



**CAMDENCOUNTY**

new energy. new vision.

**BOARD  
OF  
COMMISSIONERS**

**March 20, 2017**

**7:00 PM**

**Regular Meeting**

**Historic Courtroom  
Courthouse Complex**

*This agenda is only a tentative schedule of matters the Commissioners may address at their meeting and all items found on it may be deleted, amended or deferred. The Commissioners may also, in their absolute discretion, consider matters not shown on this agenda.*

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## **Agenda**

**Camden County Board of Commissioners  
BOC - Special Meeting  
March 20, 2017  
7:00 PM  
Historic Courtroom, Courthouse Complex**

### **Welcome & Call to Order**

### **Invocation & Pledge of Allegiance**

Commissioner Clayton Riggs

#### **ITEM 1. Public Comments**

It is requested that comments be limited to (2-3) minutes. The length and number of comments may be limited upon the Chairman's discretion due to scheduling and other issues.

#### **ITEM 2. Consideration of Agenda (For discussion and possible action)**

A. Approve as Presented | As Amended

#### **ITEM 3. Public Hearings**

A. Public Hearing: Ordinance 2017-03-01 - Ordinance to Consider Placement of a Moratorium on Solar Farms

#### **ITEM 4. New Business (For discussion and possible action)**

A. Resolution 2017-03-01 Resolution of Support for the Dismal Swamp Canal and Funding Request for Dredging Operations Due to Impacts of Hurricane Matthew

#### **ITEM 5. Commissioner's Report**

#### **ITEM 6. County Manager's Report**

#### **ITEM 7. Other Matters (For discussion and possible action)**

**ITEM 8.     Adjourn**



# CAMDENCOUNTY

new energy. new vision.

## Board of Commissioners AGENDA ITEM SUMMARY SHEET

**Item Number:** 3.A  
**Meeting Date:** March 20, 2017

**Submitted By:** Dave Parks, Permit Officer  
Planning & Zoning  
Prepared by: Amy Barnett

**Item Title** **Public Hearing: Ordinance 2017-03-01 - Ordinance to Consider Placement of a Moratorium on Solar Farms**

**Attachments:** Public Hearing Ordinance 2017-03-01 Moratorium on Solar Farms (PDF)

**Summary:**  
See attached Ordinance.

**Recommendation:**  
Hold Public Hearing and Motion to Approve Ordinance 2017-03-01.

# Camden County Board of Commissioners AGENDA ITEM SUMMARY SHEET

<b>MOTION MADE BY</b>	
C. Riggs	_____
R. Krainiak	_____
G. Meiggs	_____
T. White	_____
R. Munro	_____
<b>NO MOTION</b>	_____
<b>VOTE:</b>	
C. Riggs	_____
R. Krainiak	_____
G. Meiggs	_____
T. White	_____
R. Munro	_____
<b>ABSENT</b>	_____
<b>RECUSED</b>	_____

**Item Number:**

**Meeting Date:** March 20, 2017  
**Attachments:** Ordinance, Attorney Letter, Blog Institute of Government - David Owens  
**Submitted By:** Planning Department

**ITEM TITLE:** Public Hearing; Ordinance 2017-03-01 –  
 Ordinance to consider placement of a  
 Moratorium on Solar Farms

**SUMMARY:**

See attached Ordinance.

**RECOMMENDATION:**

Hold public hearing and motion to approve Ordinance 2017-03-01.

**Ordinance No. 2017-03-01**  
**AN ORDINANCE OF THE CAMDEN COUNTY BOARD OF COMMISSIONERS**  
**IMPOSING A MORATORIUM ON THE ACCEPTANCE, PROCESSING OR**  
**CONSIDERATION OF APPLICATIONS FOR SOLAR ARRAYS (SOLAR FARMS)**  
**PURSUANT TO N.C. GEN. STAT. SECTION 153A-340(h)**

The Board of Commissioners for the County of Camden, North Carolina, at a specially scheduled, single item agenda, held on March 20th, 2017, after due advertisement as by law required, conducted a public hearing as mandated by law and heard from interested members of the public as well as County officials for the purpose of gathering information and thereafter taking appropriate action regarding the imposition, or not, of a moratorium on the acceptance, processing or consideration of applications for solar farms. As a result of this meeting and in accord with the information produced therein, the Board of Commissioners makes the following findings of fact, conclusions and legislative remedy:

**I. FINDINGS OF FACT - STATEMENT OF THE PROBLEM**  
***NECESSITATING A MORATORIUM; THE COURSES OF ACTION***  
***ALTERNATIVE TO A MORATORIUM CONSIDERED AND THEIR***  
***INDADEQUACY-NCGS 153A-340(h)(1)***

- A. The current Camden County Unified Development Ordinance permits solar farms pursuant to a special use permit, without other restriction as to location within the County.
- B. There is currently one solar farm in Camden County with a total of 50 acres dedicated to such use.
- C. The planning department is in discussion with three additional parties for solar farms which would consume approximately 300 acres of farmland.
- D. Camden County is almost entirely rural with no incorporated community. Most of its acreage is devoted to agricultural production and residential use.
- E. Moreover, Camden County land is uniformly flat. As a result of agricultural use, many acres are already cleared. Accordingly, the County appears a desirable site for the construction of future solar farms.
- F. Currituck County, immediately adjacent to the north, has recently banned further construction of solar farms increasing the likelihood solar farm developers will look to Camden as a desirable location.

- G. Other nearby counties, in particular Pasquotank, Gates, Perquimans and Chowan, have seen increased applications for, and development of, solar farms. Like Camden, they are largely rural with a completely flat terrain.
- H. In a February 10<sup>th</sup>, 2016, report to the North Carolina General Assembly, the North Carolina Department of Environmental Quality expressed concern for the loss of agricultural land and jobs resulting from a conversion of agricultural property to solar farm arrays and the consequent loss of wildlife habitat.
- I. County residents have reported concerns arising from solar farm construction and operation including, but not limited to, adverse aesthetic impacts, potential diminution in value of properties' adjacent, and change in the agricultural nature of the County which its residents desire to retain. The County planning staff has also noted solar farms take land out of any other contemplated use for great lengths of time in that the average life of a solar farm is at least twenty years.
- J. Staff further related their concerns: a comprehensive zoning study is necessary to review relevant ordinances from other locales and to determine whether the County's citizens would be better served by restricting solar farm locations to certain areas of the County and prohibiting them in others. Further, staffed opined a moratorium should be issued while the study is underway. Failure to do so would run the risk of increasing applications with the necessity of acting upon those applications under the current ordinance when the same may not be adequate for the protection of the health, safety and welfare of the Camden community.
- K. A period of time is required to contemplate the necessity, or not, of amendment to the Camden County Unified Development Ordinance to properly reflect land development patterns with regard to solar farms.
- L. It is of immediate and manifest concern to the Board of Commissioners, the use of land for solar farms requires attentive, prompt, and comprehensive review to consider an amendment, or not, to existing ordinances to protect the best interest of the community.
- M. In the event modification of existing ordinances will be mandated, it would be unfair to potential solar farm developers to make plans for development while the law is uncertain. It would likewise be, at the least, a partial frustration of the purpose of the study to receive further solar farm applications during the study period.

**II. STATEMENT OF DEVELOPMENT APPORVAL SUBJECT TO THE MORATORIUM AND HOW SUCH MORATORIUM WILL ADDRESS THE EXISTING PROBLEMS-NCGS 153A-340(h)(2)**

- A. Imposition of a moratorium on the acceptance, processing or consideration of solar farm applications will temporarily prevent the approval of solar farms as a permitted use of land.
- B. Immediately thereafter, the County will undertake a comprehensive study to address the concerns cited herein by proposed amendments to the Unified Development Ordinance or based upon this study, make a determination no amendments are required.

**III. DATE FOR TERMINATION AND THE REASONABLE NECESSITY FOR ITS LENGTH TO ADDRESS THE PROBLEMS GIVING RISE TO THE IMPOSITION OF A MORATORIUM-NCGS 153A-340(h)(3)**

- A. Regulation to restrict or prohibit the use of land for solar farms will require amendment of the Camden County Unified Development Ordinance. Therefore, time is required to review existing ordinances, draft proposed amendments and process the same through relevant County boards or agencies. It is anticipated that a minimum 60 days is necessary.
- B. A public hearing will be held prior to May 20, 2017, to consider proposed changes to existing ordinance language on solar farms.

**IV. STATEMENT OF ACTIONS AND SCHEDULE FOR THOSE ACTIONS PROPOSED TO BE TAKEN DURING THE EXISTANCE OF A MORATORIUM REASONABLY NECESSARY TO ADDRESS THE PROBLEMS AND CONDITIONS LEADING TO THE IMPOSITION OF THE MORATORIUM-NCGS 153A-340(h)(4)**

- A. Thereof during the existence of this moratorium, the appropriate Camden county staff shall:
  - 1. Review the Camden County Unified Development Ordinance and current Land Use Plan to determine if the appropriateness of amendment to the same is advisable to meet and preserve the stated goals established by the existing Camden County Land Use Plan.
  - 2. Process any land use amendments through the Camden County Planning Board to allow a public hearing on requisite amendments prior to the expiration of this ordinance.
- B. The Board of Commissioners shall require at each scheduled Board meeting a report from staff on its progress and thereafter schedule a public hearing to review staff's suggestions and potentially alter existing ordinances.



**V. IMPOSITION OF MORATORIUMS**

A. NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CAMDEN, after careful, deliberate and studied contemplation of the above, the Camden County Board of Commissioners does hereby implement and impose, effective from the date and time of the adoption of this ordinance, up to and including the end of May 20, 2017, a moratorium prohibiting the acceptance, processing or consideration by any County employee, appointed or elected official, an application for land use within the County for a solar array or solar farm.

ADOPTED THIS THE 20<sup>TH</sup> DAY OF MARCH, 2017 AT \_\_\_\_\_ O'CLOCK PM.

County of Camden

\_\_\_\_\_  
Clayton Riggs, Chairman  
Board of Commissioners

ATTEST:

\_\_\_\_\_  
Amy Barnett  
Acting Clerk to the Board

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Please Respond To:  
Moyock

March 13, 2017

Camden County Board of Commissioners  
VIA EMAIL

*RE: Solar Farm Moratorium Hearing on March 20<sup>th</sup>*

Dear Board of Commissioners:

Pursuant to my recent instruction, please accept this document as a brief primer on moratoriums, and in particular the possibility of imposition of a solar farm moratorium.

It is important that you form no opinion until after the hearing as to whether a moratorium should or should not be imposed. Please do not interpret anything in this as a recommendation from me as to what your vote should be. There may well be evidence that occurs at the hearing from sources I have not consulted. Therefore, keep an open mind.

That being said, I offer some bullet points for your consideration as well as a draft of a moratorium, if you are so inclined at the conclusion of the hearing. This draft almost surely will be amended based upon what occurs on the 20<sup>th</sup>. It is simply a place at which to begin the conversation and is illustrative of the moratorium format.

### Moratorium Bullet Points

- A moratorium is now a creature of state legislation that allows a Board of Commissioners to halt land use development for a finite period of time under certain detailed conditions. A moratorium takes the form of an ordinance and can occur only after a public hearing. The hearing is not a quasi-judicial proceeding. It is, however, open to the public and must be advertised and the comments elicited at the public hearing must be considered by you.

- Moratoriums are legal, but they are not favored in the law. That is to say, there must be strict statutory compliance.
- The current moratorium statute was passed by the general assembly in, I believe, 2007. Up to that time a moratorium was looked upon as an inherent common law power of the Board of Commissioners subject only to its discretion. The General Assembly determined that discretion had been repeatedly violated by lengthy moratoriums which were in effect amounting to a prohibition of legitimate land development. Hence, the statute.
- NCGS 153A-340 now carefully controls the procedure for not only the passage of a moratorium but its length as well.
- You will be engaged in a classic local government decision which requires you to legislate for the health, safety and welfare of the community on the one hand, and to protect private property rights on the other.
- You must determine, from facts presented and believed by you, the need for moratorium exists. You must then articulate why that need exists. Next, you must explain why other less onerous methods are not available. Further, you must state what will be done during the moratorium, who will do it, and deadlines must be established for completion. Finally, the determination as to whether impose a moratorium must be taken in public session after due advertisement as is required for any other county ordinance.
- The moratorium may be extended, but only after another hearing explaining why the necessary work was not completed within the original moratorium, how much time it will take to complete this work, etc. The statute strongly implies 60 days is a reasonable amount of time. The longer we surpass 60 days, the more vulnerable the County is to legal challenge.
- In the event a developer was to sue, the matter will be scheduled at the next available session of Camden Superior Court. It will be given priority and that court date cannot be continued except for the most extraordinary reasons.

In addition to the proposed moratorium, you will also find a blog from the School of Government which I strongly commend to your study. If you are feeling particularly scholarly, you may go online and review NCGS 153A-340(h) *et seq.* Finally, I again bring to your attention, the proposed draft contains only information I am aware of. It does not contain any information which may come from opponents of the moratorium that will be presented the night of the hearing. This information, will be judged by you not in the exercise of your discretion and could result in a finding that moratorium is

required. Again, make no decision until you have heard all evidence. The credibility of all evidence, from any source, is for you alone to decide.

I am available to discuss this with you individually, by phone or email, prior to the hearing. My cell phone, which is usually the best way to get me quickly, is 252-333-9398. My email is [jmorrision@twifordlaw.com](mailto:jmorrision@twifordlaw.com).

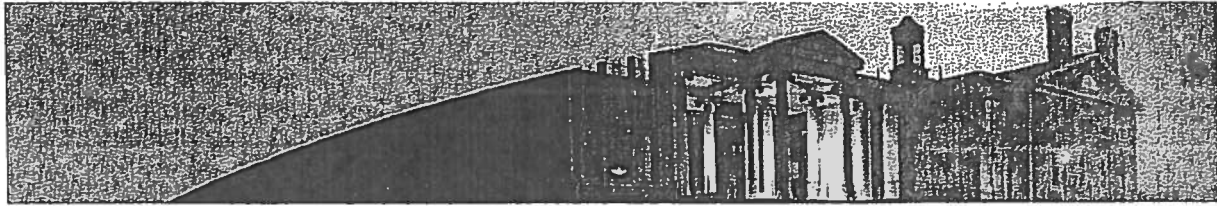
Thank you for your kind and deliberate consideration of this important matter.

Warmest Personal Regards,

A handwritten signature in black ink, appearing to read 'John S. Morrison', written in a cursive style.

John S. Morrison

# Can We Hit the Pause Button on Development Approvals? - Coates' Canon... Page 1 of 5



Coates' Canons:  
NC Local Government Law

- [About this Blog](#)
- [About the Authors](#)

## Can We Hit the Pause Button on Development Approvals?

### About the author

David Owens



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#### Publications

This entry was posted on March 16th, 2010 and is filed under [Land Use & Code Enforcement](#).



On Monday morning the River City newspaper contains a story on the new phenomenon of internet sweepstakes cafes – how they operate, how they are technically different from video poker, and their rapid proliferation around the state. Towards the end of the article there is a brief quote from the owner of a chain of these establishments that he plans to expand his operations to some vacant buildings in downtown River City.

Enjoying a quick breakfast at the diner, the Mayor of River City almost chokes on her sausage biscuit when she reads this tidbit. [Trouble in River City](#). She takes a last gulp of coffee, pays up, and hustles down the block to town hall. Reaching the manager's office nearly out of breath she asks if the town's codes would allow one of these businesses downtown. After a quick consult with the planner, the manager answers that the town codes are totally silent on the issue as nobody in River City had ever heard of a "internet sweepstakes café" prior to the last month or two, much less put anything about them in the zoning ordinance. The mayor asks if the town council can put a hold on the permitting for these cafes while they figure out if they should be allowed at all and if so, where and under what conditions. Is this possible?

Yes. Prior to 2005, it was assumed that the power to adopt moratoria was implied by the state's enabling statutes for local development regulations, but there was nothing in the statutes other than an authorization of moratoria on adult businesses. The statutes now explicitly allow cities and counties to impose temporary moratoria, but add a number of safeguards to prevent abuse of this powerful development management tool.

## Can We Hit the Pause Button on Development Approvals? - Coates' Canon... Page 2 of 5

G.S. 153A-340(h) and 160A-381(e) allow temporary development moratoria to be placed on any city or county development approval. This includes zoning permits, land subdivision plats, building permits, sign permits, and any other approvals required prior to development. But this authority comes with several important limitations.

The first requirement is for a public hearing prior to adoption. If there is an imminent threat to public health and safety, the moratorium may be adopted without notice and hearing, but that situation is rare. Otherwise, a moratorium with a duration of sixty days or less requires a public hearing with a single published notice; a moratorium with a duration of more than sixty days (and any extension of a moratorium so that the total duration is more than sixty days) requires a public hearing with two published notices, just as is required for other land use regulations.

The second requirement is that the adopting jurisdiction must lay out its rationale and plan of action at the time the moratorium is adopted. The ordinance establishing a moratorium must expressly include the following four items:

1. A clear statement of the problems or conditions necessitating the moratorium, what other courses of action were considered, and why those alternatives were not deemed adequate.
2. A clear statement of the development approvals subject to the moratorium and how the moratorium will address the problems that led to its imposition.
3. An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems that led to its imposition.
4. A clear statement of the actions, and the schedule for those actions, proposed to be taken by the city or county during the moratorium to address the problems that led to its imposition.

Renewal or extensions of moratoria are also limited by these statutes. Extensions are prohibited unless the city or county has taken all reasonable and feasible steps to address the problems or conditions that led to imposition of the moratorium.

The statutes contain several exemptions from the coverage of moratoria. Absent an imminent threat to public health and safety, moratoria may not be applied to projects with legally established vested rights. This includes projects that already have building permits, those with approved site specific development plans, and those where substantial expenditures have been made after receipt of a valid permit. The statutes also provide that moratoria do not apply to projects for which complete applications for special or conditional use permits (and preliminary or final plat approvals) have been accepted by the city or county prior to the call for a public hearing to adopt the moratorium. The statutes provide for expedited judicial review of moratoria.

If a town follows these procedures and adopts a moratorium, would the moratorium be vulnerable to a challenge that it unconstitutionally takes a person's property without just compensation? In most cases, no. The United States Supreme Court held in *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302 (2002), that a temporary moratorium is not in and of itself an unconstitutional taking. The Court noted that temporary moratoria are recognized as an "essential tool" that allows time for necessary studies, public participation, and deliberation. The court ruled that the complexity of the issues involved with developing a management plan justified the moratorium at issue in this case. The Court did note that moratoria lasting longer than a year may well warrant special skepticism.

A recent study by the School of Government, Development Moratoria: The Law and Practice in North Carolina, reported on the experience of cities and counties in the three years after the adoption of the N.C. statute. It found moratoria are being used, as a third of the responding jurisdictions reported adoption of a moratorium at some point during the three year period. Most moratoria were of relatively short duration, with six months being by far the typical duration. Most were focused on particular types of land uses (much like the internet sweepstakes cafes of our example). A few were based on inadequate public infrastructure for additional development. Most jurisdictions adopted or amended their ordinances during the moratorium to address the issue leading to its imposition. Few moratoria were extended and few jurisdictions had multiple moratoria. The study indicates that cities and counties have taken the restrictions of the 2005 statute seriously and are making responsible use of moratoria.

So, can River City hit the pause button on internet sweepstakes cafes? Yes, if the town moves quickly it can stop and think it over. The town will have to call a public hearing, provide notice of the hearing, and develop a clear plan of action to undertake during a focused moratorium of limited duration. The plan of action required needs to lay out what steps the town will take to address the issue while the moratorium is in effect. In this example it may mean a legal review to determine what management options are open for the town, a survey of how other towns have addressed the issue, a review of the town's plans and ordinances to determine where these uses may be appropriately located, identification of potential operational standards that may be needed, and opportunities for public input and advisory board recommendations. The plan should schedule how long this will take and the moratorium length needs to be based on this time estimate. If this is done, River City can adopt a moratorium that will allow the town to preserve the status quo while it studies its options, crafts rules, has public debate and deliberation, and puts appropriate management rules in place.

«

Internet Sweepstakes Tax Update

# Can We Hit the Pause Button on Development Approvals? - Coates' Canon... Page 3 of 5

## Holding Over After Your Term Ends (revisited)

»

[Leave a comment?](#)

### 2 Responses to *Can We Hit the Pause Button on Development Approvals?*

1. *John Wessell* says:

March 16, 2010 at 4:23 PM

David,

If the moratorium seeks to delay action generally addressed under the zoning ordinances, does the moratorium have to first be considered by the town's planning board if that is the process for considering changes to the town's zoning ordinances?

[Reply](#)

• *David Owens* says:

March 17, 2010 at 11:16 AM

John,

I think it would be a good idea to route a proposed moratorium by the planning board when that is feasible, but I do not think it is legally required.

Any zoning ordinance amendment must be sent to the planning board for review and comment and this moratorium authorization is within the zoning enabling statutes. However, GS 160A-381(c) and 153A-340(h) speak of adopting an ordinance to establish the moratorium and the implication is that this is a separate ordinance, not a part of the zoning ordinance and thus not subject to the mandatory planning board referral. The moratorium section also expressly allows some moratoria to be adopted in ways that are inconsistent with a 30 day planning board referral — it allows immediate adoption of a moratorium if there is a threat to public health and safety and allows adoption of a moratorium of 60 days or less with a single published notice of the hearing seven days prior to the hearing. This supports an interpretation that a moratorium ordinance is a separate ordinance and not an "amendment to the zoning ordinance" subject to the GS 160A-387 and 153A-344 mandates for planning board referral.

[Reply](#)

### Leave a Comment


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**Board of Commissioners**  
**AGENDA ITEM SUMMARY SHEET**

**Item Number:** 4.A  
**Meeting Date:** March 20, 2017

**Submitted By:** Amy Barnett, Planning Clerk  
 Board of Commissioners  
 Prepared by: Amy Barnett

**Item Title** **Resolution 2017-03-01 Resolution of Support for the Dismal Swamp Canal and Funding Request for Dredging Operations Due to Impacts of Hurricane Matthew**

**Attachments:** DS Canal Support Letters (PDF)  
 Resolution 2017-03-01  
 ResolutionSupportingDismalSwampCanal - Letterhead (PDF)

**Summary:**

Resolution of support for the repair, maintenance, and financial considerations thereto, of the Dismal Swamp Canal due to impacts of Hurricane Matthew.

**Recommendation:**

For Your Consideration / Adoption





February 17, 2017

Donna Stewart,  
Director/ Camden TDA Chairperson  
Dismal Swamp Welcome Center  
2356 US Hwy 17N  
South Mills, NC 27976

Dear Donna,

Greetings from the Atlantic Intracoastal Waterway Association (AIWA). I am writing you to add our support for the re-opening of the Dismal Swamp Canal. As you know, the main aspect of the AIWA's mission is to *encourage the continuation and further development of waterborne commerce and recreation in the Intracoastal Waterways of Virginia, North Carolina, South Carolina, Georgia and Florida through the promotion of adequate dredging, safe navigation and maintenance.*

To achieve our mission, we work directly with political leaders, local stakeholders and the federal government to support the Atlantic Intracoastal Waterway, also known as Marine Highway 95 (M-95) by the Maritime Administration of the U.S. Department of Transportation. Camden County, NC is a valued partner to us, and the Dismal Swamp Canal is an important piece of our marine highway system. While we know that M-95 has maintenance dredging needs in many locations along its length, we strongly support your efforts to re-open the Dismal Swamp Canal. Spring is almost upon us and many of the boating snowbirds will be making their migration north and should have the opportunity to have the one-of-a-kind experience offered by the Dismal Swamp Canal.

We will continue to support waterway maintenance along the Intracoastal Waterway, and offering our assistance to our local stakeholders like you. If I can be of further assistance, please let me know.

Respectfully,

Brad Pickel  
Executive Director

February 15, 2017

Donna Stewart  
Director/ Camden TDA Chairperson  
Dismal Swamp Welcome Center  
2356 US Hwy 17N  
South Mills, NC 27976



Dear Donna:

On behalf of the 5,000 members of America's Great Loop Cruisers' Association, I'm writing to express our support for your efforts to reopen the Dismal Swamp Canal to boat traffic as soon as possible.

Our members, or "Loopers" as they're known, are on the adventure of a lifetime, cruising about 6,000 miles aboard their own boats as they circle the eastern part of North America, including the Atlantic Intracoastal Waterway and the Dismal Swamp Canal. At any given time, about 300 boats are actively cruising the Great Loop, and 2016 marked a record year with 127 boats completing the route. The Dismal Swamp's uniqueness in both its stunning beauty and its history make it a must-see for Loopers heading through North Carolina into Virginia, generally in the spring-time.

The Dismal Swamp is often listed as one of the highlights of the 6,000 mile journey by those who have completed it. In fact, I speak at several of the country's largest boat shows each year, and I always highlight the Dismal Swamp. I always hear "oohs and aahs" from the crowd when I show photos taken by our members as they traverse the canal with the sky reflected in perfect mirror image on the water. There simply is no other place like this.

When word of the canal's closure spread, there was an immediate outcry on our members' on-line discussion forum. We hope that any and all funding options to restore the canal to operational will be exercised quickly so that the canal may reopen as soon as possible. This year's Loopers will be coming through the area primarily in late April and early May and will be eagerly awaiting news on whether the canal will be open.

Without the Dismal Swamp Canal, boaters will have to take the Virginia Cut route, which means they will bypass the beauty and history of the Dismal Swamp. Restoration efforts are critical to ensure that boaters may continue to enjoy this treasure, and AGLCA stands ready to lend our support to your efforts to reopen the canal.

Best regards,

Kimberly Russo  
Director  
America's Great Loop Cruisers' Association  
843.879.5030  
krusso@greatloop.org

# Marine Trawler Owners Association



PMB 1138 – 411 Walnut ST  
Green Cove Springs, Florida 32043

February 17, 2017

RE: Dismal Swamp Canal Re-opening

To All Concerned:

The Dismal Swamp Canal, the oldest continually operating man-made canal in the United States, opened in 1805. It is part of the Intracoastal Waterway, the inland route that parallels the east coast and offers boaters shelter from the Atlantic Ocean all the way from Manasquan Inlet, New Jersey, to Brownsville, Texas. This route runs through bays, lakes, rivers, streams, and canals, and includes the Atlantic Intracoastal Waterway that runs from Norfolk, Virginia, to the Florida Keys. The canal is listed on the [National Register of Historic Places](#) and has been designated a [National Civil Engineering Landmark](#). The historic canal is now recognized as part of the [Underground Railroad](#) and along with the [Great Dismal Swamp](#), is noted as a former sanctuary for runaway slaves seeking freedom.

The Marine Trawler Owners Association (MTOA) is one of the leading boating organizations in the United States, representing over 2500 cruising trawler owners. The vast majority of these cruisers live on the Atlantic Coast, and a large percentage of our members migrate annually between New England and the Florida Straits. We account for a considerable percentage of the 2000 recreational boaters that transit the Dismal Swamp Canal each year as they pass along the [Intracoastal Waterway](#).

Our only alternative route between the Chesapeake Bay and Albemarle Sound is the Virginia Cut, the navigable canal stretching from Great Bridge to the North Landing River and Coinjock. The Virginia Cut route is a major commercial transportation avenue carrying tug boats and huge barges, and is spanned by several obsolete and unreliable bridges that seem to fail at the most inopportune times. When these bridges do fail, whether by accidental collision with commercial traffic or the wear and tear on old machinery, the recreational vessels in transit need access to the Dismal Swamp Canal. It is the vital connection between the Bay and the Sound.

The period of time the Dismal Swamp Canal has been closed due to tropical storms and hurricane has resulted in extreme hardship on all facilities along the Virginia Cut and North Landing River. All that traffic has been subject to the decaying and crowded services along the eastern path from the Bay to the Sound.

The cruising community and all other recreational boaters need the options afforded by the choice of routes to follow; we have been negatively impacted by the continuing closure of the Dismal Swamp Canal.

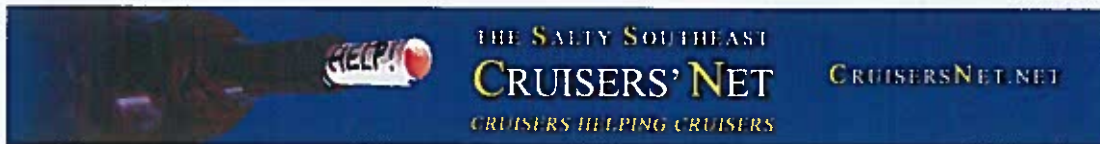
We look forward to the completion of the required reconstruction of our favorite avenue connecting the Chesapeake and the Albemarle. This avenue, so full of history and culture, is the jewel of the Atlantic Intracoastal Waterway.

Thank you for your time and consideration in this matter. MTOA stands ready to assist your efforts in any way possible.

Sincerely,

*Peter K. Calket*

President, Marine Trawler Owners Association



February 20, 2017

Donna Stewart  
Director, Dismal Swamp Welcome Center  
Chairperson, Camden County Tourist Development Agency  
2356 US Hwy 17 North  
South Mills, NC 27976

Dear Ms. Stewart:

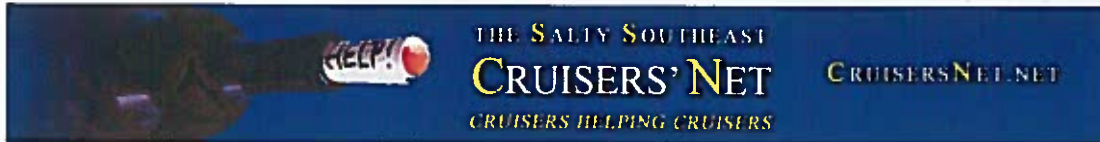
We are the "Salty Southeast Cruisers' Net, LLC". Our website is the "Trip Adviser" to a large demographic of boaters who are ardent fans, activity participants, and users of the Dismal Swamp Canal System, in its role as an alternate route within the Atlantic Intracoastal Waterway (AIWW), providing an extremely safe and most interesting portion of the trip between the Chesapeake Bay and the Albemarle Sound. We have over 5,000 active participants, who post to our site on a regular basis as well as search it for timely and useful information to help them have safe and enjoyable cruises on their boats. A significant portion of our constituents are on board their vessels year-round or at least six to seven months of the year.

They will often stay a month or more at places they enjoy, immersing themselves in the local culture, history, and all the surroundings offer; and may we add that North Carolina is high on that list of lengthy stays. Many transit the canal twice a year, once in the Fall while southbound and then again late Spring or early Summer when headed back north. They love the visit to Elizabeth City and the surrounding area with all the rich history of this part of our nations origins and growth. Equally as popular is the newly offered Albemarle Loop which brings the boaters and cruisers into so much of North Carolina's and our nations heritage, not to mention all the fine dining events we hear about. Southern cooking must have originated in these areas.

Along with the many users and contributors to our website, we are all very concerned with the current conditions due to storms this past Fall.

The Dismal Swamp Canal is to the AIWW what the Blue Ridge Parkway is to the north south highway system. Our site users tell us that the closure, due to storm impact, is understood, but all feel the need to express their hope that this unique national treasure will reopen soon, but most importantly continue to be properly maintained recognizing its importance as a canal on the National Historic Civil Engineering Landmark and on the National Register of Historic Places.

The Salty Southeast Cruisers Net, LLC  
P.O. Box 67  
Elon, NC 27244-0067  
(336) 446-9381  
Fax: (336) 792-4119



Page 2 of 2  
February 20, 2017

Our site users are constantly referring to and posting about the many educational events they enjoy participating in that are put on by both Camden County, State of North Carolina, and or the federal agencies. Many refer to this area as "one-of-a-kind" in our country and how all its aspects are highly respected while thoroughly enjoyed during their spring, summer, and fall passages. With its National Wildlife Refuge, Nature Conservancy, the Lake Drummond area, all of which are mentioned in many of the postings as providing to the overall experience of coming through the "canal."

It is with much concern and hope that we take this time to write to you, sharing the expressions of the boaters we serve, for the reopening and sustainment of the Dismal Swamp Canal and its surrounding areas for what it provides to all who visit either by land or boat.

Thank you for this opportunity to express our gratitude for your service and stewardship of this national treasure as well as our current concerns for it future use by the boating public.

Warmest regards,

THE SALTY SOUTHEAST CRUISERS' NET, LLC

Dr. Curtis J. Hoff  
Partner

The Salty Southeast Cruisers Net, LLC  
P.O. Box 67  
Elon, NC 27244-0067  
(336) 446-9381  
Fax: (336) 792-4119

Donna Stewart  
Dismal Swamp Welcome Center  
2356 Highway 17N  
South Mills, NC 27976

February 24, 2017

Dear Ms. Stewart,

The Seven Seas Cruising Association (SSCA) is one of America's largest and oldest associations of cruising boaters. Although we are a world-wide organization, a majority of our members cruise on the East Coast of the United States, from Maine to the Bahamas. The historic Dismal Swamp Canal is a particular favorite route of many of our cruising members.

The closure of the Dismal Swamp Canal in October, 2016 due to flooding and damage, has been a huge disappointment to many of our members who have in the past enjoyed the scenic route during their annual cruise between Maine and the Bahamas. The SSCA fully supports and encourages the re-opening of the canal. Please voice our concern with the Army Corps of Engineers, Norfolk District, and any other agency involved in the restoration of the canal's operation.

Please don't hesitate to contact me if there is anything the SSCA can do to assist in voicing our support for the Dismal Swamp Canal.

Sincerely Yours,

Glenn Tuttle  
Corresponding Secretary  
Board of Directors  
Seven Seas Cruising Association  
[Parrotheddssca@gmail.com](mailto:Parrotheddssca@gmail.com)



Elizabeth City Area Convention and Visitors Bureau

March 7, 2017

Donna Stewart  
Director  
Dismal Swamp Welcome Center  
2356 US Hwy. 17 N.  
South Mills, NC 27976

Dear Donna:

On behalf of the Elizabeth City-Pasquotank County Tourism Development Authority, I am taking this opportunity to voice our concern regarding the continued closing of the Dismal Swamp Canal. During spring and fall seasons Elizabeth City plays hosts to hundreds of transient boaters making their way either north or south on the Intracoastal Waterway for the season.

The impact of the Dismal Swamp Canal remaining closed for any length of time will force these boaters to alter their route, negatively impacting our downtown business owners. Transient boaters contribute thousands of dollars to our local economy, and many boaters make Elizabeth City an annual stop on their travels to purchase supplies and eat in downtown restaurants. This past fall, Elizabeth City only had twenty-two boats compared to the hundreds that typically visit the area.

Our spring boating season and its economic impact is quickly approaching. We join you and others in support of all financial and legislative measures needed to ensure the Norfolk District Army Corps of Engineers has the necessary resources and funding to correct the current conditions and restore and reopen the Canal to its authorized 6-foot depth.

Kind regards,



Christina Rehkla  
Director



February 20, 2017

John T. Atwell  
Coordinator, Albemarle Loop  
427 Albemarle Blvd.  
Hertford, North Carolina, 27944

Donna Stewart  
Dismal Swamp Welcome Center  
2356 US Hwy 17N  
South Mills, NC 27976

Dear Ms. Stewart:

The marinas of Albemarle Sound have joined forces to attract boaters to this region through a nonprofit organization called the Albemarle Loop. The Albemarle Loop provides the boating public with an exciting opportunity to cruise and explore the protected waters of historic Albemarle Sound. The Loop offers opportunities for water way exploration, entertainment, sporting events and cultural activities throughout the region. With access to free slip rentals, restaurants, tennis courts, local history sites, swimming, community fairs and shopping excursions, boaters using the Loop marinas are a vital part of the economy of the region.

The Dismal Swamp Canal is by far the route of choice for boaters cruising the ICW. Boaters exit the canal at Elizabeth City, where two of our members are located. With a short cruise down the Pasquotank River, they enter the Albemarle Sound and have access to the other 6 members of the Loop. Last year the marinas of the Albemarle Loop lost over 35% of the boating traffic expected because of hurricane Matthew. This was the result of the closure of the canal for the fall/winter of 2016 and the loss of the volume of boats anticipated coming through the canal.

The closure of the Dismal Swamp during boating season will seriously affect the economies of the marinas, towns and communities of the Albemarle Sound. The season begins in April and May!

Those of us in the boating industry in the Albemarle Sound depend on the canal for our survival and are writing this letter to let you know how important the maintenance and dredging of the canal is to our livelihood. Please let us know if there is anything we can do to speed up the clearing of the canal to boating traffic.

Sincerely

*John T. Atwell*

John T. Atwell  
Coordinator, Albemarle Loop





February 22, 2017

Buddy Lawrence  
Albemarle Plantation  
427 Albemarle Blvd.  
Hertford, North Carolina, 27944

Donna Stewart  
Dismal Swamp Welcome Center  
2356 US Hwy 17N  
South Mills, NC 27976

Dear Ms. Stewart:

The Albemarle Plantation, a private gated community, offers an intriguing blend of convenience and seclusion, of golf and boating. This has been published in the Wall Street Journal's OWN magazine. Boating is a key and fundamental marketing theme for the plantation and the proximity to the Dismal Swamp provides prospective buyers with a variety of cruising opportunities in the Chesapeake Bay. We depend on the Albemarle Loop to bring boaters to our shores so they can experience the great boating opportunities of Albemarle Sound and the amenities of Albemarle Plantation.

The Dismal Swamp Canal is what most boaters use to transit the ICW between North Carolina and Virginia. Boaters exit the canal at Elizabeth City which is just a short drive to the plantation or a short cruise to our marina. Last year the Albemarle Plantation lost the opportunity to market to over 30 boaters because of the closure of the canal.

The continued closure of the Dismal Swamp during boating season will seriously affect the marketing plans of the Albemarle Plantation.

Please let us know if there is anything we can do to speed up the clearing of the canal to boating traffic.

Sincerely,

Buddy Lawrence  
Director of Operations

## Rational, LLC

A Business Management Company

18 February 2017

Steven D Harris  
President, Rational, LLC  
107 Areneuse Creek Ct  
Hertford, NC 27944

Donna Stewart  
Dismal Swamp Welcome Center  
2356 US Hwy 17N  
South Mills, NC 27976

Dear Ms. Stewart:

I am a private citizen, and a boater. I was dismayed to learn that the Dismal Swamp Canal has remained closed since the waterway was damaged by Hurricane Matthew last Fall.

It is well-known that the Canal is an important historic waterway through rare primitive swamp land. The waterway provides a unique opportunity for boaters to experience first-hand the land as it was first experienced by our forefathers. The value of the Canal as a part of our heritage can't be overstated.

The Canal also encourages boating traffic and commerce at both ends of its length. It encourages boaters who regularly transit the Intracoastal Waterway (ICW) on a north-south vector between Florida and Maine, to divert west into the Sound and experience the natural beauty of this phenomenal resource. Travelers who come west into the Sound often visit other small towns like Hertford, NC, where I live.

The Dismal Swamp Welcome Center is an important supporting component of the Albemarle Loop, a successful *grass-roots initiative* to encourage boating on the Sound. The good will (and commerce) that ensue are much appreciated by the participating towns. The loss of traffic through the Dismal Swamp Canal, and the loss of attendant commerce in our little corner of the universe amplifies the harm done by that horrible storm, and will have damaging impact many times greater than the cost of dredging.

Please add my voice to those I am sure you have heard from to encourage the authorities to appropriate funds to dredge the canal as needed and reopen it forthwith.

Sincerely,



Steven D Harris

Cc: File

Donna Stewart  
Dismal Swamp Canal Welcome Centre  
2356 US Hwy 17N  
South Mills, NC 27976

February 13, 2017

Good day Donna - I'd like to address your letter of today regarding the state of the Dismal. As you know, I bring from 40 - 60 people through the Dismal every fall with my Sail to the Sun ICW Rally. What you don't know is that the boaters are given the choice of which of the two routes south they wish to follow - and invariably, they pick the Dismal.

Every single one of them in fact chooses the Dismal, unless their vessel has too deep a draft for the waterway. In other words, the Dismal is very popular with boaters who are interested in learning about the history of the regions they travel through, as opposed to those who just want to 'get south'. As with all of our stops, I monitor the comments of the group to see what works and what doesn't. The Dismal Swamp has always been one of those locations that the group continues to comment on favourably even weeks and months later.

I also get remarks from previous year's participants stating that the Dismal was one of their favourite stops on the way south, and this has been consistent over the years the Rally has been operating. Additionally, these people blog and post to Facebook their enjoyment of the Dismal Swamp route, and what it meant to them to see this historic waterway and to understand its importance in America's history.

The people who join the Sail to the Sun ICW Rally are, of course, boaters. Typically, they are well off, retired and hail from professional positions, self employment or military backgrounds. They come from all over the US to explore the east coast route going south on the ICW.

This year of course, we were unable to 'Do the Dismal'. The group was quite dismayed, so much so that several made a point of committing to exploring the Dismal Swamp route on their return north. From your letter, it appears that the Dismal is in trouble. Quite frankly, anyone who can consider closing the Dismal clearly has no sense of history, of pride in country or of beauty. The Dismal Swamp epitomizes all of these, and much more.

To lose the Dismal would be to lose a small piece of America's soul, and I cannot state strongly enough how wrong this would be.

I cannot honestly put a value on what the Dismal means to people - but to say it is a priceless American asset would not be incorrect.

I urge you to fight against this possibility and I promise you the support of the tens of thousands of people in my social media groups.

How can I make this promise?

I can do so because the Dismal has been a regular topic of discussion on my boards and in my groups - and people are concerned about what they are seeing and hearing regarding the future of the Dismal Swamp Canal.

Donna, thank you for keeping me up to date on this important issue. I very much appreciate it.

Sincerely,

Wally Moran

Author, writer and producer  
Creator of the Sail to the Sun ICW Rally



March 7, 2017

Donna Stewart  
Director/Camden TDA Chairperson  
Dismal Swamp Welcome Center  
2356 US Hwy 17N  
South Mills NC 27976

Dear Donna,

The Chowan County Tourism Development Authority would like to add their support for the re-opening of the Dismal Swamp Canal. As you well know, with working very closely with all of us in the Northeast Region of NC, we certainly depend on the boating traffic as a big part of our economic development tool. Many of our communities have spent a lot of money to upgrade the services on the waterfront for transient boaters so their 2-night complementary stay can include all that is needed for them to feel welcome, enjoy amenities and cruise on to the next stop with a warm and hospitable feeling.

The Albemarle Loop organization has provided a way that we can come together and market to the boating traffic on a yearly basis. During 2015 Edenton Harbor hosted 176 boats with 22 of them a result of their affiliation with the Albemarle Loop. 2015 was really the first year that the Loop was marketing on behalf of all of us in a full-fledged manner. In 2016, Edenton hosted 152 boats and 40 of those were Loop visitors. As you could see, we were off to a great start in 2016 but with the fall boating season curtailed because of the storms and then the Canal closing, it trickled down to less traffic.

As we look forward to spring and the migration home of our many boating snowbirds, we hope they will continue to experience travel along the historic Dismal Swamp Canal and enjoy hospitality throughout the harbor communities along the Albemarle. Our support continues for the waterway maintenance needed along the Intracoastal Waterway as we continue to welcome boating visitors together.

Sincerely yours,

A handwritten signature in blue ink that reads "Nancy Nicholls".

Nancy Nicholls  
Tourism Director

Chowan County Tourism Development Authority  
P.O. Box 245 • 101 West Water Street  
Edenton, North Carolina 27932-0245  
(252) 482-0300 • 1-800-775-0111  
[www.visitedenton.com](http://www.visitedenton.com) • [nancy.nicholls@chowan.nc.gov](mailto:nancy.nicholls@chowan.nc.gov)

## BOARD OF COMMISSIONERS

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County Manager

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Clerk to the Board

JOHN S. MORRISON  
County Attorney

### Resolution Number 2017-03-01

#### Resolution of Support for the Dismal Swamp Canal and Funding Request for Necessary Repairs & Maintenance Due to Impacts of Hurricane Matthew

- WHEREAS The Dismal Swamp Canal runs along the eastern edge of the Great Dismal Swamp in Camden County, North Carolina, extending north into Virginia; and it is the oldest continuously operating man-made canal in the United States, having been visualized by George Washington as early as May 1763 when he first visited the Great Dismal Swamp and suggested draining it and digging a north-south canal to connect the Chesapeake Bay and Albemarle Sound; and,
- WHEREAS The Dismal Swamp Canal is 22 miles long, hand dug by slaves from surrounding plantations, with work beginning in 1794, completed in 11 years, and opened to boat traffic in 1805; and,
- WHEREAS The Dismal Swamp Canal holds great historic significance, being entered in the National Register of Historic Places, designated as a National Historic Civil Engineering Landmark, included as a part of the North Carolina and Virginia Civil War Trail, and recognized as part of the National Underground Railroad Network to Freedom Program; and,
- WHEREAS The Dismal Swamp Canal has served as an important source of transportation since its opening, with the nation's commerce being significantly dependent on the Canal for safe, efficient, and economical north-south transport of goods; and,
- WHEREAS During the blockade of the War of 1812, the Dismal Swamp Canal saved the merchants of downtown Norfolk from bankruptcy by providing an alternate route south for their wares; and,
- WHEREAS The Dismal Swamp Canal has served as an integral portion of the Atlantic Intracoastal Waterway, providing safe, efficient, and economical inland water routes for commercial boat traffic as well as personal pleasure boats; and,
- WHEREAS The Dismal Swamp Canal is used and maintained by the US Army Corps of Engineers flood control as well as transportation; and,

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County Manager

ANGELA WOOTEN  
Clerk to the Board

JOHN S. MORRISON  
County Attorney

- WHEREAS The Dismal Swamp Canal has been maintained in a state of pristine beauty, offering a glimpse of the land as it appeared 250 years ago, encouraging interest in the ecological and has been enjoyed by travelers on more than 2,000 pleasure boats per year; and,
- WHEREAS Camden County features the Dismal Swamp Welcome Center, which enhances the enjoyment of tourists and travelers enjoying the historic waterway; and,
- WHEREAS In October 2016, Hurricane Matthew inflicted substantial damage to the Dismal Swamp Canal by flooding, shoaling, and downed trees and other debris damage, and the Canal has been closed and not reopened since Saturday, October 8, 2016; and,
- WHEREAS Because the Dismal Swamp Canal was damaged and thereby closed to boat traffic and has not yet been repaired and reopened, valuable recreational activities have been cancelled, tourism has been discouraged, and boat traffic has been lost to Camden County, North Carolina.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Camden County, North Carolina that:

1. It is in the best interests of the citizens of Camden County that the Dismal Swamp Canal be repaired and reopened immediately, and the Board of Commissioners supports the immediate repair and reopening of the Dismal Swamp Canal; and
2. The Board of Commissioners supports the work of the US Army Corps of Engineers and urges that the US Army Corps of Engineers be provided with the funding and equipment in order to expedite the completion of said repairs to the end that the Dismal Swamp Canal will be fully repaired, reopened, and maintained to its authorized six foot depth at the earliest possible date in 2017; and
3. The Board of Commissioners shall submit appropriate letters of support to the Maritime Administration of the US Department of Transportation, and other federal funding agencies, as may be appropriate, to encourage the expeditious completion of the repair and reopening of the Dismal Swamp Canal; and
4. A request for support with informational supporting documentation from user groups shall be submitted to The Honorable Walter B. Jones, Jr., US House of Representatives, 2333 Rayburn House Office Building, Washington, DC 20515; and

BOARD OF COMMISSIONERS

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County Manager

ANGELA WOOTEN  
Clerk to the Board

JOHN S. MORRISON  
County Attorney

5. A request for support with informational supporting documentation from user groups shall be submitted to The Honorable Thom Tillis, US Senate, 185 Dirksen Senate Office Building, Washington, DC 20510; and
6. A request for support with informational supporting documentation from user groups shall be submitted to The Honorable Richard Burr, US Senate, 217 Russell Senate Office Building, Washington, DC 20510.

Adopted this, the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Clayton Riggs, Chairman  
Camden County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Amy Barnett, Assistant Clerk to the Board

(SEAL)