



## *City of Boiling Spring Lakes*

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Southport, NC 28461

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December 8, 2020

Senator Thom Tillis  
310 New Bern Ave., Ste. 122  
Raleigh, NC 27601

Senator Richard Burr  
201 North Front S., Ste. 809  
Wilmington, NC 28401

Congressman David Rouzer  
310 Government Center Dr., Unit 1  
Bolivia, NC 28422

Gentlemen:

Back in the fall of 2018, Hurricane Florence made landfall over the City of Wilmington, North Carolina. From there it slowly made its way to Brunswick County, dumping 30 or so inches of rain over four days as it sat, unmoving.

The small municipality of the City of Boiling Spring Lakes was ground zero for the storm as it stalled out. The resulting flooding resulted in the failure of five dams which impounded water to create the largest fresh water lake near the ocean in the state. You may remember seeing footage of our City flooded with water, roads washed away, dams breached and National Guard rescues on the national news.

With the failure of the dams, it was up to several State and Federal agencies and the City to pick up the pieces and begin the rebuilding process. Indeed, there was help coming from FEMA, USDA, NCDOT, USACE and more.

While the initial response from FEMA was very encouraging and helpful on many items, two years later, with over \$1.5 million dollars spent on engineering, surveys and the like, our small city (with a total annual budget of \$4.6 million) finds itself boxed in between State and Federal guidelines with no good options.

With the breaching of the dams, NC Dam Safety consequently classified our five dams as high hazard dams, which in turn subjects them to a higher tier of codes and standards. Prior to the storm only one, Sanford Dam, had that classification. Based upon NC Dam Safety's reclassification, the City undertook the necessary steps to engineer solutions acceptable to NC Dam Safety (pending final review). That work culminated in designs that were much more expensive than simply rebuilding the dams to their pre-storm condition, but will result in dams that are built to withstand major storms for the safety of the community and challenges of the future.

Numerous meetings were held between September 2018 and March 2020, with FEMA and NC Department of Public Safety representatives consistently advising the City that bringing the dams up to "current codes and standards" would be eligible costs.

Fast forward to November of 2020 and the City was recently informed by FEMA that it will only participate to a level of rebuilding to the past specs – i.e. repair to pre-storm condition versus meeting current codes and standards. Effectively they have changed the rules near the end of the game. Yet, the City cannot just 'fix' the dams; we must reconstruct the dams to meet NC Dam Safety Codes and Standards required by the State. This determination that took months of internal wrangling at FEMA has not only slowed down the rebuilding plans again, but now places an unbearable financial burden directly on the City's 7,200 residents. While the City would have the option to appeal this determination, it is not likely to be successful based upon FEMA's own discussion and would potentially take years longer. Perhaps more disturbing, based upon their reasoning, this determination could be applied by FEMA to any future dam failure statewide.

The minutes from our November 20 teleconference are attached for your review as to why FEMA made this determination. The fact that FEMA and NC Dam Safety cannot agree as to what "codes and standards" can jointly be agreed upon leaves the City, and other local governments in North Carolina, in the unfair position of having to serve two public entities with conflicting requirements. One entity (NC Dam Safety) telling the City what standards it must use to obtain construction permits and the other (FEMA) not agreeing with those standards, which ironically come from the Federal Dam Safety Act.

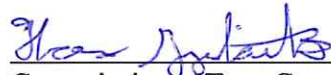
We are asking for your help in bringing common sense to bear on this situation. The lakes created by this five dam system are an important asset to the regional community and State, creating economic, recreational, and EMS safety training opportunities. Prior to the storm and failure of the dams, the City had actively engaged in working to improve the dam, with funding and plans in place for an upgraded spillway – so this is not a case of neglecting our own municipal responsibilities.

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If FEMA cannot be convinced to reverse their stance to only consider the repair costs, we ask you to consider alternative funding for the good of our City, the County and State of North Carolina. Your urgent assistance in this matter is well and truly appreciated.

Respectfully submitted,

  
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Mayor Craig Caster

  
\_\_\_\_\_  
Commissioner Tom Guzulaitis

  
\_\_\_\_\_  
Commissioner Dana Witt

  
\_\_\_\_\_  
Commissioner Teagan Hall

/Enclosure

cc: Governor Roy Cooper  
Senator Bill Rabon  
Representative Frank Iler