

David Hoyle, Jr., Chairman
N.C. Wildlife Resources Commission
P.O. Box 708
Dallas, N.C. 28034

Dear Mr. Hoyle:

As Chair of the Coastal Resources Commission, I am writing to express the CRC's objections to the Wildlife Resources Commission proposal to unilaterally change the boundary between coastal and inland waters. The coastal/inland waters boundary has significance far beyond jurisdiction for fisheries regulation. A number of state laws, including the Coastal Area Management Act (G.S. 113A-100, *et seq.*) and the State Dredge and Fill Act (G.S. 113-229), refer to the coastal/inland waters boundary as the extent of the state's estuarine resources. As a result, the coastal/inland waters designation is critical to protection of those estuarine resources under coastal management, water quality and habitat protection programs.

The Coastal Resources Commission has responsibility for implementation of both the Coastal Area Management Act and the State Dredge and Fill Act. The CRC has particular concerns about the potential impact of proposed MFC changes to the coastal/inland waters boundary on our ability to protect estuarine resources. To meet the intent of those laws, the criteria used to mark the extent of estuarine waters must be based on scientific understanding of the conditions that support the state's estuarine resources. The WRC proposal appears to be based solely on a salinity level that may not be representative of conditions in North Carolina's estuarine waters.

A change in the extent of estuarine waters that fails to reflect actual conditions in North Carolina estuaries and the streams feeding those estuaries could have serious consequences by removing protections against dredging and other development activities that can physically damage estuarine habitat and degrade water quality.

State law makes it clear that the decision on coastal/inland waters jurisdiction must be by agreement between the Department of Environmental Quality and the Wildlife Resources Commission. DEQ has already expressed its concerns about the WRC proposal. The Coastal Resources Commission shares the department's concerns and encourages the WRC to withdraw the current proposal and return to negotiation with DEQ on a basis for delineation of the coastal/inland waters boundary that will adequately protect the state's estuarine resources.

We look forward to working with other DEQ agencies and the WRC to reach an agreement that will allow all of our agencies to meet our responsibilities for stewardship of the state's resources.

In the absence of an agreement, the CRC will oppose any unilateral WRC rule change affecting the coastal/inland water boundary as we believe the WRC lacks statutory authority to make such a change.

Respectfully,

Cc: Gordan Myers, Executive Director, WRC
Michael Regan, Secretary of Environmental Quality