



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

Resolution Opposing the United States Fish & Wildlife Service's Proposed Designation of Critical Habitat Unit NC-4 (Emerald Isle-Atlantic Beach) for the Red Knot Rufa Shorebird

WHEREAS, on December 11, 2014, the United States Fish and Wildlife Service (USFWS) listed the Red Knot Rufa shorebird as a threatened species under the auspices of the Endangered Species Act and disclosed a compulsory critical habitat designation would be forthcoming in 2015; and

WHEREAS, the designation of critical habitat can impact a wide variety of coastal projects involving federal action, which include activities or programs of any kind authorized, funded, or carried out, in whole or in part by federal agencies pertaining to coastal and inlet management activities, such as dredging and beach renourishment projects that are permitted, and/or funded and implemented by the United States Army Corps of Engineers and hurricane recovery activities financially supported by the Federal Emergency Management Agency; and

WHEREAS, other federal actions can involve the administration of the National Flood Insurance Program, implementation of building codes, federal grants for public access and infrastructure improvements, and other programs/policies; and

WHEREAS, on July 15, 2021, and nearly seven years after listing the Red Knot Rufa as threatened, the USFWS is proposing to indiscriminately designate **ALL** of the Bogue Banks oceanfront shoreline (25.4 miles) as critical habitat identified as "Unit NC-4 (Emerald Isle-Atlantic Beach)," encompassing a total geographic footprint of 2,030 acres (1,908 acres State + 122 acres private), including the entire shoreline; and

WHEREAS, Bogue Banks (Unit NC-4) has never been identified as an important stopover for the Red Knot Rufa in any previous publication authored by the USFWS; and

WHEREAS, the USFWS also specifically disclosed special management considerations for the Red Knot Rufa will be necessitated to address threats to critical habitat and are divided into seven categories, and moreover, some of the activities cited in these categories include recreational beach use, beach driving, predation, beach nourishment, sand fencing, dredged material disposal, inlet relocation, and human-caused disasters; and

WHEREAS, these special management considerations therefore can unnecessarily and negatively impact the local, State, and federal economies, and the public's access and enjoyment of the beach; and

WHEREAS, not only has the USFWS proposed all of Bogue Banks to be designated as critical habitat but all of the remaining beaches of Carteret County, which includes over 56 miles of oceanfront shoreline encompassing the entire Cape Lookout National Seashore as Units NC 2A,

2B, and 3, resulting in all Carteret County oceanfront shoreline being proposed as Red Knot Rufa critical habitat; and

WHEREAS, the USFWS has also proposed to extend the continuous Red Knot Rufa critical habitat in Carteret County along the entire oceanfront shoreline of the Cape Hatteras National Seashore, as well as Units NC-1A and 1B, representing approximately 70 miles of oceanfront shoreline and, when combined with the Carteret County, reach of 81 miles; totaling over a 150 continuous mile stretch of North Carolina oceanfront that is proposed as Red Knot Rufa critical habitat; and

WHEREAS, the proposed designation of a 150-mile continuous stretch of Red Knot Rufa oceanfront shoreline strongly implies the USFWS designation methodology is too sensitive and broad, and therefore is capturing all habitat instead of critical habitat for the Red Knot Rufa.

NOW, THEREFORE BE IT RESOLVED that the Town of Kill Devil Hills is strongly opposed to the USFWS proposed designation of Red Knot Rufa critical habitat along the shorelines of Bogue Banks (Unit NC-4) as set forth in Document Number 2021-14406 of the Federal Register and will work with State and federal resource officials and elected representatives to ensure the critical habitat designation, as proposed, is not included in the final rule.

BE IT FURTHER RESOLVED the Town of Kill Devil Hills hereby requests the USFWS revisit the Red Knot Rufa critical habitat designation methodology in a manner resulting in a more fine-tuned designation of important habitats for the Red Knot Rufa rather than broad, indiscriminate continuous stretches of oceanfront shoreline; most notably, an unprecedented 150-mile continuous stretch in North Carolina that includes proposed unit NC-4 and subsequently planned areas.

This 13th day of September 2021.

SEAL



Benjamin A. Sproul
Mayor

A handwritten signature in black ink, appearing to read "Benjamin A. Sproul", written over a horizontal line.

ATTEST:

A handwritten signature in blue ink, appearing to read "James Michael O'Dell", written over a horizontal line.

James Michael O'Dell
Deputy Town Clerk