

# Examples of Legislative and Permitting Efforts on the Manteo (Shallowbag) Bay Project

The Manteo (Shallowbag) Bay Project was passed into law in 1970 as part of the 1970 Rivers and Harbors Act. From 1971 to 1978 three major things occurred.

- The COE designed and evaluated the project – producing the first Final EIS and GDM in July 1977.
- The State of North Carolina worked to design its component of the federal project – the Wanchese Seafood Industrial Park. Construction of the Park began in 1978 with the facility opening for business in 1981.
- The environmental community became more influential by the late 1970s. While the US Department of Interior (DOI) initially supported the project, by 1979 DOI's position had changed to one of opposition when the Department formally states that it will not issue special use permits for the project.

## Reagan Era

June 1983

Legislation is introduced in the US House of Representatives and US Senate to authorize the US Army Corps of Engineers (COE) to use land within the boundaries with the Cape Hatteras National Seashore (CHNS) and the Pea Island National Wildlife Refuge (PINWR) to build the Oregon Inlet stabilization project.

August 1983 – February 1984

Multiple hearings are held on the Oregon Inlet legislation before US Senate and House committees.

September 1984

The US House passes the Oregon Inlet legislation. The vote is close and the bill passes by fewer than 10 votes.

The session expires before the bill can be carried to the US Senate floor.

January 1985

US Senators Helms and East introduce the Oregon Inlet legislation in the US Senate. The bill is referred to the Senate Environment and Public Works Committee. The legislation dies in committee.

November 1985 – January 1987

Multiple meetings occur between NC officials (Governor Martin, Senator Helms, and Congressman Jones) and Reagan administration DOI Secretary Hodel to plead the State's case for the OI project. Both permits and legislation are discussed.

May 1988

Governor Martin meets with President Reagan to discuss Oregon Inlet issues. Both permits and legislation is discussed. NC agrees to provide the administration a cost/benefit analysis of the project.

August 1988

DOI Secretary Hodel reaffirms DOI's position that it cannot approve permit issuance for project construction.

September 1988

President Reagan announces that he will not approve NC's request for use (permits) of DOI lands for the stabilization project.

## Bush Era

1991

The State of North Carolina completes a terminal groin on Pea Island to protect the base of the Bonner Bridge and a section of Highway 12. The groin was built through special land use permits granted by DOI.

October 1992

As the end of the Bush administration nears, DOI Secretary Lujan issues permits for the construction of the Oregon Inlet jetty project contingent on the economic, environmental, and design studies being updated.

## Clinton Era

June 1993

DOI Secretary Babbitt rescinds the Lujan permits until the studies are updated.

July 1993 – Fall 1995

Progress on the Manteo (Shallowbag) Bay project stalls due in large part to the lack of a COE Asst. Sect. for Civil Works. Updates of the studies are never funded or started.

1996

Former NC Congressman Martin Lancaster becomes the COE Asst. Sect. for Civil Works. Lancaster reprograms funding (over \$700,000) to fund the Oregon Inlet Project study updates.

May 1998

The State of North Carolina formally expands the NC Commerce Oregon Inlet Project Office team to include a federal affairs liaison and a legal team. Work begins on legal research on Oregon Inlet issues.

Late 1998

The NC Commerce OI Project Office team meets with NC Governor Hunt to discuss strategy on the jetty project. The team is told to pursue legislative and administrative remedies first. If those options proved unsuccessful, then legal options would be pursued.

1999

The NC Commerce OI Project office team works with the NC Congressional delegation laying the groundwork on a legislative remedy. By the end of 1999, a draft declaratory judgment document is complete and ready in the wings. After three years of work on the OI study updates, they are still incomplete – hindering any administrative (permitting) remedies.

## Bush Era

June 2000

US Senator Helms attaches OI language to the FY 2001 Agriculture Appropriations bill. The provision fails due to opposition to any riders being included in the legislation.

Senator Helms attaches the land transfer bill to the Military Construction Appropriations bill that contained Hurricane Floyd relief language. The provision failed due to concerns that Hurricane Floyd relief might be sacrificed and opposition to any riders being included in the legislation.

July 2000 – December 2000

The NC Commerce Oregon Inlet Project Office team is unable to meet with Governor Hunt to formally urge and request that legal options be pursued. The Hunt administration ends with no legal options being formally pursued.

October 2001

US Senator Helms tries once more to move OI legislation through the US Senate. Due to concerns by NC Senator John Edwards, the language is pulled. Senator Edwards then requests that the OI issue be referred to the US Council on Environmental Quality (CEQ) within the White House.

December 2001

The CEQ holds a public hearing in Dare County on the OI issue.

December 2001

After five years, the economic, design, and engineering updates on the Manteo (Shallowbag) Bay Project are complete. In light of the impending CEQ decision, no administrative remedies are possible.

June 2003

The CEQ renders an unfavorable decision on the OI stabilization project ending development of the Oregon Inlet jetty proposal.

In summary,....

The permitting and legislative processes are most often long and arduous. These efforts often span multiple White House and NC Governor administrations - complicating legislative and permitting efforts due to the lack of political consistency.