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1998

LEGISLATIVE RESEARCH COMMISSION

OREGON INLET STABILIZATION PROJECT STUDY



REPORT TO THE
1998 SESSION OF THE
1997 GENERAL ASSEMBLY
OF NORTH CAROLINA

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MEMBERSHIP OF THE LRC COMMITTEE ON
OREGON INLET STABILIZATION PROJECT COMMITTEE 5

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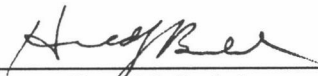
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May 11, 1998

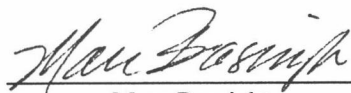
TO THE MEMBERS OF THE 1997 GENERAL ASSEMBLY (REGULAR SESSION 1998):

The Legislative Research Commission herewith submits to you for your consideration its interim report on the Oregon Inlet Stabilization Project. The report was prepared by the Legislative Research Commission's Committee on the Oregon Inlet Stabilization Project pursuant to G.S. 120-30.17(1).

Respectfully submitted,



Harold J. Brubaker
Speaker of the House



Marc Basnight
President Pro Tempore

Cochair
Legislative Research Commission





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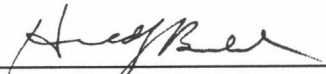
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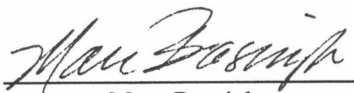
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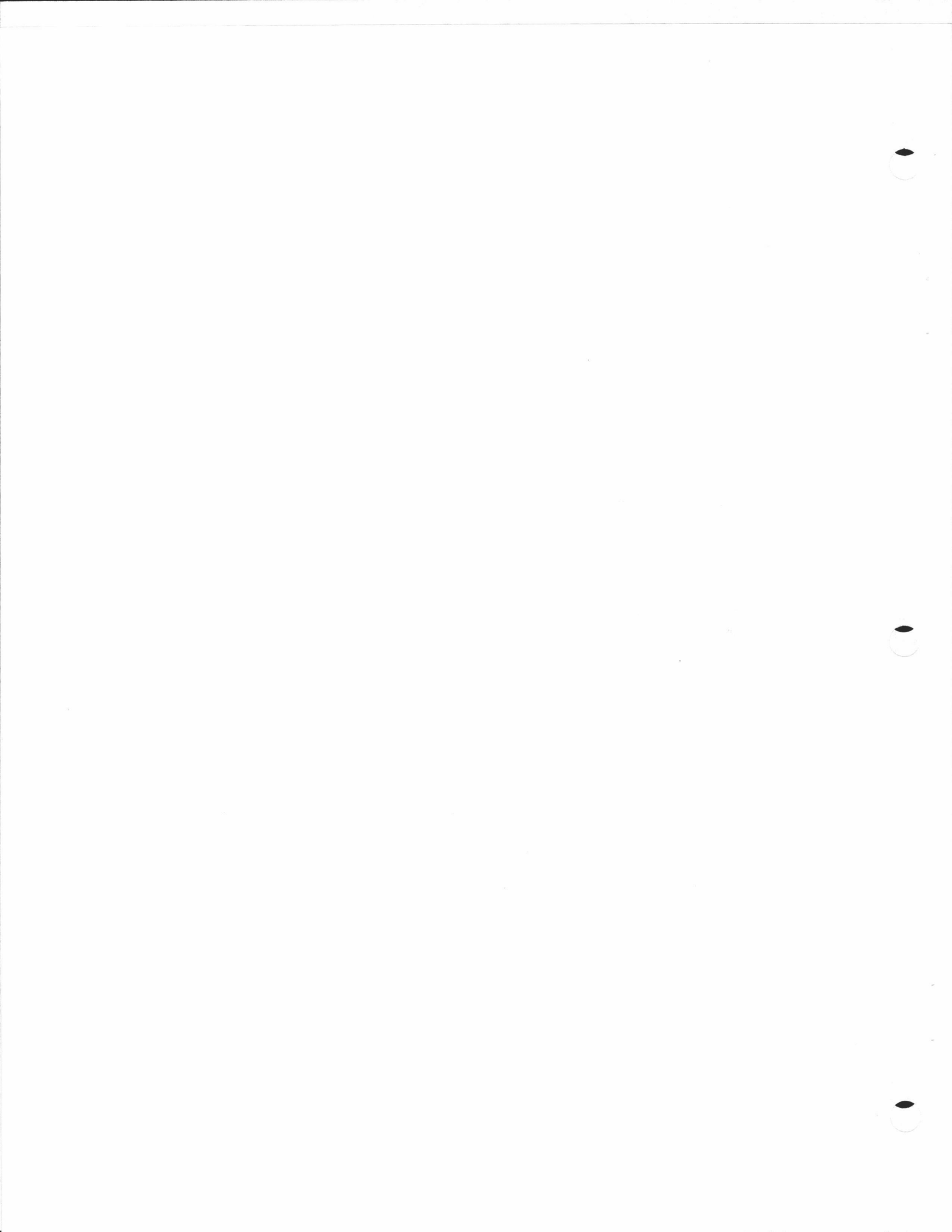
Harold J. Brubaker
Speaker of the House



Marc Basnight
President Pro Tempore

Cochair
Legislative Research Commission





PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is the general purpose study group in the Legislative Branch of State Government. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

The Legislative Research Commission, prompted by actions during the 1997 Session, has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Cochairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairs, one from each house of the General Assembly, were designated for each committee.

The study of the Oregon Inlet Stabilization Project was authorized by Section 32.22 of Chapter 443 of the 1997 Session Laws. Section 32.22 of Senate Bill 352 reads in part: **"The Legislative Research Commission shall study the stabilization of the Oregon Inlet. The Commission shall hold hearing to receive public input on the potential benefits of stabilizing the inlet and consider the alternative procedures and actions for the stabilization of the inlet along with the environmental, economic, governmental, and cultural costs and benefits that may result from the stabilization."** The Legislative Research Commission authorized this study under authority of G.S. 120-30.17(1) and grouped this study in its Coastal Beach Issues and Environmental Grouping area under the direction of Senator Austin Allran. The Committee was chaired by Senator Howard N. Lee and Representative Joanne Bowie. The full membership of the Committee is listed at the end of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

INTRODUCTION

The Oregon Inlet Stabilization Project Study Committee met three times in Raleigh. The approved minutes of these meetings are contained in a Study Notebook that is available in the Legislative Library.

FINDINGS AND RECOMMENDATIONS

The Committee's findings are contained in a bill that is attached to this report.

The Committee recommends that the attached bill be submitted to the Legislative Research Commission for transmittal for consideration and passage by the 1998 Session of the General Assembly.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S/H

D

98-LK-213B(4.24)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Oregon Inlet Recommendations.

(Public)

Sponsors: Senator Lee/Representative Bowie.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT RECOMMENDATIONS CONCERNING THE OREGON INLET.
3 The General Assembly of North Carolina enacts:
4 PART I. SAND STUDY APPROPRIATION.
5 Section 1. There is appropriated from the General Fund
6 to the Department of Environment and Natural Resources the sum of
7 one hundred thousand dollars (\$100,000) for the 1998-99 fiscal
8 year to fund the Shoreline Monitoring Program operated by the
9 United States Army Corps of Engineers including six miles north
10 of the Oregon Inlet to six miles south of the Oregon Inlet and
11 within the inlet itself for the five months of May through
12 September, 1998.
13 PART II. OREGON INLET STUDY CONTINUED.
14 Section 2. (a) Section 32.22 of Session Laws 1997-443
15 is repealed.
16 (b) There is created the Oregon Inlet Stabilization Study
17 Commission, an independent study commission, to continue the
18 investigations undertaken by the Legislative Research
19 Commission's Oregon Inlet Stabilization Study Committee during
20 the 1997-98 interim as authorized by Section 32.22 of 1997
21 Session Law 1997-443.
22 The membership and chairmanship of the Study Commission shall
23 be the same as that of the former Study Committee. Vacancies
24 shall be filled by the person who made the initial appointment.

1 Members of the Commission shall receive subsistence and travel
2 allowances in accordance with G.S. 120-3.1 or G.S. 138-5, as
3 appropriate.

4 The Study Commission may hold hearings to receive public input
5 on the potential benefits and costs to the State of stabilizing
6 the inlet and consider alternative procedures and actions for the
7 stabilization of the inlet along with the environmental,
8 economic, governmental, and cultural costs and benefits that may
9 result from the stabilization.

10 In analyzing the benefits and costs of stabilizing the Oregon
11 Inlet, the Study Commission may employ the expertise of the
12 Departments of Environment and Natural Resources, Transportation,
13 and Justice and may solicit the assistance of the U.S. Army Corps
14 of Engineers and any other federal or State agencies that might
15 assist the study.

16 Upon approval of the Legislative Services Commission, the
17 Legislative Services Officer shall assign appropriate
18 professional staff from the Legislative Services Office of the
19 General Assembly to assist with the study. The House of
20 Representatives' and the Senate's Supervisor of Clerks shall
21 assign clerical staff to the Commission, upon the direction of
22 the Legislative Services Commission. The Commission may meet in
23 the Legislative Building or the Legislative Office Building upon
24 the approval of the Legislative Services Commission.

25 The Study Commission may consider any of the following:

- 26 (1) Continuation of the study beyond the current
27 biennium until the issues surrounding the
28 stabilization of the Oregon Inlet are finally
29 resolved.
- 30 (2) Additional detailed studies of the benefits and
31 costs of stabilizing the Oregon Inlet including a
32 long-range plan for the stabilization of the inlet
33 and a projection for the State's future costs of
34 participation in that stabilization.
- 35 (3) Necessary statutory changes needed to implement
36 any planned inlet stabilization.
- 37 (4) Alternatives to the stabilization of the Oregon
38 Inlet.
- 39 (5) Funding sources for any stabilization projects or
40 studies.

41 The Commission shall submit an interim or final report with any
42 recommendations to the 1999 Session of the General Assembly prior
43 to the adjournment of that Session. The Commission may meet
44 during the 1999 Session of the General Assembly at any time when

1 neither the House of Representatives or the Senate are in
2 session.

3 The Commission shall terminate upon the issuance of its final
4 report.

5 Section 3. There is appropriated from the General Fund
6 to the General Assembly the sum of three hundred thousand dollars
7 (\$300,000) for the 1998-99 fiscal year to be allocated by the
8 Legislative Services Commission for the use of the Oregon Inlet
9 Stabilization Study Commission authorized by Section 2 of this
10 act. Any funds remaining unexpended at the end of the fiscal
11 year shall remain available for the purpose designated in this
12 section.

13 PART III. DESIGNATION OF LEAD STATE AGENCY.

14 Section 4. The Department of Environment and Natural
15 Resources is designated as the lead State agency for monitoring,
16 studying, analyzing, and making recommendations for the State on
17 the stabilization of the Oregon Inlet. The Department shall
18 carry out all duties associated with this designation using funds
19 already appropriated to the Department.

20 Section 5. G.S. 143B-279.2 reads as rewritten:

21 "§ 143B-279.2. Department of Environment and Natural Resources
22 -- duties.

23 It shall be the duty of the Department:

- 24 (1) To provide for the protection of the environment;
- 25 (1a) To administer the State Outer Continental Shelf
26 (OCS) Task Force and coordinate State
27 participation activities in the federal outer
28 continental shelf resource recovery programs as
29 provided under the OCS Lands Act Amendments of
30 1978 (43 USC §§ 1801 et seq.) and the OCS Lands
31 Act Amendments of 1986 (43 USC §§ 1331 et seq.).
- 32 (1b) To provide for the protection of the environment
33 and public health through the regulation of solid
34 waste and hazardous waste management and the
35 administration of environmental health programs.
- 36 (2) Repealed by Session Laws 1997-443, s. 11A.5.
- 37 (2a) To provide and keep a museum or collection of the
38 natural history of the State and to maintain the
39 North Carolina Biological Survey; and
- 40 (3) To provide for the management of the State's
41 natural resources.
- 42 (4) To monitor, study, analyze, and make
43 recommendations for the State on the stabilization
44 of the Oregon Inlet."

1 PART IV. EFFECTIVE DATE.

2 Section 6. This act becomes effective July 1, 1998.

Section 32.22. The Legislative Research Commission shall study the stabilization of the Oregon Inlet. The Commission shall hold hearings to receive public input on the potential benefits of stabilizing the inlet and consider the alternative procedures and actions for the stabilization of the inlet along with the environmental, economic, governmental, and cultural costs and benefits that may result from the stabilization.

In making appointments of members to the Oregon Inlet Stabilization Study Committee, the Commission shall include, but not be limited to, representatives of commercial and sports fishing operations, the Coastal Area Management Commission, and conservationists.

In analyzing the benefits and costs in stabilizing the Oregon Inlet, the Study Committee shall employ the expertise of the Departments of Environment, Health, and Natural Resources, Transportation, Justice and shall solicit the assistance of the U.S. Army Corps of Engineers.

The Study Committee shall submit a report to the 1998 Session of the General Assembly including proposals for further action by the General Assembly including, but not limited to:

- (1) Additional detailed studies of the Oregon Inlet Stabilization, providing a long-range plan for the stabilization of the inlet and a projection for the future costs of that stabilization.
- (2) Necessary statutory changes needed to implement a planned inlet stabilization.
- (3) Alternatives to the stabilization of the Oregon Inlet; and
- (4) Funding sources for stabilization projects and studies.

**LEGISLATIVE RESEARCH COMMISSION
OREGON INLET STABILIZATION PROJECT COMMITTEE
1997-1999**

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