

NC Marine Fisheries Commission

Chairman's Report

November 2022 Business Meeting

01 Letters

09 State Ethics Education
Reminder

05 2022 Annual Meeting
Calendar

10 Delineation of Fishing
Water Boundaries MOA
and Maps

06 2023 Annual Meeting
Calendar

07 2022 Committee
Assignments

From: [Bizzell, Rob](#)
To: [Klibansky, Lara](#)
Subject: Fwd: [External] Rulemaking 15A NCAC 18A .0911
Date: Saturday, October 8, 2022 10:21:41 PM

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From: Christopher Elkins [REDACTED]
Sent: Saturday, October 8, 2022 11:59 AM
To: Bizzell, Rob <r.bizzell.mfc@ncdenr.gov>; Rader, Doug <d.rader.mfc@ncdenr.gov>
Cc: Biser, Elizabeth <Elizabeth.Biser@ncdenr.gov>; Rawls, Kathy <kathy.rawls@ncdenr.gov>; Cooper, Roy A <Roy.Cooper@nc.gov>; Blum, Catherine <catherine.blum@ncdenr.gov>
Subject: [External] Rulemaking 15A NCAC 18A .0911

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

To: Rob Bizzell,
Chairman, Marine Fisheries Commission

Re: Inadequacy of Rulemaking 15A NCAC 18A .0911

Background.

Rule 15A NCAC 18A .0911 is proposed for amendment to help ensure that North Carolina remains in full compliance with national requirements so that N.C. shellfish can continue to be sold through interstate commerce; allow the Division of Marine Fisheries to determine necessary buffer closures for shellfish growing waters in and around marinas based on a more scientific and public health-based rationale; and make implementation and enforceability of requirements clearer.

The Division of Marine Fisheries (the Division) has done a very good job in the last decade bringing the shellfish sanitation lab up to speed and updating procedures for detection of the proxies for fecal pathogens. They should be commended for it. The new rule to establish detection of fecal contamination near or around the perimeter of marinas is also just fine but is woefully inadequate to protect the public's health.

I say this because the State continues to ignore the plethora of chemicals and endocrine disruptors that have been described by the Division at Habitat Advisory Committee and MFC meetings. To test for all of these toxins would be impossible, but testing a *subset of these, originating from marinas* (or previously dumped into marinas and contaminating the bottom) is both possible and prudent.

I have spoken to this subject this in previous meetings where persons sought to place

upwellers for clam seed to grow. When these shellfish are moved to open waters, the coliforms are removed in just a few days, as indicated by the lack coliforms (proxies). However, we never test for toxic chemicals that shellfish were exposed to when in the marina. Toxic chemicals are well documented in marina waters. Moreover, unlike coliform proxies (and the enteric pathogens they represent), these chemicals are not usually rendered harmless by cooking.

Perhaps the most disturbing is the fact that many of these chemicals are "Forever Chemicals", such as the PFAS family of toxins, and the FDA limits can be very minute.

Finally, the geographic boundaries of many marinas are contiguous with shellfish harvesting areas and some Outstanding Resource Waters. For example, Marshallberg Harbor is abutted up against Sleepy Creek, an important source of NC "salty" oysters. Marshallberg Harbor is infamous for its sinking and abandoned boats and subsequent fuel leaks. There are many such harbors bordering shellfish waters in Harkers Island and Downeast NC.

If the Division and the State are serious about protection of public health, it is time to start a program to address chemical contamination by marinas of the public trust waters.

Thank you for your service,

Christopher Elkins PhD
University of NC Departments of Medicine, Microbiology and Immunology, Retired.
Former Member, Marine Fisheries Commission, NC Shellfish Advisory Committee,
Chair, NC Habitat Advisory Committee, SAFMC Habitat and Ecosystem Advisory
Panel, Chair, NC Sea Grant Citizens Advisory Panel

Current Address:

[REDACTED]

cc. Elizabeth Bizer, Kathy Rawls, Catherine Blum, Roy Cooper

From: [Bizzell, Rob](#)
To: [Klibansky, Lara](#)
Subject: Re: [External] More bycatch
Date: Monday, October 31, 2022 4:55:34 PM

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From: Bizzell, Rob <r.bizzell.mfc@ncdenr.gov>
Sent: Monday, October 31, 2022 4:55:30 PM
To: Klibansky, Lara <Lara.Klibansky@ncdenr.gov>
Subject: Fwd: [External] More bycatch

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From: Stuart Creighton [REDACTED]
Sent: Sunday, October 30, 2022 1:26 PM
To: Bizzell, Rob <r.bizzell.mfc@ncdenr.gov>; Huggins, Donald <d.huggins.mfc@ncdenr.gov>; Rader, Doug <d.rader.mfc@ncdenr.gov>; McNeill, Robert <Robert.B.McNeill.mfc@ncdenr.gov>; Rawls, Kathy <kathy.rawls@ncdenr.gov>; Shellem, Ana <a.shellem.mfc@ncdenr.gov>; Roller, Thomas N <Tom.Roller.mfc@ncdenr.gov>
Subject: [External] More bycatch

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Good afternoon all,

I am attaching a video of more striper bycatch. This is from last Saturday, in the ICW. While not as telling as the last pictures I sent, it furthers the point that gill net interactions with stripers remain significant.

While not visible in the video, the person who took it noted that net marks were all over the fish.

I am sure that the local business just upstream of the fish will be obvious. I want to be clear that I am in no way trying to implicate them in any wrongdoing. The fish are in the water, just "regulatory discards".

The point I want to emphasize with this is that when small mesh nets go in the water, striper bycatch goes way up.

We have areas upstream of the ferry lines where at least some protection of stripers can be assured. Though what I have sent may be a few snapshots of what is happening on the water now, it should resonate with all of you.

How many thousands of gill net trips occur each year in our rivers and their creeks? How many thousands of striped bass are we wasting with the use of this gear?

Realistically, we should expand the gill net closure. But what we certainly SHOULD NOT do is return them to the areas above the ferry lines on the Neuse and Tar/Pamlico Rivers.

PLEASE keep the closures intact!!

Sincerely,

Stuart Creighton
Oriental, NC

2022 Meeting Planning Calendar

January							February							March						
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<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 15px; height: 15px; background-color: #00b0f0; border: 1px solid black;"></td><td>MFC</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #92d050; border: 1px solid black;"></td><td>ASMFC</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #ff0000; border: 1px solid black;"></td><td>SAFMC</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #9966cc; border: 1px solid black;"></td><td>MAFMC</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #c0c099; border: 1px solid black;"></td><td>ASMFC/MAFMC Joint Meeting</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #cccccc; border: 1px solid black;"></td><td>State Holiday</td></tr> </table>		MFC		ASMFC		SAFMC		MAFMC		ASMFC/MAFMC Joint Meeting		State Holiday	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 15px; height: 15px; background-color: #00ffff; border: 1px solid black;"></td><td>Southern Regional AC</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #ffff00; border: 1px solid black;"></td><td>Northern Regional AC</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #ffff00; border: 1px solid black;"></td><td>Joint Regional AC</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #ff6699; border: 1px solid black;"></td><td>Finfish AC</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #ccccff; border: 1px solid black;"></td><td>Habitat and Water Quality AC</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #ff9933; border: 1px solid black;"></td><td>Shellfish/Crustacean AC</td></tr> <tr><td style="width: 15px; height: 15px; background-color: #ff6633; border: 1px solid black;"></td><td>Finfish/Shellfish/Crustacean AC</td></tr> </table>		Southern Regional AC		Northern Regional AC		Joint Regional AC		Finfish AC		Habitat and Water Quality AC		Shellfish/Crustacean AC		Finfish/Shellfish/Crustacean AC
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Marine Fisheries Commission 2023 Annual Calendar

Dates are subject to change.

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2023 MFC Meeting Dates

MFC Business Meetings

February 22-24
May 24-26
August 23-25
November 15-17

Northern Regional AC

January 10
April 11
July 11
October 10

Southern Regional AC

January 11
April 12
July 12
October 11

Finfish Standing AC

January 12
April 13
July 13
October 12

Shellfish/Crustacean Standing AC

January 17
April 18
July 18
October 17

Habitat and Water Quality Standing AC

January 18
April 19
July 19
October 18

Calendar Key

	MFC		Northern Regional AC
	ASMFC		Southern Regional AC
	SAFMC		Finfish Standing AC
	MAFMC		Habitat and Water Quality Standing AC
	State Holiday		Shellfish/Crustacean Standing AC

2022 Committee Assignments for Marine Fisheries Commissioners

09/1/2022

FINFISH ADVISORY COMMITTEE

Statutorily required standing committee comprised of commissioners and advisers that considers matters related to finfish.

Commissioners: Tom Roller – co-chair, Sarah Gardner – co-chair, Mike Blanton – vice chair

DMF Staff Lead: Lee Paramore - lee.paramore@ncdenr.gov

Meeting Frequency: Can meet quarterly, depending on assignments from MFC

HABITAT AND WATER QUALITY ADVISORY COMMITTEE & COASTAL HABITAT PROTECTION PLAN STEERING COMMITTEE

Statutorily required standing committee comprised of commissioners and advisers that considers matters concerning habitat and water quality that may affect coastal fisheries resources.

Commissioners: Doug Rader – chair, Ana Shellem– vice chair

DMF Staff Lead: Anne Deaton - anne.deaton@ncdenr.gov

Meeting Frequency: Committee can meet quarterly, depending on assignments from MFC. CHPP Steering Committee can meet a couple of times a year.

SHELLFISH/CRUSTACEAN ADVISORY COMMITTEE

Statutorily required standing committee comprised of commissioners and advisers that considers matters concerning oysters, clams, scallops and other molluscan shellfish, shrimp and crabs.

Commissioners: Ana Shellem – co-chair, Mike Blanton – co-chair, Doug Cross – vice chair

DMF Staff Lead: Tina Moore - tina.moore@ncdenr.gov

Meeting Frequency: Can meet quarterly, depending on assignments from MFC

CONSERVATION FUND COMMITTEE

Committee comprised of commissioners that makes recommendations to the MFC for administering funds to be used for marine and estuarine resources management, including education about the importance of conservation.

Commissioners: Doug Rader - chair, and Robert McNeill

DMF Staff Lead: Steve Poland – steve.poland@ncdenr.gov

Meeting Frequency: Meets as needed

LAW ENFORCEMENT AND CIVIL PENALTY COMMITTEE

Statutorily required committee comprised of commissioners that makes final agency decisions on civil penalty remission requests.

Commissioners: Rob Bizzell - chair, Doug Cross

DMF Staff Lead: Col. Carter Witten – carter.witten@ncdenr.gov

Meeting Frequency: Meets as needed

COASTAL RECREATIONAL FISHING LICENSE ADVISORY COMMITTEE

Committee consisting of the three recreational seats and the science seat to provide the DMF advice on the projects and grants issued using Coastal Recreational Fishing License trust funds.

Commissioners: Sarah Gardner– chair, Rob Bizzell, Tom Roller, and Robert McNeill

DMF Staff Lead: Jamie Botinovch - jamie.botinovch@ncdenr.gov

Meeting Frequency: Meets as needed

NOMINATING COMMITTEE

Committee comprised of commissioners that makes recommendations to the MFC on at-large and obligatory nominees for the Mid- and South Atlantic Fishery Management Councils.

Commissioners: Robert McNeill – chair, Ana Shellem, Tom Roller and Mike Blanton

DMF Staff Lead: Chris Batsavage - chris.batsavage@ncdenr.gov

Meeting Frequency: Typically meets once a year

STANDARD COMMERCIAL FISHING LICENSE ELIGIBILITY BOARD

Statutorily required three-person board consisting of DEQ, DMF and MFC designees who apply eligibility criteria to determine whether an applicant is eligible for a SCFL.

Commission Designee: Mike Blanton

DMF Staff Lead: Marine Patrol Capt. Garland Yopp – garland.yopp@ncdenr.gov

Meeting Frequency: Meets two to three times a year, could need to meet more often depending on volume of applications

N.C. COMMERCIAL FISHING RESOURCE FUND COMMITTEE

Committee comprised of commissioners that the commission has given authority to make funding decisions on projects to develop and support sustainable commercial fishing in the state.

Commissioners: Doug Cross – chair, Mike Blanton, Ana Shellem

DMF Staff Lead: William Brantley – william.brantley@ncdenr.gov

Meeting Frequency: Meets two to three times a year

WRC/MFC JOINT COMMITTEE ON DELINEATION OF FISHING WATERS

Committee formed to help integrate the work of the two commissions as they fulfill their statutory responsibilities to jointly determine the boundaries that define North Carolina's Inland, Coastal and Joint Fishing Waters as the agencies go through a statutorily defined periodic review of existing rules.

MFC Commissioners: Rob Bizzell, Donald Huggins, Sarah Gardner

DMF Staff Lead: Anne Deaton - anne.deaton@ncdenr.gov

Meeting Frequency: Meets as needed

SHELLFISH CULTIVATION LEASE REVIEW COMMITTEE

Three-member committee formed to hear appeals of decisions of the Secretary regarding shellfish cultivation leases issued under G.S. 113-202.

MFC Commissioners: Rob Bizzell

DMF Staff Lead: Jacob Boyd – jacob.boyd@ncdenr.gov

Meeting Frequency: Meets as needed

COASTAL HABITAT PROTECTION PLAN STEERING COMMITTEE

The CHPP Steering Committee, which consists of two commissioners from the Marine Fisheries, Coastal Management and Environmental Management commissions reviews and approves the plan, recommendations, and implementation actions.

MFC Commissioners: Doug Rader, Donald Huggins

DMF Staff Lead: Anne Deaton – anne.deaton@ncdenr.gov

Meeting Frequency: Meets as needed



EDUCATION REQUIREMENTS FOR PUBLIC SERVANTS

Public Servants must complete the Ethics and Lobbying Education program provided by the N.C. State Ethics Commission within **six months** of their election, appointment, or employment. We recommend that this be completed as soon as possible, but the training must be repeated every two years after the initial session.

Since Adobe Flash was terminated on December 31, 2020, our online program is not available. A new and shorter online program will be available in the near future. The new program will be compatible with portable devices such as phones and tablets.

Live webinar presentations are being offered monthly and registration information for the live presentations can be found [here](#). These presentations are about 90 minutes long and give you the opportunity to ask questions of the speaker.

For questions or additional information concerning the Ethics Education requirements, please contact Dottie Benz at (919) 389-1383.

Memorandum of Agreement between
The North Carolina Wildlife Resources Commission
And
The North Carolina Marine Fisheries Commission

To facilitate cooperation and collaboration between the Wildlife Resources Commission (WRC), and the Marine Fisheries Commission (MFC) regarding delineation of Inland Fishing Waters and Coastal Fishing Waters and subsequent management and regulation of resources in and around those fishing waters, the Chairmen of the WRC and the MFC, have reached an agreement in principle on modifications to inland-coastal boundary lines. In addition, the Chairmen have identified a list of necessary, though not exhaustive, issues to address before adopting rules for and related to these boundary lines. While this agreement in principle has reached by the Chairmen, execution of this document requires approval of both Commissions.

WITNESSETH:

WHEREAS, the Chairmen agreed to the attached inland-coastal fishing water boundary lines as modifications to the current inland-joint-coastal fishing water boundary lines to improve regulatory clarity and consistency for stakeholders and the public, and to address conflict and confusion that has arisen based on the current joint rules pertaining to joint fishing waters;

WHEREAS, the Chairmen have agreed to these modified inland-coastal fishing water boundaries, and acknowledge that the joint rulemaking necessary to amend the current boundary lines will have implications beyond their Commission's authority and that their respective Commissioners and constituents may have concerns beyond what they have initially agreed to;

WHEREAS, the Chairmen acknowledge the mutual advantages likely to result from this agreement and the communication and collaboration that ensues between the Commissions and Division of Marine Fisheries (DMF) and WRC staffs;

WHEREAS, the Chairmen commit to prioritizing the codification of changes to the delineation of inland-coastal fishing waters and the adoption of joint rules resulting from those modifications by December 2024;

NOW, THEREFORE, the Commissions do hereby commit to a transparent joint rulemaking process resulting in updated inland fishing water and coastal fishing water boundary lines, without joint fishing waters, based on the attached maps. The process will include public input and a combined regulatory impact analysis/fiscal note where the following issues are considered prior to beginning any rulemaking necessary to modify boundary lines or the regulations associated with those lines:

- Clarification of regulations, authority, and management including:
 - Cooperative management of species across inland-coastal fishing water boundaries
 - Striped Bass Management Areas

- Protection of rare, endangered, threatened, and special concern species
- Statutory definitions applying to fishing waters, and inland, migratory, and coastal fisheries
- Recreational limits and season consistency
- Fishery Management Plan coordination
- Commercial fishing activities in newly designated inland fishing waters, to include licensing, monitoring, and reporting
- Management through proclamations and rulemaking
- Dual agency enforcement
- Coordination with other divisions of the NC Department of Environmental Quality, local governments, and other agencies, to identify regulatory solutions for conflicts associated with policies and regulations referencing boundary lines.

**(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE TO FOLLOW.)**

DRAFT 7.14.22

In witness whereof, the Commissions hereto have caused this Agreement to be executed, to be effective as of the date of the last signature below.

NORTH CAROLINA WILDLIFE RESOURCES COMMISSION

By: _____

Printed Name

Title: _____

Date: _____

NORTH CAROLINA MARINE FISHERIES COMMISSION

By: _____

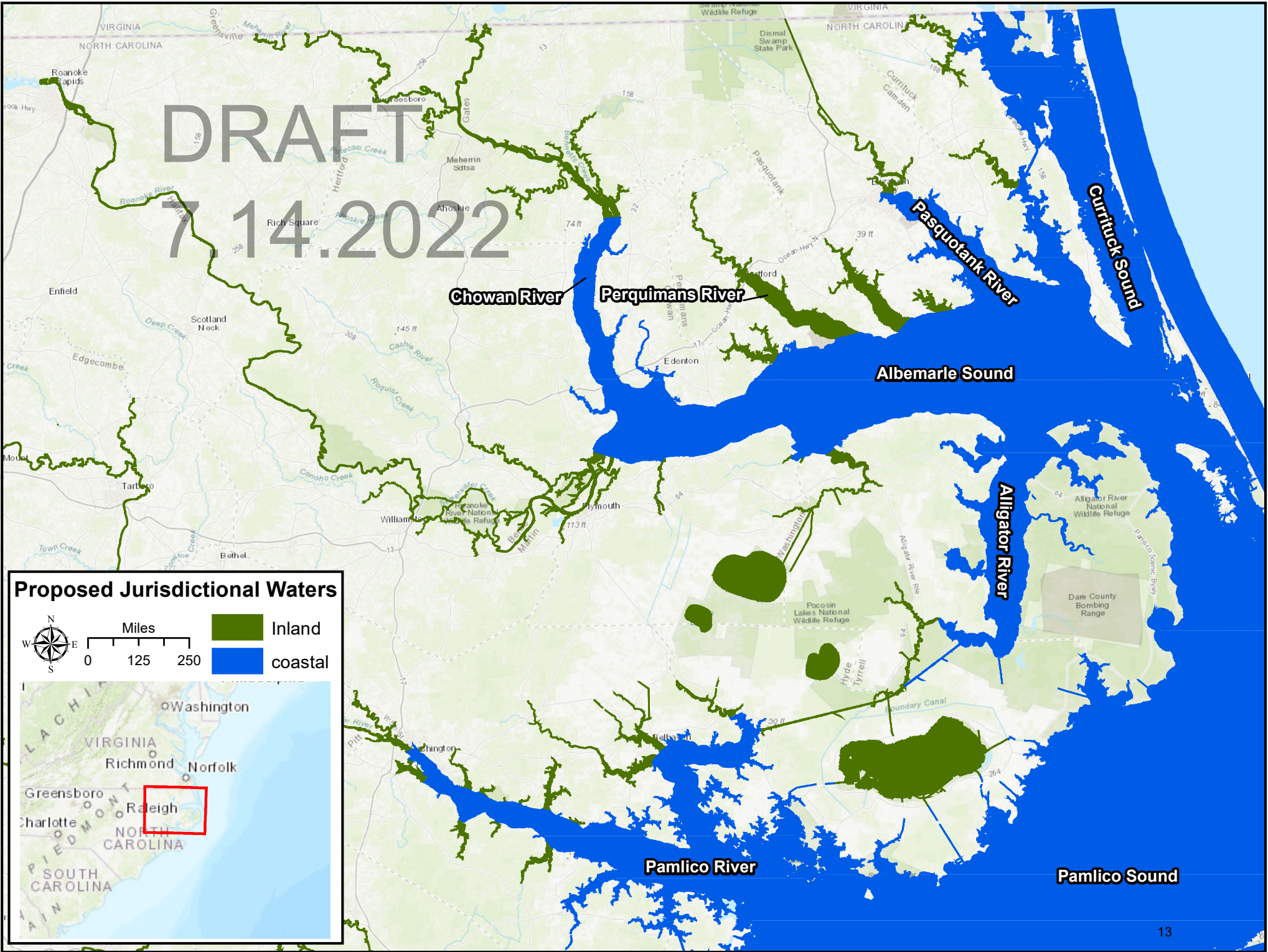
Printed Name

Title: _____

Date: _____

DRAFT 7-14-22

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7.14.2022

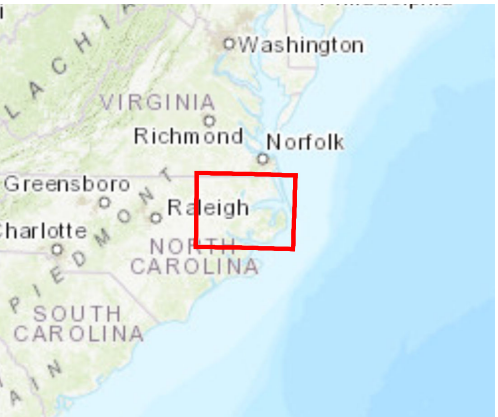


Proposed Jurisdictional Waters

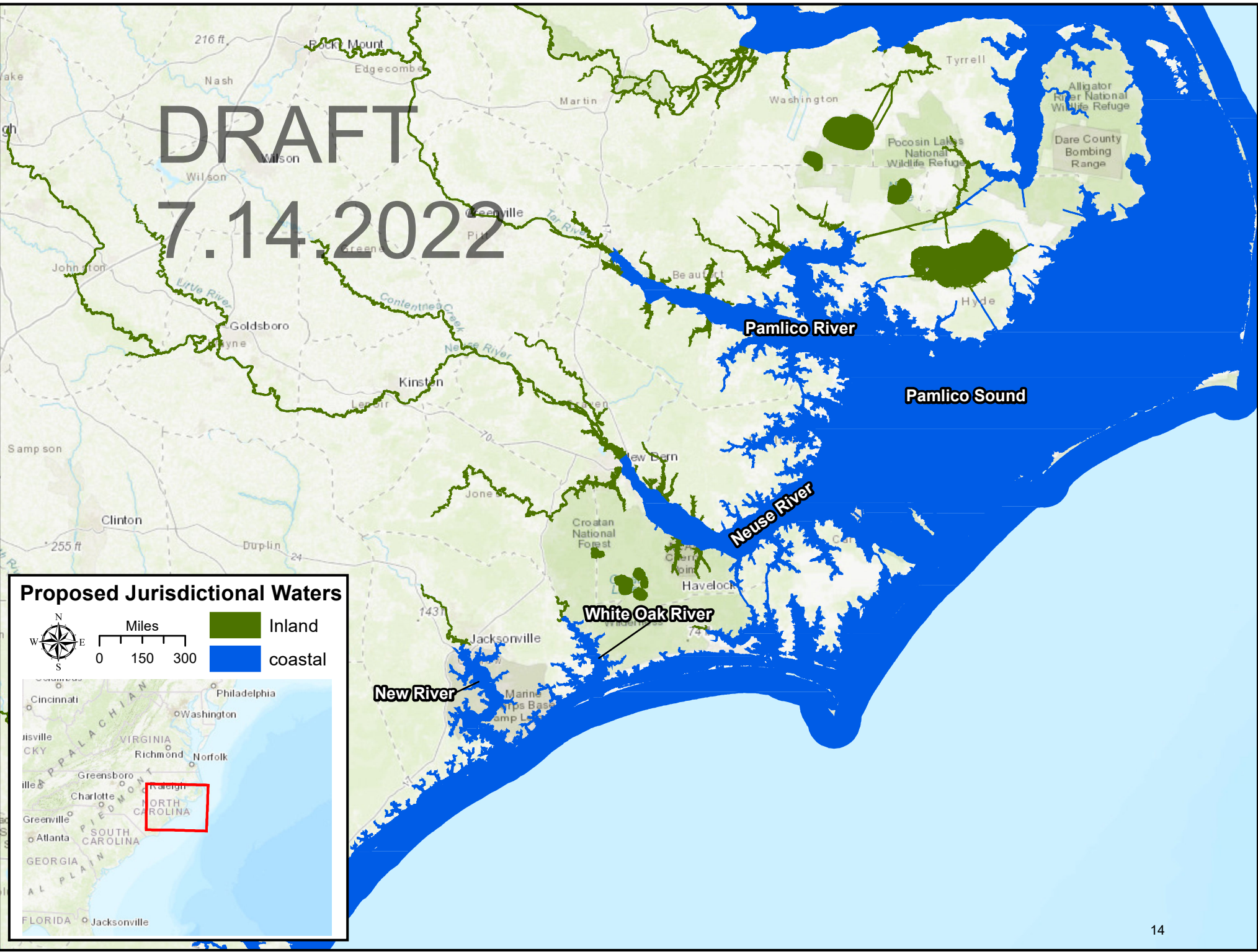
Legend for Proposed Jurisdictional Waters:

- Inland
- Coastal

Scale: 0, 125, 250 Miles



DRAFT
7.14.2022



Proposed Jurisdictional Waters

Legend:
Green square: Inland
Blue square: coastal

Miles scale: 0, 150, 300

The inset map shows the Southeastern United States, including Virginia, North Carolina, South Carolina, and Georgia. A red box highlights the Pamlico River basin area in North Carolina. Major cities like Philadelphia, Washington, Richmond, Norfolk, Greensboro, Raleigh, Charlotte, Greenville, Atlanta, and Jacksonville are marked.

DRAFT
7.14.2022

Proposed Jurisdictional Waters

