

TISPC Accomplishments for 2022-2023 & Goals for 2024

Date: 10/19/2023

From: Mike McIntyre

Dear Chairman Smith:

Pursuant to your letter of October 5, please find our response with regard to recent accomplishments for 2022–2023 and goals as we look ahead to next year with potential priorities.

Both Ward and Smith and The Ferguson Group are honored to have the opportunity to work with you over the years and are excited about the possibilities for the future! Both Stephanie Missert and I have discussed these matters below in detail, and we would be excited about continuing to have the opportunity to serve you and TISPC.

We trust that the information below will be helpful to you and the Commission, as you have requested:

TISPC Accomplishments for 2022-2023 & Goals for 2024

A. During the 2022-2023 contract cycle, Ward and Smith—with assistance from The Ferguson Group—accomplished the following priorities on behalf of the Topsail Island Shoreline Protection Commission:

1. Advocated for Infrastructure Investment and Jobs Act (IIJA) funding for the Army Corps of Engineers, which resulted in
 1. \$3,000,000 for New River Inlet dredging and surveys, which was included in the IIJA Army Corps of Engineers Work Plan under Operations and Maintenance (O&M) for FY 2022 (1/19/22).
 2. \$520,000 for New Topsail Inlet and Connecting Channels for dredging, surveys, and turbidity monitoring, which was also included in the IIJA Army Corps of Engineers Work Plan under O&M for FY 2022 (1/19/22).
2. Advocated to maintain funding levels for the Army Corps of Engineers in annual appropriations legislation, which supported the following appropriations in FY 2022 and FY 2023:
 1. \$390,000 for New River Inlet O&M, which was approved in the FY 2022 federal budget (the Consolidated Appropriations Act, 2022) under Energy and Water Development Appropriations (3/15/22).

2. \$560,000 for New River Inlet O&M, which was approved in the FY 2023 federal budget (the Consolidated Appropriations Act, 2023) under Energy and Water Development Appropriations (12/29/22).
3. Secured a comment period extension for the proposed designation of critical habitat for the rufa red knot (1/18/22).
4. President Biden signed the James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year 2023 into law in December 2022. The NDAA included the Water Resources Development Act (WRDA) of 2022. WRDA 2022 included language for which we advocated that mandates the federal government to cover the excess cost of using sand from certain borrow sites that are not considered to be the least cost method of disposal. Specifically, Section 8308 of the bill states that the federal government should “fund at Federal expense, any incremental increase in cost to the project that results from a legal requirement to use a borrow source determined by the Secretary to be other than the least-cost option.” This provision applies only to certain Army Corps of Engineers projects at this time.
5. We have continued to advocate to TISPC’s Congressional delegation to ensure that FEMA-funded projects, including post-disaster renourishment projects, qualify for the same treatment as Corps projects under Section 8308 of WRDA 2022.
6. We have also continued to advocate more broadly for legislation to remove the prohibition of borrowing sand from within a CBRA zone for use outside a CBRA zone. Consistent with our advocacy, Representative Rouzer introduced a bill in 2023 (H.R. 524) that again aims to address this issue long-term for certain Corps-related projects.
7. Throughout 2022 and 2023, we stayed in regular contact with TISPC’s Congressional delegation regarding the proposed technical corrections to CBRS Topsail Unit L06 (the correction that would remove approximately 2.5 acres from the CBRS in the Barton Bay Yacht Club area). Both the House Natural Resources Committee and Senate Environment and Public Works Committee were made aware of TISPC’s position on these technical corrections so the committees could include them in their respective CBRA technical corrections packages. The technical corrections have been included in the Bolstering Ecosystems Against Coastal Harm Act (H.R. 5490) and the Strengthening Coastal Communities Act of 2023 (S. 2958). Both bills were introduced in September 2023. S. 2958 has already been placed on the Senate calendar for floor consideration, and H.R. 5490 was recently considered during a House Natural Resource Committee hearing in September. The goal of both committees is to approve a bill by the end of this year.
8. Our many years of advocacy have resulted in significant developments in 2023 with regard to TISPC’s efforts to amend the boundaries of CBRS Unit L06 in North Topsail Beach. After a series of successful meetings this spring in

Washington with Congressional Committee staff and TISPC's Congressional delegation, staff from the House Natural Resources Committee contacted North Topsail Beach about visiting the Town to view the Unit L06 boundaries firsthand and understand the extent of development in North Topsail Beach. As a result of this visit, North Topsail Beach Alderman Tom Leonard was invited to testify before Congress on September 28, 2023, on H.R. 2437, the bill introduced by Representatives Murphy and Rouzer that would remove certain areas of North Topsail Beach from Unit L06 that were served by a full complement of infrastructure at the time that Unit L06 was created in 1982. Members and staff from the House Natural Resources Committee Subcommittee on Water, Wildlife, and Fisheries have expressed an interest in helping North Topsail Beach address its concerns. We have never been more optimistic than we are now about the prospects for this legislation.

As you are aware by reviewing our monthly reports to the Commission, these accomplishments are the result of persistent advocacy efforts carried out both with and on behalf of the Commission and its members. We stay in close contact with TISPC's Congressional delegation, Congressional committee staff, and relevant administration officials and staff regarding TISPC's federal priorities, and we use all available resources at our disposal to support these efforts. From our deep bench of experts to the innovative software and tools that we use on a daily basis to our extensive network of contacts, we provide a comprehensive approach to federal advocacy that is truly unmatched. We are pleased that our efforts have resulted in so many successes for TISPC over the years and we are confident that our proven approach will result in even more success for the Commission in the future.

B. Federal priorities that appear to be suitable for TISPC to pursue in 2024-2025 include, but are not limited to, the following items:

- North Topsail Beach CBRA map corrections
- Use of sand from a CBRA zone for use outside a CBRA zone
- FEMA island-wide coordination in disaster recovery
- Ensure completion of Surf City Coastal Storm Risk Management Project

As you know, TISPC typically prioritizes 4-5 federal issues annually to focus our advocacy efforts most effectively. We are able to assist TISPC in advocating for the following items should TISPC choose to prioritize them:

- Red Knot protected areas
- Stormwater funding
- Climate impact - sea level rise impact - resilience programs we qualify for using
- Removal of Vitex plant from Beach & Island - funding and support

We are also able to assist TISPC in advocating for the remaining items on Chairman Smith's proposed list should TISPC choose to prioritize them. However, we request additional information on each item to make sure we understand the Commission's specific goals related to each item.

- FEMA - insurance and other outdated rules
- Funding for beach management
- Insurance for coastal property
- Protection of marsh area - contamination from rivers and runoff
- Beach safety & environment issues - equipment & waste (plastic & glass)

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