. Mr. Williams made a motion to approve the agenda. Mr. Broadhurst seconded the motion, and it was carried.

#### IV. [Approval of Minutes for June 24, 2021](#)

Mr. Williams made a motion to approve the minutes. Mr. Litcher seconded the motion, and it was carried.

#### V. [Consultant & Partners Reviews](#)

##### A. [Ward and Smith Attorneys](#) – See report

Vice Chairman Benson wanted to ask Mr. McIntyre on how to proceed with the amendment to the CBRA Map Unit L06 and will seek advice offline. Chairman Smith said he asked them to follow up on WOTUS changes.

##### B. [Connie Wilson Consulting](#) – See report

Ms. Wilson said the General Assembly is still in session, though it is usually out by mid-July, and will probably go until October to debate the budget. There are negotiations between the House and Senate, because the House wants to spend more money and the Senate wants more tax cuts. Once they get past that hurdle, they have to work with the governor to avoid a veto. Discussions are occurring between high-level offices right now. In the House budget, which is over 600 pages long, there are several billion dollars of Covid-19 money. HB 500 is rolled into the budget bill, which could make a big difference for coastal communities, including grants for disaster relief to individual towns. Because the ACOE has not yet notified DEQ that NTB has pulled out of federal project, there is still state funding allocated for both towns, so that provision needs to be adjusted. It will be another 2-3 weeks before another conference report is adopted. There is also \$25 million for flood projects, a new disaster mitigation fund with \$20 million, and a \$100 million grant program for storm water infrastructure, a historic amount of funding. HB 735 has been signed by the governor that allows for flexibility for RFPs in dredging. There was no opposition, and it moved quickly through the Senate. HB 121 also clarified dredging cost-share, which has been signed by the governor. The clarified terminal groin bill, HB 44, did not go anywhere. The tree ordinance bill passed the House, but probably will not stay in the budget.

##### C. [North Carolina Coastal Federation](#) –

Ms. Allen reported that the first living shoreline project in Topsail Beach has been completed. The marine debris removal program has hit the 1 million pounds mark, averaging 1 ton a day. They are also going after recurring appropriations to permanently fund marine debris removal and hire local watermen and fishermen. There will also be a focus on prevention, because 85% of debris is from piers and residential structures. They are working with contractors and engineers to work on more resilient recommendations, and a report will be out soon. They also want to focus on requiring encapsulation around floating piers, which is more efficient and longer lasting. They are looking to local governments to adopt an ordinance requiring this encapsulation. The debris removal crew is currently in Brunswick County but will be back here in next couple of weeks. Derelict vessel removal work is also going well with 23 removed. Ninety will be removed in total within the next year.

**D. North Carolina Beach, Inlet and Waterway Association –**

Ms. Riely spoke about the conference which is Thursday and Friday November 4-5 at the Aloft Wilmington at Coastline Center in downtown Wilmington. She also mentioned the Zoom meeting NCBIWA set up with Pete Benjamin with FWS regarding the rufa red knot. Those who could not attend can view a recording. Ms. Riley has also been working with both Senator Burr and Tillis' office as well as Congressman Rouzer and Murphy's office to generate a letter to FWS to extend the deadline for public comment as well as asking FWS to reconsider some of the areas they have designated.

**E. United States Army Corp of Engineering (USACE)**

Mr. Breuer said the Corps is working on the feasibility justification of NTB's departure, and there will be 60 days until we know more. The year-round environmental permit will be in place once work does start, which should be 18 months of continuous work.

**F. Karen Beasley Sea Turtle Rescue and Rehabilitation Center**

Ms. Zagzebski reported 102 turtle nests on Topsail Island. So far, 26 have hatched with more than 3,000 live hatchlings. The hospital has cared for 72 animals this year with some released. A public release recently had over a thousand people in attendance. Six hooked sea turtles and seven boat strike cases were admitted, with all boat strike cases fatal. Ms. Zagzebski advocated for safe boating education. The hospital has also reached over 1,000 students

through summer camp programming. The hospital will be open four days a week in the fall. Chairman Smith asked where the strikes are happening. Ms. Zagzebski replied that they came from the Wilmington area from both sound and ocean sides with many from the Intracoastal Waterway. Mr. Williams thanked her volunteers.

**G. NC-RCCP Topsail Island Community Action Team (CAT)**

Mr. Hicks introduced himself, Kyle Johnson, and Chris Wingenbach, who will all be working on the project. Mr. Hicks said the guidance they have received from NCDCCM is to create a community action team with a minimum of 5-7 representatives from each town for a total of less than 20 on the community action team. Mr. Johnson said that projects will also look at long-term problems like sea level rise and to make sure projects are as shovel ready as possible for grant applications. Mr. Johnson suggested adding in youth voices and academia to the project and to think long term, even beyond 2050. Vice Chairman Benson asked for a timeline for nominations. Mr. Johnson replied that the project is moving forward through February of next year, which is a tight turn around, but the nominations do not have to go through TISPC. They can also do outreach as well to recruit underrepresented voices. Mr. Breuer said TISPC would serve as the advisory committee, so he recommended taking delegates from each town and then TISPC could appointment them. It does not need to be formal at both town and TISPC levels. He also said this a great opportunity to expand the voices heard in these issues. Chairman Smith said the towns should send him a list and then the TISPC will review.

**VI. Old Business**

These items were covered in Ms. Wilson's report.

- A. NC House Bill 735 – Dredging Contracts – it has become new law**
- B. NC House Bill 44 – Clarify Terminal Groin Definition**
- C. NC House Bill 372 – Restores Funding/State Conservation**
- D. NC House Bill 500 – Disaster Relief & Mitigation**
- E. NC House Bill 121 – EQIP Funding /Dredging Cost Share**

F. NC House Bill 496 – Property Owners Rights/Tree Ordinances

G. NC Budget

H. “Waters of the United States” (WOTUS)

Chairman Smith asked Mr. McIntyre to look more into this item. He said that mainland issues will be more prominent than island issues.

I. Sand use from CBRA Inlets

Chairman Smith said the law has changed, so they are looking into options to ensure beach restoration will continue.

J. Red Knot Protection Proposal by USFWS

Chairman Smith reported that the USFWS have proposed encompassing habitat protection legislation that also protects flyways for rufa red knots. Chairman Smith said he was not opposed to protection for rufa red knots but would like to ask for clarity on the rules proposed. He has asked Rep. Rouzer to draft a letter to request more time for public comments. Currently, the deadline for public comments is September 13<sup>th</sup>. Chairman Smith said Carteret County has similar concerns. Rudi Rudolph is working with his commissioners to draft their opposition as well. Some permits are being issued for certain areas for dredging and beach management, which require two years of monitoring. It is nothing too difficult to manage, but that may change with this legislation. Vice Chairman Benson said USFWS is overreacting, stating they are identifying critical habitats for migratory shorebirds, requiring your beach be subject to the new rule if 1% of the red knot population visits. Chairman Smith said we have to look at other consequences that may be there. Vice Chairman Benson said we have not seen the bird count data that USFWS is using. Chairman Smith said they are protecting the flyway area, which is over and above the nesting area, which will set precedent for future legislation. He remarked that in Topsail Beach, we do a lot of environmental work, but we think this may be overreaching because it includes the entire beach front, which has potential to stop beach nourishment projects.

## VII. Town’s Local Projects/Direction –

A. North Topsail Beach

Vice Chairman Benson reported that the search for a new town manger continues. They have received several applications but have not conducted interviews yet. Vice Chairman Benson announced a new town clerk, Danyale Lundy, who will start after Labor Day. Town Hall restoration is continuing and will be completed in October or November. A new at-large member of the TISPC also needs to be appointed. On September 11<sup>th</sup>, the fire department will sponsor their annual stair climb event to recognize fallen firefighters in 9/11. NTB has also started a Category B dune restoration project in the north end of town, which was paused for turtle season and will resume in November. The next project is a Category G engineered beach project in Phase 5, which will place 600,000 cy of sand. That project will also start in November and will take a couple seasons to complete. For the New River Inlet Management Master Plan, an interagency scoping meeting will be held in September. There will be at least 3 or 4 years before there will be any final EIS position paper for slowing erosion at the inlet. At the next Board of Aldermen meeting, there will be three resolutions, one opposing the tree ordinance bill in the GA, one opposing single family housing zoning changes, and one opposing the red knot critical habitat area.

#### B. Surf City – Kyle Breuer

Mr. Breuer reported that the stormwater project at south shore is in the hands of DOT. Their hydrology unit is reviewing that and will meet again to discuss funding solutions. The town is also going under updates to its comprehensive plan, which was last updated in 2005. There is a survey available for citizens to give feedback on development plans. The town is working with its COG to complete that project. In October, they are also going through final recommendations and adjustments for parking for next summer. There were hiccups in parking at the beginning, but overall it has been fairly smooth. They are also going to do a parking capacity analysis to see what the town can do to increase that. The region is growing, so demand for parking will increase.

#### C. Topsail Beach – Mike Rose

Mr. Rose stated that partnerships are critical to success. The NC Coastal Federation partnership for living shorelines is going well. Two more sites are scheduled for construction in September. Each site will be used as an educational tool as well. While they are not a panacea to solving erosion and flooding, they are great for water and environmental quality. Mr. Rose said he was also very excited about working with NC RCCP. He thanked Mr. Breuer for spearheading that effort. They will bring some names to Chairman Smith to join

that group. The Board of Commissioners has also prioritized the Rocky Mount Ave. area in addressing nuisance flooding. The BIS Committee is working with TI Coastal to revise a 30-year beach management plan. Sea oat planting is nearly done, which has been a success.

## VIII. New Items

## IX. Meetings & Conferences

- A. CRC – September 16 & 17, 2021
- B. Representative Murphy Coast Meeting – October 13, 2021
- C. NCBIWA – November 4 & 5, 2021
- D. D. NC Long Term MOA with ACOE – September 15 at 10 a.m.

## X. Public/Commission Comments

## XI. Next Meeting – September 23, 2021 - WebEx

## XII. Adjournment

Mr. Broadhurst made a motion to adjourn the meeting. Vice Chairman Benson seconded the motion, and it was carried.