



# TOWN OF KILL DEVIL HILLS

*Land Where Flight Began*

MEMORANDUM

January 13, 2020

TO: KDH Board of Commissioners

FROM: Ben Sproul

REF: Mayor's Agenda

## 1. Resolution

### A. Resolution Opposing Reclassification of Jurisdictional Waters (Attached MA-1A)

In 2019, the Wildlife Resources Commission (WRC) brought forward a controversial "salinity value" level in an attempt to determine boundaries between inland and coastal waters. As a result of the proposed value level under this Reclassification of Jurisdictional Waters, there would be a loss of 226.5 square miles (144,984 square acres) of commercial and coastal fishing waters. The WRC's action contradicts its 2017 rule review which determined there was no basis to adjust the boundaries.

With the potential for over \$1 billion in negative sustainable economic impacts to our State's commercial fishing industry, such a jurisdictional change must not occur that could affect our coastal fishing industry.

I recommend approval of this resolution and a motion would be in order for its adoption.



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### RESOLUTION OPPOSING RECLASSIFICATION OF JURISDICTIONAL WATERS

**WHEREAS**, in January of 2019, the N.C. Marine Fisheries Commission (MFC) and the N.C. Wildlife Resources Commission (WRC) formed a joint committee for the purpose of determining boundaries defining inland and coastal waters; and

**WHEREAS**, the joint committee had its last meeting in May of 2019, after having disagreements between the agencies of the “salinity value” to determine boundaries; and

**WHEREAS**, in August of 2019, the WRC business meeting was held with little direct notice to the MFC or to the N.C. Department of Environmental Quality (NCDEQ). At this meeting the WRC decided to move forward with the proposed boundaries based on the arbitrary 2.6 ppt. salinity value;” and

**WHEREAS**, in 2017 the MFC conducted a review of rules pertaining to delineation (15A NCAC 03Q.0200 et seq.) and determined there was no basis to adjust jurisdictional boundaries; and

**WHEREAS**, the proposed Reclassification of Jurisdictional Waters would be a loss of approximately 144,984 square acres or 226.5 square miles of coastal and commercial fishing waters. Thus, creating even more confusion and regulations to the already over-regulated N.C. commercial fishing industry; and

**WHEREAS**, the MFC would be required by law to perform a comprehensive financial analysis to modify jurisdictional boundaries, which would include a review of all existing rules and a detailed mapping effort expected to take over a year to complete with added costs to the taxpayers of North Carolina; and

**WHEREAS**, the financial impact as proposed would exceed \$1,000,000.00 for sustainable economic impact as prescribed in the N.C. Administrative Procedure Act; and

**WHEREAS**, fisheries management plans of important commercial and recreational species under MFC authority follow a criterion initially to establish coastal and joint waters but not inland waters, thus a complete review of all MFC rules would have to be completed at N.C. Taxpayer expense.

**THEREFORE, BE IT RESOLVED**, that the Town of Kill Devil Hills Board of Commissioners strongly opposes the Reclassification of Jurisdictional Waters as prescribed by the N.C. Wildlife Resources Commission. Under such research we have not found where a Salinity Value is a determination of boundary lines between coastal and inland waterways.

Adopted this 13<sup>th</sup> day of January 2020.

SEAL

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Ben Sproul, Mayor

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James Michael O'Dell, Deputy Town Clerk