

PUBLIC HEARING OF THE
COUNCIL FOR ENVIRONMENTAL QUALITY
REGARDING THE OREGON INLET PROJECT

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7:00 P.M., DECEMBER 12, 2001, AT DARE COUNTY ANNEX
BUILDING, MANTEO, NORTH CAROLINA.

CHAIRMAN: MR. JAMES CONNAUGHTON

DEPUTY GENERAL COUNSEL: MR. TED BOLING

COURT REPORTER: SANDRA A. GRAHAM, CVR

MR. BOLING: We're going to get the public meeting started soon. We've got a number of people who would like to speak this evening. So what we're going to do is try to limit you to three minutes per person. And if you have any submissions for the record, please offer them up to me. I'll take them. I'm Ted Boling, Deputy General Counsel of the Council on Environmental Quality. And without further adieu I give you James

Connaughton.

MR. CONNAUGHTON: Good evening everybody. I really want to thank you all for coming out here. I spent the day over at the Inlet, at the park, at the National Seashore. I spent the day with a lot of experts of all kinds: engineers, scientists, biologists, some of the folks who've been involved with the Oregon Inlet issue for a long time. Some of them since the beginning, since 30 years ago. And I just want to say I really appreciate you-all coming out here tonight to share with me your views as to where we are on this project.

And I want to share with you right now just a little bit of background of why we're having this public hearing and what the process is at this point. I know you've seen a lot of process with respect to the Oregon Inlet. I hate to deliver one more to you, but we are. But I hope that -- I really am looking forward to hearing what you have to say. And I hope to take back from this event, and I really felt it important -- Senator Helms felt it important; Congressman Jones felt it important (they both called me personally) -- that we actually -- that I spend some time here with you and spend some time seeing what -- the situation you're facing. And that's really why I'm here tonight.

Let me first tell you about me and my function. I'm the Chairman of what's called the Council on Environmental Quality, which in classic Washington sense, I'm the Chairman of a council of one. So I am the council. The role actually is I am the senior advisor in the White House to the President on environmental policy issues. And what that really entails is I work on developing the President's environmental agenda, and I work on inter-agency disagreements or inter-agency projects where you have the Army Corps, and you might have the National Oceanographic and Atmospheric Administration, the Fish and Wildlife Service, the EPA or the Department of Defense. Any environmental or natural resource issue that more than two agencies are involved in and they may be in disagreement and require some mediation. Or they may be in disagreement and it requires arbitration. Or they may be in disagreement and it involves kicking it upstairs to the boss. It's my job really to channel that through.

My efforts on behalf of the President are obviously to try to do some mediation, try to keep the agencies working together toward common solutions so we don't get into some of the difficulties that we often encounter. And also, equally important, heading off lawsuits, heading off the kind of activities that occur on the Hill that can cause some issues to drag out for years and years. I try to keep on top of those things and do the best we can to keep the decision making processes going forward.

I would note that this issue that we're going to talk about tonight is really an important one, and

it has all the facets of what my job entails, which is by regulation -- by statute and regulation, which is why this has now come to the Council on Environmental Quality. The Corps is at the end of its most recent environmental impact statement process. The National Oceanographic and Atmospheric Administration, NOAA, has significant concerns about that document and the basis for the decision, the underlying ability of that document to support Army Corps final decision with respect to the stabilization project. And so there's a process by which NOAA can formally ask that we become involved. And so that's really how we're stepped up here. And I would note in addition, again, that both Senator Helms and Congressman Jones really at this point felt the situation had come to the point where they wanted a little bit of White House focus to the conversation.

CEQ, the Council on Environmental Quality, has been around since 1970. If you're trying to figure out where I come from, by statute the council's job is to focus on how man and nature can work together in productive harmony. So I'm at least the environment and economics guy. Although these days I'm the environment, energy and economics guy, because energy has become a critical issue to the country. But it's my job to figure out how to balance. I work toward balance, because obviously we're trying to be one Federal Government. The President's objective here is to try to find those opportunities for balance.

And I hope as I hear from you this evening that I know each of you has a dedicated interest in this subject. But I would hope that as you speak, your ability to comment on the other side, just sort of your understanding of the other side, would be helpful to me. Because I've heard many different messages today, as you might expect. And any issue that has this duration -- it's been going on for 30 years -- and I expect there's a lot of passion out there, the way forward is to begin to try to reconcile some of these competing demands and see if we can find common ground solutions. And that's certainly what I will be working toward.

I would note that the documents that NOAA has sent over really largely focus on two issues. Now there are others, but they focus on two issues. And they are significant. They warrant a significant hard look. One is the issue of the larval fish and their ability to access the nursing grounds and the ability to access it in numbers that result in significant productivity for the fishery that you all and in fact that I personally enjoy in my own recreational activities. So that's a significant issue, and I think that's one which we all should have a common ground interest in making sure we understand that issue. Because if in fact that is a serious issue and we're in a situation where the decision the court takes will lead to a reduction in fish stocks we may have shot

ourselves in the foot. So I want to make sure that we're treating that issue seriously.

The other issue is the issue of what happens to the sand when the stabilization project goes in. And there, too, you have a treasure -- you have two treasures out there on either side of the inlet. You have the National Seashore and you have the wildlife refuge. I saw a lot of folks out there in their four-wheel drive vehicles fishing and enjoying the bottom end of that National Seashore. I saw some beautiful habitat out there in the wildlife refuge that the Service is doing a wonderful job in maintaining and preserving, that I know attracts a lot of visitors. It certainly has attracted my wife and her family over the years, who are regular or had been regular visitors to this area.

Those are the things we also want to be sure that we're protecting. And, again, you all own that valuable resource. You interact with it daily. And so we need to, again, understand and take very seriously the issues of what happens to the sand, and is it going to undermine that resource value that we all share.

So, again, I hope we have a good conversation with balance. I look forward to your passion. Let me tell you a little bit about the process and then we'll get the process out of the way. Ted has already told you we're going to try to keep remarks to two or three minutes. If somebody said -- already said what you're thinking, just give a me too. In fact, you're a great community so acknowledge each other and just give me a me too. I'm okay and I'm not a complete idiot, so I think if I get the basic point two or three times it's logged in. But I do want to know how many me toos are out there. But don't feel that you've got to repeat points over and over again. By the way, if you feel you need to, I'm here to listen to you.

In terms of process let me tell you what happens after we have this public hearing. I've got seven potential actions. This is going to be classic bureaucratese, so I'll warn you ahead of time. Here's what the seven actions are: One is conclude that the process of referral and response has successfully resolved the problem. Now that would be great. It would be great if we have this dialogue, we go back, we kick it around a little bit between the Corps and NOAA and we find some solution that's going to work for everybody. That's the easiest.

Two, initiate discussions with the agencies with the objective of mediation with the referring and the lead agencies. So that would be between NOAA and the Corps.

Three, hold public meetings or hearings to obtain additional views and information. So we may learn something here with a subsequent study and decide to have more public meetings. I know you've been besieged with process. I would like to keep additional process to a minimum. If it's necessary we'll do it,

but the idea is here. At least I want to move my process forward in as reasonable a time frame as I can manage.

Four, determine that the issue is not one of National importance and request the referring and lead agencies to pursue their decision process. As you might know the Army Corps makes thousands of decisions every year. And this is one of thousands of decisions that they make. The issue of whether my operation weighs in has to do with this national significance. We try to pick the ones that warrant this level of attention. And I know certainly to all of you this matter is of the utmost importance. And I do treat that very seriously.

Five, determine that the issue should be further negotiated by the referring and lead agencies and is not appropriate for council consideration until one or more heads of agencies report to the council that the agencies' disagreements are irreconcilable. And what that really means is kick it back to the agencies and probably kick it back to the head of the Corps and to, in this case, the head of NOAA. And if they don't work it out, kick it up to their bosses first to see if the Secretary of Defense and see if the Secretary of Commerce can work it out. That's an option as well.

Six, publish the council's findings and recommendations, including where appropriate a finding that the submitted evidence does not support the position of an agency. So I could actually write up an opinion and give my own two cents worth on this project, which will become part of the record, and will be included as the underlying documents that will have to be defended by either agency or be utilized in any judicial proceeding that might follow by a decision by the Corps. So that could be a part of it.

And then seven, when appropriate submit the referral and response together with the council's recommendation to the President for action. As you might expect I try to keep those to a fair minimum. The President, as you all know, is very engaged in -- while this issue is serious I think he's engaged in matters of even greater significance to us all. And so especially now I've been trying to make sure that I'm spending time with him only as it really requires his immediate attention. I hope you all can appreciate that.

So with that I think we're going to open up the comments. I may pitch out a few questions here or there, but I'm largely here to listen to you. And that's also a bit of a trite thing, you know, Hi, I'm here from the Federal Government to listen to you. But it really is my role by statute right now to be a neutral decision maker. And so it's more important for me to hear what you have to say than for you to hear what's in my head. So if I don't have a lot to say during your comments, please do not take that as any

reflection that somehow I'm distanced or bored from what you have to say. It's actually because sometimes, as you can tell already, I talk too much. So I do look forward to hearing from you. Now, Ted, do you have the list?

MR. BOLING: Yes. I've got a list of those who have signed in indicating that they want to speak and whether they are for and against -- or against. I will attempt to balance people as I call. And I'm also calling folks on a first come, first serve basis. So we'll begin with Doug Rader. Doug, if you could come forward and please state your name for the record and we'll limit you to three minutes. I will give you the yellow, in the Christmas spirit, with one minute left, and red means stand down. You may begin.

MR. RADER: Thanks Mr. Chairman. I'm Doug Rader. I wear three hats. I'm a Ph.D., marine biologist, I'm senior scientist with Environmental Defense. I manage the ocean program from New York to Florida and across the Northern Caribbean, but a Native North Carolinian, an insider in that sense. I also am a volunteer federal fishery manager. I chair the South Atlantic Council's Habitat and Environmental Protection AP. I also sit on the Mid-Atlantic Council's Habitat AP. I'm also a voluntary state marine fishery official, volunteer official. I chair the permits and planning subcommittee of the North Carolina Marine Fisheries Commission's Habitat Water Quality Sand Advisory Committee.

I have two jobs today. The first is to deliver to you a letter for the record that has been signed by 42 eminent marine scientists and ecologists. If you look at it as who's who in marine scientists in North Carolina. I'm not going to read it. The letter concludes that the proposed project as it stands constitutes a major threat to one of the east coast's most important fish nurseries. It fully supports the position taken by NOAA and constitutes an unprecedented consensus among the state's academic scientists. I'll deliver copies.

The second job is to deliver the comments from Environmental Defense. I represent 350,000 members nationally, more than 75,000 directly affected on the east coast, and 10,000 in North Carolina. We've already submitted a letter for the record and adopt that by reference. Three major and quick points.

First, the proposed project as it stands is wholly inconsistent with the 1996 Magnus and Stevens Act reauthorization, the so-called sustainable fisheries act, and the 1997 North Carolina Marine Fisheries Reform Act requirements to protect and enhance essential fish habitat and the marine and estuarine resources in North Carolina.

Number two, the Pamlico Sound is inarguably the most important fish nursery on the east coast. It is of national and international importance, feeding fisheries from Cape Cod to Cape Canaveral. Oregon

Inlet, because of its geography and geomorphology is the key to this production, period.

The third point is that the project as it stands poses a huge threat to the principle engine of fish production on the U.S. east coast. The environmental documentation to date is grossly inadequate, in our opinion, in terms of addressing this potential threat.

Let me finish first by asserting that I believe personally that this project is unpermissible as it currently stands except by brute political force. Number two, and I'll close by observing that Oregon Inlet in a very real way is the goose that lays the golden egg, not just for North Carolina but for the fisheries of the entire east coast of the United States. And we simply can't afford to gamble with the environmental and economic values that it constitutes.

Thank you.

MR. BOLING: Thank you very much. Next up on the list -- is the State Senator here? No, okay. Harry Schiffman from the Oregon Inlet Users Association.

MR. CONNAUGHTON: By the way, while Harry's coming up here, in my tour today I've gone in and out of my share of inlets. And for those of you who do that, you do have one tough inlet out there. So I didn't mention that before, but I just want you to know I appreciate that situation you're facing.

MR. SCHIFFMAN: Thank you, Mr. Chairman. Thank you for coming here to hear our input. I'm Harry Schiffman from Manteo. I'm currently serving as the vice-chair of the North Carolina Water Resources Congress. We've promoted this project, amongst others, for quite a long time. My remarks will address some of my experiences and observations of the main contributors referenced in Number 2 of the Omissions and Errors sent from the Southeast Region Office of NOAA in St. Petersburg to the Corps, Wilmington District. That was on October the 22nd.

I had some tapes tonight to play but due to the time sequence I can see that that's not going to happen. So I will give you some tapes. I'll leave them for the record and I will give you some copies of the minutes from a North Carolina legislative research commission. And since I have three folks to talk about that were listed there, one of them is here tonight. That's Dr. Orrin Pilkey. I'm glad he's here tonight because I like to talk in front of folks and not have somebody say something was said behind their back.

Since I can't play the tapes I'm going to read just a few excerpts from the minutes of that legislative research commission. I asked Dr. Pilkey if there was anyone in the world that has more expertise in dredging and jetty construction than the U.S. Army Corps of Engineers. And he says: These guys really know what they're doing. And, again, I'm not criticizing their dredging costs and their dredging

skills, absolutely not. So he's in essence agreeing with that. The second one, Dr. Pilkey was talking about dredging and so forth and I said, Dr. Pilkey I hear these comments and the form of a belief, your belief or my belief. I don't hear it in the form of scientific evidence. I hear you and Tom disagreeing. That's Tom Jarrett from the Corps. Disagreeing. And I do know I've seen scientific evidence from the Corps, but I have not seen scientific evidence that supports your points. And Dr. Pilkey responded: As a scientist I have lots of experience looking at various projects like this, and I know that you can't deal with any certainty in this. Of course, I have no figures.

Lastly, Representative Mitchell said to Dr. Pilkey, we're told that they come down -- talking about larvae -- that they come down the coast but evidently you-all must think that they're laying their eggs in front of Oregon Inlet or somewhere. They have to go through deep water some time before they get in. Dr. Pilkey answered: Yes, I'm sure they do. But this should be the last thing I say on this, because I'm really over my head to put it mildly. Cancel everything else I said.

Due to the time consequences I will just say that the obstructionists never seem to produce factual data. They take statements out of context and continually and unfairly undermine the world's most knowledgeable resource on inlet processes. Please cut through comments such as these and send a supportive report to the President.

MR. ETHERIDGE: My name is Will Etheridge and I signed up to speak. And I'd like to yield my three minutes to Mr. Shiffman.

MR. BOLING: Well we'll take those sorts of motions at the end. We're going to go through the list first and then we'll see how much time we have left.

MR. SCHIFFMAN: And I will give you all the information.

MR. BOLING: All right. Please submit your tapes. Next on the list is Vic Damato.

MR. DAMATO: Thank you. My name is Vic Damato. I'm from Raleigh, North Carolina. I've provided a copy of written comments, and I'll be speaking off a slightly edited version to fit within the time limits specified. I greatly appreciate the opportunity to speak to the Council on Environmental Quality tonight. I work as an environmental engineer and I'm a registered professional engineer in North Carolina. I'm also an avid surf-fisherman who makes a half-dozen or more surf-fishing trips to the Outer Banks every year, contributing mightily as many like me do to the local economy. In fact I spent this past Thanksgiving morning surf-fishing the north point of Oregon Inlet, a prime surf-fishing location that if this project is allowed to proceed will no longer be available for surf-fishing.

I'm also the conservation chair of the North

Carolina Chapter of the Sierra Club, a volunteer position. And I'm speaking today as a surf-fisherman and on behalf of the club and its nearly 18,000 members in this state. The Sierra Club is the nations oldest grassroots conservation organization in the country. Over 20 percent of our members nationwide hunt or fish. The Sierra Club does not care who catches the fish. We simply care that there are enough fish for all to catch and that they are safe to eat.

In accordance with our comment letter on the final EIS, which I've attached a copy with my comments, we oppose this project as currently proposed for a variety of reasons. While we appreciate that safe navigation is an important goal, we believe that the 14-foot dredging alternative is sufficient and that the risks and the impacts of the proposed jetties do not justify them.

In particular tonight I want to focus just on two of our key concerns. First the Corps of Engineers acknowledges that the jetties will not allow for the natural transport of sand through the inlet to form shoals or deltas inside of the inlet and in the sound. In fact the Corps bluntly states that the jetties will deflate the flood tide deltas. Charter boat captains, private boaters and even footbound fishermen who work the waters behind Oregon Inlet will know the delta to which the Corps refers as the bar right behind Oregon Inlet where earlier this summer there were lots of nice puppy drum or small red drum caught for several months.

This is just one example of the effects the jetties will have on essential fish habitat in the Pamlico Estuary that has not been adequately addressed in the FEIS document. The jetties will not only impact fish habitat in the immediate vicinity, but also essential habitat into the estuary including submerged aquatic vegetation and sand flats. Fishermen know that these are places that fish congregate, fish habitat. If these areas are destroyed where do the fish go and where do the fishermen fish.

Second, the north jetty will completely block vehicle and thus fisherman access to the north point of Oregon Inlet and all points west. These are extremely popular surf-fishing locations that will now be inaccessible because the base of the jetty will cross over the entire beach front all the way back and into the vegetation line. No trespassing signs are to be posted on the jetties, and the walkways that used to be part of the jetty proposal have been eliminated.

So to conclude, even the Army's former Assistant Secretary of Civil Works questioned the approach to this project. In a letter to Senator John Edwards, Joseph Westfall says: An alternative that might avoid or at least minimize the adverse impacts to and possibly even benefit the National Seashore and National Wildlife Refuge would also have to be identified if such a project were considered today. We agree and suggest it's time to approach the

navigational needs at the inlet in a manner that will benefit or at least not hurt other user groups in our public resource.

Thank you for the opportunity to speak.

MR. CONNAUGHTON: Thank you.

MR. BOLING: Next up, Fletcher Willey. Let me apologize in advance for any mispronunciation of names.

MR. WILLEY: You did well.

MR. CONNAUGHTON: By the way, we still have some people standing in the bank, so if any of you are able to squench together to make some more room, that would be really helpful, I think.

MR. WILLEY: Thank you for being here. I'll be short. I have been supporting this project for 20 years. I have studied it any way that I could. I live in Dare County. This is a part to the people of Dare County. It's something that is one of the things that our area lives to fish and the many people who own boats, and it is one of the two industries in this area. Thank you for being here. I support this project.

MR. CONNAUGHTON: Thank you.

MR. BOLING: Next up is Molly Diggins.

MS. DIGGINS: Mr. Chairman, thank you. My name is Molly Diggins. I'm the State Director of the North Carolina Chapter of the Sierra Club. You heard a little earlier from Vic Damato who recognized us under the state. I'm speaking on behalf of the national organization, so there's about 750,000 me too's following my comments. In keeping with the tenor of your earlier remarks I think we're all in agreement about the importance of safety in the channel. I don't think anyone disagrees about that. I think we're also in agreement about the importance of keeping the commercial fish industry in the state viable. I think those are the consensus items.

With respect to the project, although this has dragged on for many years I think it's a fairly simple story. The Army Corps of Engineers has maintained a narrow strict interpretation of its charge, which is that we need a 20-foot channel. I would encourage the council to look closely at the question of whether or not in fact we need a 20-foot channel given what's at risk.

The federal resource agencies, fish and wildlife, parks, NMFS, have historically opposed the project. They are the agencies charged with protecting the national public trust lands that are at stake, as well as the nationally significant commercial and recreational fish stocks. Not only have the federal resource agencies historically and consistently rejected the Corps assertion that the project can be done environmentally safe in a fiscally sound manner, but so overwhelming have the most recognized coastal geologists, fish biologists and economists who have written or spoken on the subject.

We do have some concerns and would ask you to convey for us to the administration our concern that the Department of Interior did not make a formal referral to CEQ. We hope that does not in any way indicate that this administration will take its charge to protect national public trust lands and fish stocks any less seriously than previous administrations. We would ask you to take a look at a couple of additional questions. The leading one of course is, what happens if the Corps is wrong. Who fixes the problem, who pays for it, and can the adverse impacts be remediated in the event that the project fails.

Second is a more technical question. I ask you to take a close look at the impact of the replacement of the Herbert C. Bonner Bridge. The bridge, which is over the inlet, has a very fixed high span which has seriously restricted the Corps ability to maintain the channel. The bridge is now thanks to the good works of Senator Marc Basnight scheduled for replacement. I believe that's going to make the task of maintaining the channel much easier for the Corps.

And finally on a personal note, I would like to say that it really hurt my feelings a little bit when I saw the Corps press release on today and their itinerary in which they held a listening and stakeholder meeting to which the general public was not invited. And when I called I was told who the invitees were. Not a single opponent of the project was invited. And I would hope that the Bush administration's definition of a stakeholder with respect to national public trust lands is more broadly construed than the Corps demonstrated today.

Thank you.

MR. CONNAUGHTON: On that particular note, one, who the different agencies choose to consult with on whatever issues, they've consulted across the board. I did not attend that session today. In addition, I would note though that the national environmental groups have asked to sit down with me in Washington. I noted that the public hearing I wanted to have was the public hearing here with the local community. But I will be -- I agreed to let them come in and speak to me. So we'll be talking to everybody, and whether in different contexts and different settings, I want to make sure that I'm covering everybody equally and fairly.

MS. DIGGINS: We appreciate it. Thank you.

MR. BOLING: Captain Meekins.

CAPT. MEEKINS: Mr. Chairman, I'm sorry I don't have a prepared statement for you like everybody else.

MR. CONNAUGHTON: It's better that way.

CAPT. MEEKINS: What I have to say will come from local knowledge and past experience. I'm retired from the Merchant Marines and the Corps of Engineers. I've been a captain on both of their ships. I've operated with the Corps of Engineers on the Atlantic

Seaboard and the Gulf Coast. This project is necessary. Let's take for instance, a lot of your environmentalists say it will scour out the south side. I'll agree with you if the jetties are not properly constructed. Look at New Jersey. It's the sorriest coast line you can find. If you fly over it it looks like a giant handsaw because from the jetties they built they built up on the north side and scoured out on the south side. This one will do the same thing if not properly constructed.

What worries me is most people, both pro and con, have not really done their homework. There's not a man in here that can tell me how many rivers empty into Albemarle Sound, directly or indirectly. I ask anybody to tell me. You might get 11. There's 23. One of those rivers goes all the way to the southeast corner of the state of West Virginia. That's a lot of water coming down into Albemarle Sound, which goes through four silons out Oregon Inlet. Oregon Inlet is improperly named. It's not an inlet; it's an outlet. There is seven times more water going out Oregon Inlet than there is coming in it.

Anytime you have a hurricane coming up this coast the forerunner is going to push water through Hatteras Inlet, Oregon Inlet -- Ocracoke Inlet, Hatteras Inlet and Oregon Inlet. It's going in this rivers, these sounds and these other estuaries. Well when that wind -- when that eye of that hurricane passes the Virginia/North Carolina state line your wind comes around to the northwest. You now have water uphill and wind behind it. It's coming this way. If you haven't got a hole for it it's going to make a hole.

Now, the federal government could have saved millions of dollars in this last hurricane we had, Floyd. Just north here in Tarboro it wiped out an entire town. If you had had the proper opening in this beach to let that water out it would have -- not all of that damage would not occur. Some would, but it would have been far less than what it was. You just can't have a bathtub with a two inch opening and a one inch discharge without it running out. And that's what you've got here on a much larger scale. You don't have a hole big enough to let it out. Thank you.

SOME MEMBERS OF THE AUDIENCE: Amen.

MR. BOLING: Next, Noah Matson.

MR. MATSON: Good evening, Mr. Chairman. My name is Noah Matson. I'm with Defenders of the Wildlife. I traveled here from Maryland to represent our 445,000 members nationwide, including 12,000 members and supporters that live in the State of North Carolina. I want first to me too Molly, Victor and Doug's comments. I agree with everything they said. And the merits of this proposed project should not be based on politics. Unfortunately politics have been driving this process since it was first conceived right up to this latest chapter. The Oregon Inlet project

fails at every level. It's bad for the economy, bad for the taxpayers, bad for wildlife and bad for the environment. Secretary of Interior Norton's team of scientists told her loud and clear that the project would violate national environmental standards, would be incompatible with Pea Island National Wildlife Refuge, would impair the resources of Cape Hatteras National Seashore, and would produce unacceptable adverse environmental impacts. Norton chose to ignore her own agencies and not refer this issue to this Council on Environmental Quality.

This is an issue of national significance. The project impacts a national wildlife refuge, a national seashore and wildlife species that are federally protected. That is why I traveled here today from Maryland. Since I have limited time I'll focus my comments on the impact that this project has on Pea Island National Wildlife Refuge. Defenders of the Wildlife has been a longtime advocate for national wildlife refuge systems. National wildlife refuges are established for wildlife conservation, period. Any proposed use of a refuge must be determined to be compatible with the purposes -- with that purpose. The dual jetty system is incompatible.

The fish and wildlife service has been on record as determining that it's incompatible since 1982. End of story. To quote from the National Wildlife Refuge System Improvement Act, in administering the refuge systems the Secretary of Interior shall ensure that the biological integrity, diversity and environmental health of the system are maintained for the benefit of the present and future generations of Americans. The Secretary is to base this decision on sound science. The Secretary's own scientists within the fish and wildlife service and national park service, as well as many scientists outside have repeatedly demonstrated the adverse unmitigatable environmental impacts this project would have on resources of national significance.

On top of that there is a feasible environmentally preferable alternative to accomplish the purposes of the project, which are to maintain access to the sound and to the ocean.

MR. CONNAUGHTON: I have a quick question. Did the Defenders oppose the wall that's currently up around the top of Pea Island?

MR. MATSON: That occurred a very long time ago. I'm not aware of our position on that. I can get back to you on that if you'd like.

MR. CONNAUGHTON: Yeah, that would be good to know.

MR. BOLING: Eve Turek.

MR. CONNAUGHTON: By the way, I asked that question because that decision involved a balancing too. And so I just -- it's useful to know the analysis that went into that.

MS. TUREK: I can answer that question for

the record, yes, sir, they did.

MR. CONNAUGHTON: Great. That's what I need to know.

MS. TUREK: And I'll say a me too for thank you. We do very much appreciate your coming. It was actually Dare County that first raised the issue of CEQ involvement in the mid 1980s as I recall. So it's 15 years later, but we're grateful that you're here. And we're grateful that you're here to listen to stakeholders and folks with passion about this issue. There are folks who come with academic passion, and I think you are going to hear tonight also from folks who come with passion because their lives and their livelihoods have in the past and for their future and for their children depended on that inlet.

For 10 years I served as the Oregon Inlet's Commission staff person here in Dare County. And that was eight/nine years ago. So I haven't really been involved in this project in any sort of ongoing way other than reading the papers for that long. And I come here tonight because it's a project that I studied a long time, but believe in with my heart. And you're going to hear some about science, but you're going to hear some tonight about heart as well. And the one message that I wanted to bring to you tonight is that in reading NOAA's document on it's website -- and I certainly appreciate what CEQ has done to make those documents available for public scrutiny -- without a personal historic background could lead someone to conclude that there haven't been ongoing levels of study of this project over the years and there in fact haven't been opportunities for the agencies to come together. And I want to speak to one of those opportunities in particular. In the '90-'91 timeframe I served as part of my role and responsibility with Dare County as a secretary, if you will, to a very interesting task force that brought together representatives of the Fish and Wildlife Service and the National Park Service, Corps of Engineers and some of the scientists that NOAA's documents refer to, specifically Dr. Robert Doland from Charlottesville, Virginia; Dr. Robert Dean from Gainesville, Florida. And there were others that came and spent not as long a time, shorter times with us. And we looked at all sorts of technical issues which we certainly don't have time to go into tonight.

One of those issues was the larval fish migration issue. We did get some input from the Woods Hole Institute at that time. And I recall that we had a symposium, day long, that brought together scientists and tried to ferret out the best study as it existed nationwide for inlet and larval migration at that era. And so I want to say that there really has been a 31-year effort of study since this project was authorized back in the '70s. And that for the record in the '70s Park Service and Fish and Wildlife Service, DOI agencies were supportive. Their non-support began in

the '80s. And that NOAA itself was supportive in the '80s, and it's non-support began in the '90s. We appreciate your being here to listen. Thank you, sir.

MR. CONNAUGHTON: Thank you.

MR. BOLING: Derb Carter.

MR. CARTER: Thank you, Mr. Chairman. My name is Derb Carter. I'm an attorney with the State Environmental Law Center in Chapel Hill, North Carolina. And I too appreciate the extra effort you made to come to North Carolina and listen to the concerns of North Carolina citizens about this project. I want to talk about two things since a lot of things have been covered. One is the national significance of the resources that are at risk in this project. And, second, how to deal with the conflict and uncertainty between the agencies related to fisheries impacts.

On its surface this would appear to be a simple decision. The Corps' justification for the project is enhanced recreational and commercial fishing opportunities, yet the expert federal agency entrusted with managing commercial and recreational fishing states it would have potentially catastrophic impacts to these very resources. What is clear is that it would affect resources of national significance. A national seashore, a national wildlife refuge, the nation's second largest estuary and federally protected species.

From 1987 to 1994 I was Chairman of a citizens advisory committee and on the management committee for the Albemarle/Pamlico estuarine Study. This study was established as a part of the amendments to the Clean Water Act in 1987. The Albemarle/Pamlico was the first designated estuary under that program. And that designation is based on the fact that this is an estuary of tremendous national importance. Declines in fisheries productivity were identified as the priority concern in the designation of the Albemarle/Pamlico estuary as a part of the national estuary program. A final comprehensive management plan was issued in 1994 and three of the five overarching management goals relate to fisheries: restore and maintain water quality for fish, conserve and protect vital fish habitat, and restore and maintain fisheries and provide for their long-term sustainable use. So there's a federal commitment that's been made to work to achieve these goals for this estuary, and we would expect that to extend to your deliberation.

Second, the federal lands. While we're disappointed that the Department of the Interior did not exhibit the same vigor and stewardship of resources under their jurisdiction by referring this to CEQ, the inadequacies of the EIS, the potential damage to seashore and refuge, and the incompatibility with the National Park Service Act, the National Wildlife Refuge System Improvement Act remain. And in our view authorization of this project would be incompatible with these laws and violate those governing principles

for those federal lands.

Next the question of uncertainty. Do you put your weight on the fish issues with the Corps or do you put your weight with the National Marine Fisheries Service. In some ways it's like asking if you have a headache do you go to a doctor or a mechanic. National Marine Fisheries Service and independent fisheries scientists have clearly documented the anticipated impacts of this project on larval recruitment. The Corps on the other hand relies on an unproven weir device and states that National Marine Fisheries Service cannot conclusively prove these adverse impacts. We would encourage you to look very hard at your regulations, particularly 40 CFR 1502-22 which deal with what to do when there is incomplete or unavailable information, which says that if there are foreseeable significant adverse effects between alternatives and the overall cost of obtaining this information is not exhorbitant, you shall include the information in the impact statement. We would encourage you to pursue that avenue and obtain this information before moving forward.

Thank you very much.

MR. BOLING: Jerry Schill.

MR. SCHILL: Thank you, Mr. Chairman. I'm Jerry Schill, President of the North Carolina Fisheries Association. It's a private trade group that represents commercial fishing families in this state. We truly do appreciate your being here. I also got a phone call before I arrived from one of our affiliates, the Albemarle Fisherman's Association, from its President Terry Pratt. He could not be here this evening and asked me to be sure to relay to you that my comments also are associated with him. He is a well-known environmentalist in this state.

Jim, you mentioned earlier about experts. I represent true experts. And that is, there are those who traverse the inlet on a regular basis. They know from experience. The situation I think is a lot more different today than at any other time. It hasn't been mentioned here, but it's got to be mentioned; and that is, since 9/11. Dependence on foreign energy sources are not in our nation's best interest. Likewise food production is basic to keeping our nation strong. And it's high time that we realize that we cannot unilaterally solve the world's environmental problems and we cannot unilaterally put everything on the backs of our fishermen in order to save the rest of the world. Because the rest of the world is not doing what we are doing in this country.

The bottom line here is people. Not just Dare County either. There are fishermen that use this inlet from up and down the coast. And I'll go into more formal comments in a letter to you later. North Carolina fishermen do not ask for much from their government. North Carolina fishermen do not send letters to Jesse and to Walter and John to ask for

subsidies. We don't ask for set-asides. All we want it the ability to work, to produce. That's the American dream. These people get paid according to what they produce. And they do ask for safe passage, however, from their government. That's something they can't control. They do ask, however, they pray every day to ask for good weather because that's in God's hands. If it was in the government's hands we'd have a major problem, I'm afraid.

MR. CONNAUGHTON: It would take too long to decide.

MR. SCHILL: On behalf of those experts who know true science -- and let me give you a definition of science. Knowledge, especially that gained by experience. My people are the experienced ones. We support the Oregon Inlet jetty project and do not agree that this project will harm fish stocks. And allow me to just say that part of my fever pitch on this is because in another life I served 15 months in Pashour, Pakistan in an intelligence gather base after Francis Gary Powers left there and was shot down. And we should have learned from that experience of the importance of that effort. And we kind of lost it over the way. And we really have to get back to understanding what made this country great. And it's working people, producing. Thank you.

MR. CONNAUGHTON: Thank you.

MR. BOLING: Next is Steve Wall.

MR. WALL: Thank you, Mr. Chairman. My name is Steve Wall, and I'm an attorney with the Conservation Council of North Carolina. The Conservation Council is a statewide environmental advocacy organization representing over 20 grassroots and community organizations across North Carolina. We also have individual members throughout North Carolina as far west at Cherokee and as far east as right here in Manteo. The Conservation Council has reviewed and commented on various proposals and environmental documents relating to this project for over 20 years. We continue to maintain that the negative impacts from this project, combined with the costs for construction and maintenance, will far outweigh any potential benefits.

Tonight I'd just like to draw your attention very briefly to some of these adverse impacts. These include destroying critical wetlands, damaging important bird and sea turtle habitats, threatening fish migration routes, and disrupting the movement of sand between the ocean and Pamlico Sound. We believe that in spite of the long list of recognized impacts of the jetties the associated environmental impact statements have failed to adequately describe or assess these issues. Nor are the costs associated with these negative impacts adequately reflected in the \$180 million cost estimates for this project. Ultimately, the proposed project would cost taxpayers millions of dollars and result in serious environmental damage. We

ask you to recognize over 30 years of scientific criticism and independent reviews identifying this project as economically unjustified -- unjustifiable. And we ask you to consider alternatives that will preserve the environmental resources and quality of these critical habitats in unique areas. Thank you for the opportunity to comment tonight.

MR. BOLING: Mike Davenport.

MR. CONNAUGHTON: By the way, how many out here use the inlet, go in and out of the inlet? And how many of you are going to be speaking tonight? Okay. I just want to be sure because I have some questions for you.

MR. DAVENPORT: You want to ask your questions first?

MR. CONNAUGHTON: No, go ahead.

MR. DAVENPORT: Okay. I'll be glad to relinquish some time to you. You're the star here tonight.

My name is I'm Michael Davenport, and I live here in Manteo and have been here since in the mid-1970's. And I'm kind of wearing two hats tonight. I'm Vice Chairman of the Oregon Inlet Waterways Commission. And Moon would be speaking tonight, but he's got a new leg that's growing inside of him, and so we hope for a quick recovery and look forward to him coming back to work with us.

MR. CONNAUGHTON: He's getting around pretty well, though, isn't he?

MR. DAVENPORT: Yes, he is. Better than he's supposed to be.

MR. DAVENPORT: I'm also the past president of the Outer Banks Association of Realtors. And the realtors felt like -- our 550 members here felt like it was very, very important, that the jetty project was important, vital to our community. When I joined the Oregon Inlet Waterways Commission several years ago, the big issue was safe passage to and through Oregon Inlet. And I don't want to say I singlehandedly brought a new perspective to that, but my concern from the real estate industry now that I no longer fished because I was scared, too scared to come in and out of the inlet that I quit. And I feel sorry for the people that continue to do that. But what I'm worried about in our real estate industry is, the biggest industry in Dare County right now, one of the largest industries in the state. We can probably -- Mr. Terry Wheeler can probably give you the numbers of what it produces. And you heard the captain speak earlier about the water is going to get out. I don't think anybody disputes that evidence. My concern is that if that inlet closes up too narrow that -- and we get at the flood tide and that water has to get out, that it's going to go out somewhere, probably where there is a lot of development, a lot of infrastructure. And I don't know if that's been taken into account here. A new inlet opening up or our infrastructure being damaged could be

devastating to our county. And I don't think anybody here disputes that tourism is probably the number one industry by far here.

I'm also concerned about the water quality. Growing up over in Manns Harbor, I noticed that there was a lot better fish, a lot better water quality here. But the inlet was also wider at the time. I'm not an expert, and I don't profess to be, but I believe, and it's my personal belief that a lot of that may be due to the fact that water is not coming in and out like we would like it to. I'm for the inlet, and we hope that you'll take back everybody's comments and can negotiate and compromise something so that we can get this jetty done.

MR. CONNAUGHTON: Has your group sat down with some of the folks who are doing some of the natural -- leave aside the inlet, just up and down the coast the potential for if you get a Category 3 or a Category 4 storm and what that will do? Have you sat down and talked with them about those issues?

MR. DAVENPORT: I would hope that the Corps of Engineers have done their studies, and I can't answer that question. It would be a good question.

MR. CONNAUGHTON: Yeah, because the Realtors -- you guys should do that, too, because there's -- you know, it's not just the inlet. It's the whole seashore, so we should -- I got some very instructive information today and, you know, digging into that more. I mean it's a bigger issue. The inlet is part of a bigger issue, obviously.

MR. DAVENPORT: Sure, sure. But I do have a copy of a Resolution I'd like to submit from our members of the Outer Banks Association of Realtors. And since you like it so much down here, here's my card if you want to buy a house.

MR. CONNAUGHTON: I hate to confess, but if you don't boo me, I'm kind of a Delmarva man so --

MR. DAVENPORT: We'll convert you.

MR. BOLING: For the record, the time that Jim takes asking questions does not count against your speaking.

Next up is Mary Alsentzer. I'm sorry. You even introduced yourself to me.

MS. ALSENTZER: Thank you. Mr. Chairman, my name is Mary Alsentzer. And I'm the Executive Director of the Pamlico Tar River Foundation. And I speak to you tonight on behalf of the Board of Directors of PTRF and some of -- and our some 1,300 members. All scientific evidence to date concludes that the jetties will have serious and irreversible detrimental effects on the migration of larval and juvenile fish migrating into the Pamlico/Albemarle Sound. In doing what they are designed to do, keep the inlet open, the jetties will, in fact, allow far fewer fish to enter the inlet. We know that the Oregon Inlet is a critical source for larval recruitment and colonization. And maybe the only source of the northern Pamlico and Albemarle

Sounds. Fewer juvenile fish entering the inlet will mean less fish production, period. Dr. John Miller, one of the scientists who has studied the consequences of the jetty construction on migrating fish populations once concluded that, quote, the most likely consequence of jetty construction would be the destruction of the very -- excuse me -- one of the most likely consequences of jetty construction would be the destruction of the very resources jetties were supposedly designed to protect and that short-term economics or politics may result in long-term disaster for the fisheries. Today PTRF reiterates its opposition to the construction of these jetties, opposition which has been so well expressed by the Fish and Wildlife Service and the National Park Service and many others over some 20 years. No jetties means a positive decision for our public trust waters and the fragile estuarine and coastal habitat of so many species. Thank you. And I'll submit some additional written comments later.

MR. CONNAUGHTON: Thank you.

MR. BOLING: Suzanne Bolton.

MR. CONNAUGHTON: Suzanne, as you know, that's my wife's name. I thought she had snuck down here when I wasn't looking.

MS. BOLTON: She can give the same testimony. I wanted to talk to you as a homeowner in Kill Devil Hills. I'm also, as an aside, a marine biologist and have been able to enjoy both my vocation and avocation in the Outer Banks. One of the things I think that's not being considered is that a lot of the tourism industry that is coming into the Outer Banks are the people like the ones that visit with me, are here to enjoy fishing in the sound, fishing off of the seashores, visiting the National Seashore and the national refuges because they are natural habitats. They are an opportunity to see what this country once was. And what we'd like to try and retain.

I believe that the biggest concern that I have is that this is not just an issue of fisherman versus environmentalist. It's an issue of people who want to be able to enjoy both. And that is not likely to happen. As a marine biologist and an oceanographer, I'm all too familiar with the other information. And I would have to support it and have, in fact, supported it with the Ph.D. letter that will be submitted to you.

But I think the biggest thing to consider is the economics. The economics of this project does not make sense for a basically recreational community. It does not make sense for the local residents who do not profit off of the fishing industry, but will be paying sizably larger taxes as a result of it. So I think there are a number of other issues that do need to be considered, and I hope you will think about those of us who are here because of the environment.

MR. BOLING: Okay. Fell off balance here. Let me try to regain by calling Norm Shearin.

MR. SHEARIN: I'm going to yield my time to others. I'm here as an attorney for the Department of Commerce, and the State is the sponsor for the project. We'll submit written comment.

MR. BOLING: All right. John Bowen.

MR. BOWEN: Good evening. Thank you, Mr. Connaughton. Good evening. My name is John Bowen. I am president of the Outer Banks Chamber of Commerce. We don't have the great numbers that some of these other organizations have talked about tonight. We only have 1,200 members. But those 1,200 members have been in support of this project since 1977. I went back, searched our records, and there were only 300 members at that time. But I also come here as a former teacher who taught some of the young fisherman who are no longer living in this community because of the inlet situation. I also come here as a former County Commissioner who worked on this project for many years. I have a Resolution that was passed by our organization in April of 2001. For the last 30 years our organization has supported this project. Every year we have -- just about every year, I should say, have asked opinions of our membership; and they have supported it religiously over the years. I'd be glad to answer any questions you might have.

MR. CONNAUGHTON: Let me ask you one. From the briefings I've had, and I'm in the middle of the process, not at the end of the process. But from the briefings I've had, this -- well, it's been a 30-year discussion. It seems to me each decade the situation has changed. The rationale for the project and the nature of the fishing situation has changed. And it would help me, especially as others come up, those of you about their fishing in particular, you know, where are we today on the point? Is it the safety of the inlet that's driving people away? Is it the depression of the fish stock and the restrictions on fishing that's causing -- help me begin to understand, if you would, you know, what the current dynamic is as candidly as you can because we really need to factor that in here. So, you know, start there.

MR. BOWEN: Well, I can't answer it from a scientific point of view.

MR. CONNAUGHTON: No. In fact, forget the science, you know. I -- you work with fishermen and you've got the Chamber of Commerce.

MR. BOWEN: Right.

MR. CONNAUGHTON: Well, let's start at the Chamber of Commerce. The change of services here that are helping this area grow. I mean some would say it's horrible, but, you know, it's neat. People are getting more access to the beauty of the Outer Banks. And, again, you've got these tremendous resource values here. But, you know, where does fishing fit into that overall balance in terms of the interest of the Chamber.

MR. BOWEN: Well, I can go back for just a

few minutes if you'd like.

MR. CONNAUGHTON: If y'all don't mind, we're going to eat up a little bit of time here.

MR. BOWEN: Well, I'm sorry. I would go back to the early -- the late '70's. As a County Commissioner, we spent time in Washington trying to get this project off dead center because we were losing our commercial fishing industry in this area. Understand that many years ago at Labor Day, and we were talking about this tonight, at Labor Day you could fire a cannon down 158 Bypass and not endanger anybody's life because the tourist season was over. However, we began then our fishing season. And I taught school at a time when some of our kids worked all night packing fish. And spent hours just so that -- you know, so they could make a living, so that families could make a living. It's very important. We had two commercial seasons, tourist season, fishing season. Then in 1983 I, unfortunately, took the job of chamber president. At that time we were called something else at that time. And the inlet closed up. I think we remember that, don't we, Moon? And our unemployment rate went to 43 percent in January of that year. And from then on this community has grown in the tourist side, but the fishing, commercial fishing side has suffered greatly because of that. I think Moon would agree with me on that.

And that's what has happened. We would like to see that commercial fishing return here, but it's a dangerous inlet. It's a dangerous process going through that inlet. And as you recognized today. And so in order for us to have both, we have to have a safe inlet. We must protect our bridge. The bridge is of crucial value to us here on the Outer Banks. We could probably lose, and I just guess, I don't want to cause alarm here, but we could lose two to \$300 million in revenue just on Hatteras Island alone. Our tourist industry, our gross retail sales in a year's time was one billion dollars last year for a county that's only 30,000 in permanent population. So I hope I answered your question.

MR. CONNAUGHTON: Thank you. Thank you very much.

MR. BOWEN: Other than that, I will give you this resolution. Thank you very much.

MR. CONNAUGHTON: Thank you.

MR. BOLING: Orrin Pilkey.

MR. PILKEY: Counterpoint. I'm Orrin Pilkey. I'm with the program for the -- to develop shorelines at Duke University. I wrote a book called the Corps on the Shore which is available for only \$16.95.

MR. CONNAUGHTON: Do you have a web address for that?

MR. PILKEY: I studied Oregon Inlet, been involved in it for 20 some years. I've gone out, in and out of it a little bit, not much. First, I'd like to point out first of all I think there's a

misunderstanding of the role of science in this controversy, and that -- we are -- we of science are not trying to make the decision. We recognize that this is a political decision whether the jetties will be built or not. We're trying to make sure the decision is made in the context of good science.

I'd like to note we're talking about the dangers of this inlet. And they are -- it is a difficult inlet at times. And we are in favor of a safe inlet as well. It's important to point out that the jetties don't make an inlet safe. I have here an article from yesterday in the Richmond Times Dispatch about two people being killed and three being injured slamming into a jetty at St. Pete Beach, Florida. Because when you slam into a jetty, it's a lot different than slamming into a sandbar, of course. So -- and there's a wave defraction, wave refraction problem. And some jetties, under certain circumstances, certain size boats can't get out or can't get in because of the thrashing and rethrash of the waves. I think somebody said back here that I was quoted as saying that I didn't know anything about how to calculate long shore transfer of sand, and that's quite true. Nor does the Corps of Engineers, nor does anybody else. We have to calculate -- long shore transfer of sand is a very difficult thing using mathematical models that in most cases that we don't think work. We've published all these models, criticizing the ones that are being used, particularly the surf equation and some of the others and the model Genesis. So I think as a part of the note that all the measures of success of the jetty system such as improving navigation, whether they will work properly and so forth are based on sand flow. And just down the coast at Drum Inlet when the Corps tried to dredge Drum Inlet and they calculated what the sand flow would be, and they were off by a factor of ten. There was ten times more sand than they expected so they did not keep on dredging the inlet. This is just an indication of how far we are from understanding sand flow. And the weir, the weir is a very sensitive in terms of sand flow. And that's the part that I think absolutely will not work, very little chance of that working, especially for any long time frame. So I think the weir -- I think you can -- the WEIR jetty is not going to work. Other than that, I think the sand transfer system in general is not going to work well. With that I'll stop. I didn't have a chance to type this out.

MR. BOLING: Rex Tillet, are you for or against?

MR. TILLET: For.

MR. BOLING: All right. Come on up.

MR. TILLET: I'm going to let this guy speak for me.

MR. BOLING: Next on the list is Will Etheridge. All right. Go ahead.

Would you please state your name for the

record.

MR. MIDGETT: Mr. Chairman, I appreciate this opportunity. I didn't know I was going to have it, so I'm a little bit unprepared. But I'll ramble about anyway.

MR. CONNAUGHTON: What's your name? I want to make sure we got your name.

MR. MIDGETT: My name is Arvin Midgett.

MR. CONNAUGHTON: Oh, okay, there we go.

Thank you.

MR. MIDGETT: I'm a member of the Oregon Inlet Waterways Commission, but I'm also a user of Oregon Inlet. I have been for probably 40 years. Been through there thousands and thousands of times. And I can tell you that we have to have a safe inlet there for many reasons, not just for fish larvae. I don't think these people know anymore than I do whether fish larvae is going to be hampered or enhanced by the inlet. And I'm going to tell you that I don't know. But I do know about some other things. I know about water quality. I know about flushing the sounds. I know about a safety valve so that you don't create yet another inlet somewhere else. And I know about safe passage for people. Safe passage for people has kind of got to be considered a little bit with the hazy understanding we have about fish larvae. I don't know about that. But there are lots of people who use that inlet, not just the people who fish off the north bank of the inlet surf fishing. I don't think their fishing would be stopped all together. But we can't consider all this in a selfish manner. We've got to think about, in my opinion, the good to everyone overall. Like for everybody who fishes along that beach, just for the surf catcher, there are four or five people going through that inlet where there has to be a safe inlet for them to recreational use the resource. I think their needs could be considered. The inlet has to be kept in one spot. When they build a new bridge one day, there's going to be a draw there for it to go over. And boats and people of -- with very much elevation have to come under that bridge. The channel has got to remain under that draw. So it has to be arrested. Man can arrest things and make good out of what some people would say, oh, just let it go. Let Yellowstone burn. I don't buy that kind of thinking. I think that we can make it good for man. And all of the things that people have pointed out, what would be good for man? Not only just making a buck, not only just good for local people. Why local people in general want this project. I tell you, I sit here tonight and I know because when someone comes up to the podium, if I don't know him, I know he's against it. I don't know that that's all together fair. Like I wouldn't go out to Yellowstone Park and tell them how to manage the buffalo herd. But there are some people here that have expertise in that. But as to having expertise as to what to do about that inlet and

dredging, why -- and jettying an inlet, I really don't think they probably came here because they're getting a green government check. And somebody said, be a good idea if you went.

MR. CONNAUGHTON: Before you go; stay here, stay here. You've gone in and out thousands of times?

MR. MIDGETT: Yes, sir.

MR. CONNAUGHTON: And you know the boating community around here. I'm a boater. As I said, it looks like a tough inlet to me. It's not one I think I'd probably take my ten year old out on without a nice big boat and a good powerful engine. What's the -- you're using it, so, the safety factor, you've made the call there. But what's your take on the boating community? The additional measure of safety, what does that do in terms of changing who uses the inlet? Are we going to be drawing boaters out there who may be getting a little bit in over their heads once they get out to the other side of it? What's your take on this? You've been here for a long time.

MR. MIDGETT: There are some people who have been over their heads a little bit this winter. Some of them are in the morgue right now. And they didn't have a safe inlet to go back and forth through. Of course, they went when conditions were not good had there been a safe inlet perhaps. But the small boat, the recreational boat, the fellow who drove down from Raleigh to go fishing with he and four of his friends. I like -- I'll go back to this again. I'd like to see their needs addressed too. And I don't know whether I've answered your question or not.

MR. CONNAUGHTON: Well, one question is, I noted that actually the safety, by virtue of the Corps, I don't know, the dredging. By virtue of, you know, better boating practices and the like. But, you know, the statistics of the last 15 or 20 years look a heck of a lot better than the preceding 15 years. What's -- you know, again, you're here. That's why I really want to hear from you all. What accounts for that? Is it people have just been scared away so it's only the most seasoned going through and that's why we're seeing that improvement?

MR. MIDGETT: That's happened to some extent. Some boats have been run away that might have been here one time. Also the fish quotas have been cut back to where they're not as many boats operating out of the Wanchese area. The troll boat community is not quite as active I don't think as it used to be. And some of that relates to that inlet as well as other things that I'm not -- I had better not go into because I really don't know the issue. I don't represent thousands and thousands of people. It's easy to get those big figures. All you've got to do is get somebody to sign on the line like a county petition for abandoning bootlegging. You could probably get right many people to sign that thing. But whether it's right or not to do it, I don't know. I do know about some

things, and I told you about those.

MR. CONNAUGHTON: Yeah, I know. I appreciate that.

MR. MIDGETT: But the flushing of the sound, the water quality and the safety valve thing has got to be addressed. And it can't happen with a closed up, shallow, narrow inlet. Some other things will go to pot that could have been helped if you jettied that inlet and caused it to be deep. As for dredging, people will say, keep right on dredging, keep right on dredging. It is also expensive. If you've examined the record like I know you have, over the course of 20 years there's been a lot of money spent there on dredging. And it is not being done -- although the Corps is doing what they can, what they have to work with, it is never really quite adequate and doesn't always last. And sometimes you don't even get it at all.

MR. CONNAUGHTON: Okay. Thank you.

MR. MIDGETT: We got to have a jettied inlet.

MR. CONNAUGHTON: I hear you.

MR. BOLING: Marny Bergoffer.

MR. BERGOFFER: I'm Marny Bergoffer, Southern Appalachin Biodiversity Project, Asheville, North Carolina. We're up in the mountains about eight hours west of here. I drove eight hours to be here. Thank you very much for coming.

MR. CONNAUGHTON: Thank you for coming. A man dressed for the weather. Isn't this outrageous? December 12th, and I wanted to be in shorts and a tee-shirt today.

MR. BERGOFFER: SABP is a small environmental group. Our mission is to protect public lands and threatened and endangered species. I come out each year to vacation on Cape Hatteras. My parents own a sailboat, and they sail up and down the east coast. And I come out to visit them once a year. And I've been through Oregon Inlet on their boat. And I grew up on Long Island, and I've sailed since I was a little kid. So I've got quite a bit of experience on the water. We at SABP consider the inlet to be of national importance because of the public lands involved, the fact that they're an internationally renowned fishery that depends on the sound. One of our major concerns is the loss of wetlands and other threatened and endangered species habitats. Recent studies have shown that wetlands mitigation has been a complete failure. Illegal wetlands are also being filled throughout the coastal area, and we're really concerned about the loss of wetlands in the coast. We're also concerned about the probability of new inlets opening up. When I was growing up on Long Island, Rich's Inlet on the south end, south side of Long Island had another inlet open up right next to it. And it caused quite a few problems. It seems pretty likely that a new inlet will open since there's historical evidence showing that

there have been up to a dozen different inlets between Hatteras and Virginia in the last 150 years. So it seems the Corps hasn't really considered that with or without jetties.

With respect to this gentleman's comment on let Yellowstone burn, I would point out that Yellowstone is doing great now, 12 years after that burn. I think the same would happen at Oregon Inlet if we would just let it go. They'd have great fisheries and a great environment to live in. Thank you.

MR. BOLLING: Okay. Will Etheridge. Are you for?

MR. ETHERIDGE: For.

MR. BOLLING: Oh, he's for, yes.

MR. ETHERIDGE: My name is Will Etheridge. I manage Etheridge Seafood in Wanchese, North Carolina. And if you've read Mr. Pilkey's book, I am one of the four families that will benefit by jettying Oregon Inlet. I'm not exactly sure of the number of people that have lost their lives at Oregon Inlet, but it's -- I'm sure somebody here could tell us, but I just --

UNIDENTIFIED: Twenty-three (23).

MR. ETHERIDGE: -- came back from a vacation in Canada and found out we had lost another man here in the month of November. I like some of the questions that you're answering. I just want to tell you a couple of experiences that I have had personally. I went to work one Christmas morning just to make sure that my ice machines were working properly. And as I walked around the corner of my building -- it was a real cold, windy day, and I heard a boat with a real loud noise. And I looked out and it was the Coast Guard and they were bringing a body. And I grabbed the guy off of the Coast Guard boat and put him on a stretcher, or laid him on my dock until the ambulance people got there and put him on a stretcher. Another day on a Sunday morning I went to the fish house to do some work and somebody says the LOIS JOYCE is ashore. And I knew the guy that owned the LOIS JOYCE very well. She's there now. I don't know if anybody has showed it to you today or not, but it's a hundred foot steel vessel that was sunk. And I want to get into my discussion with the -- I knew the guy. I called him on the radio and I said, Walter, what can I do? He says, the Coast Guard wants me to get off the boat and I don't want to do it. Call my wife and ask her what I should do. And I held a receiver from a radio in one hand and a telephone in another hand. And it was a pretty dramatic thing to me. And when I see these people come here and everybody so far that spoke in opposition for this project with the exception of one has not been from this area locally. And it -- that bothers me somewhat, but I do make my living from fish. And I do worry about the fish, and I want my son -- and he now has a daughter, and I want her to be able to enjoy that resource and hopefully make their living from it if it's still possible. But I honestly --

their life just means so much more to me than a fish does. And it kind of bothers me a little bit when these people are here, and I guess the reason that you're here, if I understand it properly, is because NOAA has a problem with the larvae, and they are the ones that invited you, not Senator Helms or not Congressman Jones. It was NOAA that got you involved in this. Do I understand that right?

MR. CONNAUGHTON: NOAA invoked the formal process, and Senator Helms and Senator -- and I have the option of how I deal with the process. I thought it was important to come down here. It looks like the issue had come to a point at which some higher-level attention was warranted. So that's why I came.

MR. ETHERIDGE: Well, the thing I wanted to tell you, all these other things that the lady brought up the fact that it wasn't cost effective, all of those questions have been answered. And we have a group of people here, the Dare County Waterways Commission, they have answers to all of these questions. And before you make any kind of decision, I would implore upon you to get with these people, you know, because when somebody gets up here and says it's not financially feasible, I know that President Bush is going to worry about that a little bit. But that's not even a question anymore.

MR. CONNAUGHTON: That's why I wanted to go to the core because you're in the seafood business. If you take NOAA's concern, NOAA's concern is about the larval fish getting back in, into the nursery, growing up and creating -- and getting back out so a productive fishery. Now, I assume, and, again, especially the fishing community if you come up here, I assume we've got common ground on the point that if that was a real threat -- the scientists said, guess what, by taking this action we're going to eliminate -- you know, and we had facts, and said, we're going to eliminate -- we're going to cut off the larval growth, we're going to cut off the nursery and the fishing and the entire -- and the fishery is going to collapse; okay? I mean if we knew that, I assume that would be of great concern to the fishing community here. Is that right?

MR. ETHERIDGE: Yes. Believe me, it would.

MR. CONNAUGHTON: Yeah. Okay. So that's why when I say we need to take what NOAA is telling us seriously, we need to look at the underlying science of what they put forward -- I'm not going to second guess it or anything right now. It's their job to sort of make their case. But if there's a there there, I want to make sure that all of us, but especially the fishing community is looking at the there that's there. Because, again, I don't want any of us to be in a situation -- that's one of the most immediate consequences to you all. And by the way, as a recreational fisher, it would be an immediate consequence to me too because, you know, going out and, you know, I'm only getting maybe one, one every couple of hours and only getting one every eight hours is not

a good idea. If that's what's -- you know, if that's what we're facing, we'd have bigger problems. So I do want to make sure that we're all in the same place, that we need to look at that particular point quite carefully because that really is where there's a common ground interest of concern. Now, we have the safety issue, and I really appreciate your remarks with respect to that. You know, but so, again, I know there are passions, but that particular point is the one that, you know, we want to be -- again, I want to be sure that -- I really hope you all speak to that and how you look at that. And the discussion concerning that issue are really discussions of the last ten years. They weren't a discussion 30 years ago or even 20 years ago. So, again, I want to make sure we're focused on that.

MR. ETHERIDGE: I'm probably not going to make you happy by making this statement, but I am personally helping finance four lawsuits against National Marine Fisheries and their science. So, you know, I have more passion about that than I do about Oregon Inlet.

MR. CONNAUGHTON: But the point, if the science is no good --

MR. ETHERIDGE: But you heard Ms. Turek say that National Marine Fisheries signed on to this project, they were strong proponents of this project. Well, there's something that happened. And I know I'm taking a lot of time. I'll get out of here whenever you tell me to.

MR. CONNAUGHTON: No, no, this -- I want to make sure we're both -- this is another one of those issues.

MR. ETHERIDGE: There's something happened in the last eight or nine years where the direction of National Marine Fisheries just did a 180. And I think you probably know what it is or you know who is responsible for it. And there is currently like a hundred lawsuits against National Marine Fisheries. And, you know, the thing I really wanted to get in to you is the people leaving the fishing industry. There is -- I would -- my son is a fisherman. He works for me right now, but when the fish are available, he's fishing. He'd rather fish than work at the fish house. But my advice to him all the time is, son, you need to find something else to do. You need to find another vocation because if we stay, you know, your position that you have, I'm sure that if you stay there another four years you'll be in front of a bunch of commercial fisherman about what National Marine Fisheries is doing. If we stay on the same trend, and I have seen some evidence that it's going to change, there would not be a viable commercial fishing industry in the east coast. It just would be nonexistence. Just to tell you, at Willy Etheridge Seafood Company, I used to pack flounders 365 days a year. You know what flounder is; right?

MR. CONNAUGHTON: Right.

MR. ETHERIDGE: We're down now, we -- with increased sizes on the limit of the size of the fish we could catch, net sizes, quotas put on us, we're down now -- in 1998 the state of North Carolina caught the number of pounds of flounders that the National Marine Fisheries told them they could catch for a full year, we caught it in nine days. So, you know, a thing that I would like to -- and I really get rambling bad, but I can look you right in the face and eyes and tell you that when you hear from the environmental community and when you hear from National Marine Fisheries about these fish stocks that are in such terrible shape, that's just absolutely, totally not true. I'm 55 years old. My dad, he would be here tonight if it wasn't for his health. He's 80 years old. And we both would tell you, and I'm sure just about anybody that fishes for a living out here, recreational, charter boat guy or a commercial net fisherman or however he does it, there's more fish out there now than there's ever been in our lifetime. The ocean is literally lined with fish. But we have an agency that's out spreading the word around that there's no fish. When the state of North Carolina fisherman can catch what the federal government tells them they can catch in a year and we catch it in nine days, there's some kind of problem somewhere.

MR. CONNAUGHTON: Thank you, appreciate it.

MR. BOLING: Chuck Rice.

MR. RICE: Thank you, Mr. Chairman. I appreciate the opportunity to be here. I'm Chuck Rice, the Executive Director of the North Carolina Wildlife Federation and represent the views of our conservationists from across the state who have just this past February in our annual meeting voted to adopt a resolution that I have submitted as part of the record. And then subsequently that resolution was submitted to the National Wildlife Federation with the same process also being adopted. And throughout the submitted copy of our resolution are source references for the data years, and I've included those with that. And they include U.S. Army Corps of Engineers documents, U.S. Coast Guard records and the opinion of scientists based on their research. And the details are included in the document.

One of the things I'd like to mention is a highlight from that document is that jetty descriptions starting with the 1999 DEIS from the Corps of Engineers include a weir. For over two decades the CORPS stated that a weir was an inappropriate tool and would not work. In the 1999 DEIS and the subsequent documents contain justification references to previous Corps documents that are referenced, and they are misleading or inaccurate references.

The safety issue resolution is an apparent fact and there have been a change, unfortunately in these numbers since this document was created. But 21 of the historic 23 fatalities in or near the inlet

occurred before hopper dredging began in 1983. The rate of assistance calls to the U.S. Coast Guard station, Oregon Inlet are reported as over 200 per year for their 4,000 square mile area of responsibility which encompasses the treacherous area known as the Graveyard of the Atlantic. There is no reason to expect a reduction of assistance calls or inlet fatalities if the jetties are built. In fact, further risk would be introduced by the potential for crashing into the jetties, which there have been previous examples and, unfortunately, Pilkey offers another comment along those lines tonight. The United States Army Corps of Engineers forecasts if the jetties are built that during the commercial fishing season of October through March, these vessels could not safely use the 20 mean water level channel, 20-foot mean level water channel 21 to 25 percent of the time. This would project little, if any, improvement over current navigability percentages with the shallower channel. The Cape Hatteras National Seashore, the Pea Island National Wildlife Refuge and the surrounding waters represent vital and dynamic habitat for a variety of marine and estuarine creatures and plants. The integrity and purpose for these public lands should be retained. They belong to all wildlife and the people of North Carolina and the United States. And I would add that many of the opponents' comments tonight we would also agree with me. And I'll cut that short with those highlights. Thank you very much for being here.

MR. BOLING: Michael Street. Are you for or against?

MR. STREET: What?

MR. BOLING: Michael Street.

MR. STREET: Am I for or against? I'm neither.

The position of the State of North Carolina is in the record. My name is Michael W. Street. I'm a marine biologist from the North Carolina Division of Marine Fisheries, Morehead City. Been with the division for about 32 years. I have done various analysis of the fisheries, Oregon Inlet since the '70's. I am the actual author of five projections at fishery landings dating from '84 through '97 although only two of them have my name on them. Two of them have Ed McCoy's name. He's the director. I wrote it; he signed it. One of them has Bill Hogart's name on it. I wrote it; he signed it. And I've written -- the other two have my name on it. I am going to confine my comments to commercial fisheries landings projections through Oregon Inlet, period. I've initiated most of the fishery sampling programs at the Division of Marine Fisheries over the years, our fish house work, our commercial and recreational statistics programs, et cetera. My current position is that I'm Chief of Habitat Protection for the Division of Marine Fisheries. Statistics on the landings come from three time periods. One, first a voluntary National Marine

Fisheries service program which ended in 1977. This was just calling people, getting some letters, some visits, and the numbers probably are accurate reflections of the trends of landings although the actual specific amounts may or may not be accurate. We had a cooperative program between the North Carolina Division of Marine Fisheries, National Marine Fisheries Service 1978 through '93. We had a total of five state port agents, two federal agents who went into as many of the fish houses as they could. Some of them wouldn't let them in. And actually copied records provided. The various fish house owners here tonight all participated in that program. And we have much better, more consistent data. And from 1994 to the present under the fishery reform act, the North Carolina Fishery Reform Act, we have a mandatory trip ticket reporting program which is the best in the country. And we have very accurate statistics on catch, effort, value, gear, things like that.

I really would like to say a little bit more. There are two assumptions for landings. One, vessels can get to the fish, and, two, that there will be viable fish stocks for them to harvest. Under the current federal and state and interstate programs, fish stocks are improving. Many of the stocks that have been over fished are viable or becoming viable, or will be viable over the next five to ten years. They are recovering from over fishing and there will be fish out there to catch. The Division of Marine Fisheries and our projections disagrees with the projections from the National Marine Fisheries Service by significant amounts. You're aware of that. And the reason, I think, is simple. We assume that the feds, the National Marine Fishery Services own fishery management plans, the interstate plans and our state plans will, in fact, work and be successful. The National Marines Fishery Service according -- stated at meetings that I have attended with National Marine Fisheries people in Gloucester, Massachusetts; St. Petersburg, Florida have stated they don't think their plans will work. So, in summary, their stocks, the fishery management plans are working. The stocks are becoming healthy. And under those plans under management, within the limits of natural variation, it is likely, in my view, that the stocks will remain -- will be available for harvest. Any questions?

MR. CONNAUGHTON: No. Thank you very much. Appreciate that.

MR. BOLING: Sidney Maddock.

MR. MADDOCK: Good evening. My name is Sidney Maddock, and I'd like to welcome you to Dare County. I live on Hatteras Island in the Village of Buxton which is about 35, 40 miles south of the inlet. And I also work for the Biodiversity Legal Foundation. I'm hoping that you will support the -- or issue findings in support of the National Marine Fisheries Service referral. I'd like to hit several issues

specifically and also rely on the comments that we've previously submitted to the Corps. A copy has been submitted to CEQ. You've heard about the importance, the national importance of this area to fisheries. I'd also like to suggest that the upland areas and the adjoining wetland areas have unique national importance. The barrier island ecosystems truly are, from an ecological perspective, critical. So I think not only do you have issues that relate to sound areas, but also areas that relate to the lands managed by the park service and the fish and wildlife service under congressional mandates. This area may not have yet the visibility of Yellowstone or Everglades National Park, but I believe that it is just as important to the American public.

You asked the question about safety. I'm not a commercial fisherman. I do windsurf. I've windsurfed in Oregon Inlet. And I've also led bird walks as a volunteer for the Fish and Wildlife Service on Pea Island National Wildlife Refuge on several occasions. So I'm familiar with the area. One of the concerns is that the Army Corps of Engineer wetland delineation -- excuse me, the Army Corps of Engineer wetland analysis does not include a wetland delineation which is standard practice for anyone who wants to fill wetlands, including the Corps. In the draft EIS they said that no wetlands would be filled. And if you were out there and took even the briefest sight visit, you would see that that is incorrect. They now admit that wetlands will be filled by the north jetty. They don't give us a figure, nor do they tell us what the economic costs will be, or whether the mitigation plan would be appropriate and consistent with park service policy.

I also -- I want to mention, there's been some discussion of Hatteras Island and the residents on Hatteras Island. I do live there. As a resident, I fully accept and understand the risk that comes with living on a barrier island. They're one of the most dynamic areas you can pick to try to live. What concerns me, though, is that rather than trying to work with the forces that sustain these barrier islands, the jetties are completely antithetical and will result in impacts that I think will damage Pea Island severely. The Bonner Bridge was mentioned. It's widely acknowledged that that bridge is reaching the end of its lifespan. And --

MR. CONNAUGHTON: Were we on time? Why don't you conclude real quick?

MR. BOLING: Sorry.

MR. MADDOCK: Okay. I hope you will look at a revised Bonner Bridge alternative that does not come ashore below the current bridge, which is the current plan, but, rather, in the Rondanthe or Waves or Salvo area as the Fish and Wildlife Service has urged. That would simultaneously improve the reliability of the transportation system while at the same time allowing natural inlet migration and the removal of the terminal

groin. Thank you.

MR. CONNAUGHTON: Thank you.

MR. BOLING: Tom Jarrett.

MR. JARRETT: I'm Tom Jarrett. I didn't bring any prepared statements with me here tonight, but you have copies of them. I was formerly with the Corps of Engineers for 34 years and was the Chief Project Design Engineer on the Oregon Inlet project. So the documents that I was involved in include the phase one GDM, the phase two GDM, the phase one supplement, the phase two, second supplement and the most important document I think was the sand management plan.

First of all, I would like to try to hit on four main issues real quickly. There's obviously not enough time in three minutes to cover them in detail. In terms of the sand management plan, that plan was developed as a result of a year-long effort with the Department of Interior. And the document that was produced was a culmination of that effort. And at the end the Department of Interior basically or generally agreed that the sand management plan would work, with one proviso that there had to be some form of guaranteed funding to assure that there was enough money to carry it out.

Secondly, in terms of the ability of the Corps to predict what will happen and what wouldn't happen, I was also involved in the Pea Island terminal groin design. And we made predictions about the performance of that particular structure, and those predictions have, in fact, come true. At the time the debate was going on, there were distractors saying that there would be all kinds of things that would negatively happen to Pea Island. Those things just simply didn't occur. But as a result of the terminal groin construction, the Pea Island Wildlife Refuge now has 25 more acres of pristine or at least seabird or shorebird habitat to manage. It's actually corded off now to keep people off of it so the birds can actually use that new 25 acres. In terms of larval transport, I don't know anything about the critters. I've been told that they just move in from offshore and they're pretty much everywhere in the water colony. But the deal with the jettied inlet is that the same volume of water will flow in and out of the inlet that flows in there now. So if the critters are out there, they're going to be carried in to the inlet and out of the inlet in the same numbers, I would think, because the flow isn't going to change.

Finally, in terms of the channel depth of 20 feet, I think the analysis that was done back in the economic reassessment, that analysis, which I did was really done to show that 20 feet isn't too deep. That even with a 20-foot channel, there are going to be times, 20 - 25 percent of the time that it's -- there's going to be too much wave activity in the inlet for boats to safely navigate. They're going to actually bang off the bottom. That 20 or 25 percent really more

or less corresponds to weather conditions that they can't use now. But in addition to that 20 - 25 percent, the channel depths that are achieved through dredging are nowhere near 20 feet. The Corps tries to dredge it to 17 feet, but most of the time that channel depth is around 10 or 11 - 12 feet.

So the bottom line is that the sand management plan, we believe, will work. We know it will work given proper funding. The larval transport shouldn't be an issue because the same volume of water is flowing in and out of the inlet. The dredging has proven to be very expensive. It also has large negative impacts. We predicted if we get into intensive dredging on the Inlet with a hopper dredge that we would cause extensive erosion on Pea Island. 1983 we started extensive dredging. By '89 the north end of Pea Island was gone and prompting the terminal groin. And, finally, the channel depth of 20 feet is not too deep. Thank you.

MR. BOLING: Greg Kidd.

MR. KIDD: Good evening, Mr. Chairman. My name is Greg Kidd. I am wearing a few hats here myself. I am a resident of North Carolina and felt that it was worthwhile to drive all the way here from the Smokey Mountains to express my concern about the environmental impact of the proposed jetty. Also as a taxpayer I'm concerned about what all the economic analysis that I've read suggest that this would be an extremely costly and unworthwhile economically project.

And then finally, professionally, I'm the Associate Director of the Southeastern Regional Office of the National Parks and Conservation Association. We're the nation's only membership organization dedicated solely to protecting the national parks. We represent over 400,000 members across the country and close to 11,000 members here in the State of North Carolina. NCPA strongly disagrees with the Corps selected alternative of jetty construction because it would violate the statutory directive of the park service by causing unacceptable environmental harm to the natural, cultural and recreational resources protected by the national seashore. NCPA believes that the final EIS is both legally deficient and scientifically flawed. And, in fact, NCPA respectfully requests CEQ to require the Corps to issue an additional supplement to their EIS that fully discloses the ecological and economic costs to the project and analyzes all dredging alternatives that are consistent with the management policies of the national seashore and the wildlife refuge.

The National Park Service's Organic Act of 1916 directs the park service to conserve park resources and values unimpaired and to provide for their enjoyment by present and future generations. If constructed, the dual jetties and sand bypassing operational requirements would permanently utilize 93 acres of the national seashore on Bodie Island. The

jetties will be located in an area of national seashore that contains critical natural resources such as wetlands, maritime shrub communities and nesting areas for threatened species such as Piping Plover and the Loggerhead sea turtles.

The jetties would also significantly alter prime opportunities for family recreation such as fishing, wildlife observation, beach activities, water sports and an appreciation of the view of the Atlantic Ocean. In short, the jetties would permanently impair park resources and values that would, therefore, be in violation of the organic act. In addition, the National Park Service's 2001 management policies state that nonimpairment mandated in the organic is the primary responsibility of the park service. Significantly, Chapter 4 of the policies direct the park service to recognize natural change as an integral part of the functioning of natural systems. The policies also require that the park service is to protect flood plains and wetlands and to permit no net loss of wetlands within park boundaries.

Finally, the policies require the park service to allow natural shoreline processes such as erosion, deposition, dune formation, overwash, inlet formation and shoreline migration to continue without interference. Granting the Corps permission to construct and operate the jetties and sand management plan within park boundaries would be incompatible with these policies. Thanks.

MR. BOLING: George Oliver. Are you for?

MR. OLIVER: For. Good evening, ladies and gentlemen. Tonight you have come here to try and resolve this, a new administration. Most of the things I was going to speak on tonight was said with me too's from Captain Meekins, Mr. Midgett and other speakers. I do like to comment on the safety issue of this inlet. I've fished from the Canadian border to Maine to Beaufort, North Carolina. And 45 years I'm on the water. I fished recreational and commercial in different periods of my life. I'm only down in this area about two years. I've been every other place. This is the worst inlet on the east coast I've ever saw. And some commercial fellows I know from other ports said, where you live and where you moved, that ain't no inlet. It's just a ditch. That's what it is. There's an environmental concern. There has been; they've kicked this around for years. I read about this for years when I didn't live here. A few speakers tonight mentioned the dangers of the jetties, of somebody running into them. Well, if you parallel that with driving your automobile on a two-lane highway through the Alligator River and run off the road and ditch and hit a tree, you can say, well, you shouldn't have had that highway there because somebody is liable to run off it. And if you're going to run into a jetty, it's gross negligence or carelessness. You're not putting a danger there, such as an automobile on

the highway. And another speaker had said, and I don't want to me too it, open this place up, let some tide out; you're going to have a bad hurricane here, and it is really going to cause some damage to roll some eyeballs because the water can't get out. And I as a recreational fisherman at this stage of my life, and a retired taxpayer, I think I have the right to pursue my hobby, as addictive as it might be for me, to fish in a place where you can get a little more safety, and get an inlet with a couple of jetties. I don't want to run -- I've got one minute. Okay. Coming down Point Judith, Rhode Island, breakwater, two entrances jettied. Never heard anything wrong about it in my life. Come down to Montauk, surrounded by Montauk -- it's county park land all the way to Montauk Light, two jetties. Been there for years. Plenty of fish. Not much erosion, not much buildup. Fire Island Inlet, which is a national seashore, there's a jetty on one side. They've had it there for years and years. It didn't bring total collapse to anything. Gateway National Park, Jamaica Bay next to the entrance of New York Harbor has a stone jetty a half a mile long when they started it in the late '30s. All it did was build up a little sand on one side, saved the inlet. We can through it and there's plenty of fish. It's a pleasure to see you, and I appreciate you coming here. Thank you.

MR. CONNAUGHTON: Thank you very much.

MR. BOLING: Is it John Newbold.

MR. NEWBOLD: Mr. Speaker, thanks for coming, ladies and gentlemen. My name is John Newbold, a resident and taxpayer of Dare County. The jetty issue has been going on now for more than 20 years. And in that time a lot of money has been spent on studies, proposals, presentations, plans and meetings just like this one tonight and the dog and pony show they put on for you today. The answers and decision has been to further study the issue over and over. And the findings are the same, over and over. The jetties will be expensive and dredging will still have to be done after they're built just as it is now. Jetties will do harm to juvenile fin fish and other sea life. Jetties can cause erosion to the south, on Pea Island and already has in some places. Jetties will not increase additional fish landings. The land to anchor the jetty system on the north side will greatly impact and reduce the amount of recreational fishing area in the national park system which has over a million visitors each year. Why spend \$100 million on something serving a few. Why not spend it on a new bridge at the inlet, something that would benefit all taxpayers. Each new design that the Corps of Engineers gives us addresses objections of the previous design which kind of tells me they're not really sure of just what should be done. As a concerned taxpayer, I support the decision of the National Park Service and U.S. Fish and Wildlife not to cede their land over to a

project that has far more negatives than positives. Congress has said no to funding this project six times. What part of no is so hard for us to understand? Thank you, sir.

MR. BOLING: Clarence Skinner.

MR. SKINNER: Good evening, Mr. Chairman.

Nice to have you here bringing CEQ down for our benefit. I am Clarence Skinner, and I was born right here in Dare County 70 years ago. I've spent most of my life here. And I've spent a lot of time on the water, but the people in the room here that have been out in a boat with me will tell you I'm not a waterman. But I strongly support our seafood industry, and I know the economic impact of stabilization of Oregon Inlet is a very positive thing. The return on the investment is obvious. And the safety concerns are high on my mind.

But I want to talk about just three things tonight, and one of them has almost been killed, and I'll be very brief on all of them. The first item I want to mention is there's probably never been a project of this magnitude where the proponents had done so much work to try and mitigate environmental concerns. And I think you need to consider that very heavily. When I think of just for example the weir, the sand bypass and shortening the jetties, the proponents of this project have proven themselves to be good stewards. There's no doubt about it.

My second point, and this is the one that's almost been killed, and I certainly appreciate the fact that other folks feel this way. Stabilizing Oregon Inlet with the twin jetties is tantamount to building us a pressure relief valve here on the Outer Banks. And I won't go into great detail because it's been covered well. But during periods of heavy weather, hurricanes and so on, we're apt to get a blow-out along the beach here. In the northern section, it would be a disaster to commerce. In the southern section it could be also, no doubt, but it would also be a disaster to a national asset, our Cape Hatteras National Seashore Park. We need to consider that safety valve effect and the impact it will also have on water quality in our sounds.

MR. CONNAUGHTON: By the way, on that point, I've heard a lot about that this evening --

MR. SKINNER: Stop the clock.

MR. CONNAUGHTON: Stop the clock. But on that particular point, I've not heard that to the technical presentations I've gotten, pro or con on that particular point. So that would be one I think collectively we should explore. Again, the way we get to conclusion of this whole issue is to sort of knock off items that maybe sort of get us away from the central issues. And if that's one we can knock off, let's do that. Again, I'm not going to prejudge it, but I think we need a little bit more of a collective discussion and understanding of that particular technical issue. Okay? About the pressure relief

point. And we don't have to get into it tonight.
It's --

UNIDENTIFIED: That's going to be one of those -- due to clarify, which issue are you referring to?

MR. CONNAUGHTON: This is the pressure relief. This is the pressure relief point, that the jetties will improve the ability to flush the water out and do it in a way that's better than natural processes. I don't want to say whether that's right or wrong. I think that one is worth a little more collective conversation. Okay? So -- all right. Restart the clock.

MR. SKINNER: Thank you very much. I've got one more point.

MR. CONNAUGHTON: Give him ten more seconds; give him ten more seconds.

MR. BOLING: He's got a minute.

MR. SKINNER: Stabilizing Oregon Inlet with the twin jetties historically has been treated as a local issue. I hear tonight what I think is consensus that folks really recognize the fact that it is a national issue. I want to amplify just slightly and inform everyone here that we're dealing with an international issue. And all you've got to do is look at the tonnage of seafood that moves through Oregon Inlet that eventually finds itself on the shelves of the Japanese seafood market and the millions of dollars that represents, and you know we're dealing with an international issue.

But my three points, good stewardship, safety valve, international. The twin jetty proposal to stabilize the inlet is a project of significant international, national, local significance, state and local. The project should be moved to completion as soon as possible. Thank you.

MR. CONNAUGHTON: Thank you very much.

MR. BOLING: Is it James Keen?

MR. KEEN: Yes.

My name is Jim Keen. I'm the current president of North Carolina Beach Buggy Association. We're an association of 4,670 members. They talk about numbers, you can get numbers anywhere. But we are dedicated only to Cape Hatteras National Seashore. We don't work in New Jersey. We don't work in Pennsylvania. We don't work in Florida. We are dedicated to this seashore. We probably represent, when you take the families into concern, some 16, 17,000 people that come here on a recreational basis. They're fishermen, some of them. Some of them are just birders. Some of them are just beach lovers. In fact, we're all beach lovers or we wouldn't be a member of the organization. Oregon Inlet is the first access point to the Cape Hatteras National Seashore beaches. If these jetties are built, those beaches will be closed as far as access. There will be no access to Oregon Inlet. Yeah, you may be able to climb over a

rock pile and take a look out on the inlet, but that will be the extent of it. There will be no access. They can say they'll put up no trespassing signs or welcome signs. It doesn't matter; the access still will not be there. Recreational fishermen are, you know, sometimes looked upon with disdain by the commercial industry. But we're not; we're all in the same thing. I won't argue or talk about larval transport because I don't know about larval transport. I won't pretend to be an expert on that. But I do know there are approximately or a good estimate of 1.6 million recreational fishermen in the State of North Carolina. Now, that's a lot of people, a lot of taxpayers. They don't all fish on Oregon Inlet. They don't all fish Beaufort Sound, but they are here within the state. And I think they have to be considered.

I won't get into the details of what happened in Congress in the past years because you have that all as part of the public record, and I'll respect the time limits that you've put upon us. But I have to ask, like so many did, why is the Corps of Engineers so adamant about building this project that from a financial standpoint seems very ill-conceived. Well, the Corps of Engineers are builders; that's their job. You put nine million dollars on the table, and they'll find something that absolutely has to be built. And I think we can recognize that anywhere.

Look to the Everglades in Florida. They did dramatic work down there for the betterment of all mankind. The Corps of Engineers are now in Congress asking for six billion to correct the monumental mistakes they made in the Everglades. We cannot have those kind of mistakes made on the Outer Banks. Nature is here. Nature has taken care of it all these years. There is a limit to what mankind can do. And I think we'll have to respect that.

I have to ask for two things, though. One, the time here for input is January -- excuse me -- yeah, January the 18th. I would like to ask that you extend that to February the 18th. One, we're in the midst of a holiday season. And I think you've severely limited the time of input by limiting it until January the 18th. Plus, with the mail service being what it is in Washington right now, and the constraints that you've announced in your release, you will take only faxes and e-mails. Well, that's cutting out about 50 percent of the population anyway. So please consider extending your input time another 30 days so that the average U.S. citizen can participate in this program. It is, after all, their lands.

And, lastly, I just have to say that the NCBBA agrees with the National Park Service, U.S. Fish and Wildlife Service. And we do not believe this land should ever be conceded or given up for any commercial programs. Thank you.

MR. BOLING: John Hooper.

MR. HOOPER: Thank you for coming tonight.

I'm John Hooper. I'm the Commissioner from Hatteras Island. And I want to -- actually, I want to say my viewpoint has changed over the past 15 years about Oregon Inlet jetty project. I see that -- I hear a lot of the environmentalists in here talking about we don't want this and we don't want that. The biggest issue I see is access to the national seashore and your wildlife refuge. If we don't stabilize the inlet where we can put a bridge across it and get to Hatteras Island, I guess the environmentalists will have to bring their kayaks and paddle over. I don't think the inlet is ever going to stop moving south unless we build a jetty there.

As far as the sand bypass goes, from the Hatteras Island perspective, it obviously is not working now. The -- so I believe that the jetty system will work better than the dredging that's going on right now, and we need to get that sand on down the beach and let that river of sand continue right on down Hatteras Island.

As far as your fishing quality and the larvae, I have to wonder what would happen if the inlet does close up. It's either going to do one of two things. It's either going to kill all the fish in there or the inlet is going to cut up somewhere else and create a hardship for any access to Hatteras Island. Again, thank you for coming tonight.

MR. BOLING: Mr. or Mrs. Beaulieu. Are you for or against?

MS. BEAULIEU: Against. Thank you again. I'm Susan Beaulieu. I am from West Arch Street in Kill Devil Hills. I don't have a lot of letters after my name. I'm an artist and as such I rely on the beauty of Pea Island for both subject matter and for inspiration. However, in considering this construction project, I would ask you to consider the wisdom of Native Americans, who when they look at rendering a decision consider the impact that it will have seven generations hence. Seven generations ago, roughly 140 years ago, Oregon Inlet was 1,000 feet north of where it is now. The beach is moving. Any attempt to stop them or dissuade their progress is futile. Undoubtedly, it will have devastating effects on Pea Island. I'd ask you, please, not to tamper with anymore the beach's march into the next millennium to assure the survival of Pea Island seven generations from now and assure the survival of the fish population that depends on it as well.

The other thing, just in a little bit of housekeeping, I have a letter that I believe has been submitted for the record. It is a letter from a Ph.D. in economics, a Richard Seldon. And it was to the Honorable Jesse Helms. And it was written by a gentleman who describes himself -- excuse me, it's Richard T. Seldon, Ph.D.. He writes to Senator Helms as a staunch Republican and conservative economist who got his Ph.D. under Milton Friedman at the University

of Chicago. Defines himself as definitely not a tree hugger and he has never belonged to the Sierra Club. In his letter he states that he is convinced that the jetties should not be built, not for environmental reasons, but simply because the benefits claimed by the Corps are nowhere near as large and are likely to cost taxpayers. Bad economic deal even if we forget about the environment. He also writes that he can assure with complete confidence that the benefit and cost analysis provided by the Corps is full of flaws and would not be accepted as valid by few, if any, professional economists.

Also, in terms of the economics a letter from Dr. Douglas Wakeman to -- and this is a letter of the 11th of December, 2001 to the members of the Council on Environmental Quality. The opening paragraph, despite being the most studied projects in the history of the U.S. Army Corps of Engineers the net benefits of the Oregon Inlet jetty project remain unknown. The estimation as conducted by USACE contains errors and omissions that render it invalid.

MR. CONNAUGHTON: Thank you.

MR. BOLING: Dwight Wheless.

MR. WHELESS: Mr. Chairman, my name is Dwight Wheless. I've practiced law in Dare County for 34 years and for 22 of those years I've served as Dare County attorney and represented the Board of Commissioners -- County Commissioners in civil matters. I just learned yesterday of this meeting and regret that I was not able to spend the time to review the files as accumulated over those years in order to give you a more in-depth and insightful analysis.

What to do about stabilizing Oregon Inlet was one of the few problems which lasted the full 22 years of my term as Dare County attorney. That pales, however, when you consider the others who must use the inlet for their livelihoods and for commerce with whom the problem has been with them for their lifetimes. I've attended many hearings about the inlet. On the one side you have those who honestly believe that stabilization will not only make the inlet safer, but will improve the quality of the sounds. On the other you have those that oppose the project in the name of every species that has ever lived in the ocean or even thought about it. But they can produce little data, so they want more studies. I do not remember one thing certain that could be proven harmful to our environment by the stabilization. The project has been judged by innuendo and suppositions. And you would think that after all this time that some real-time data could be produced about the harmful effect of stabilization. But I believe there is only one thing certain, and I think the evidence of our experience will bear it out. The inlet is sometimes dangerous. And if it is not stabilized, more lives will be lost there. And if the inlet is stabilized, it will provide a consistently wider and deeper trough through which ocean and sound

waters can indeed mix, and that's going to be for the betterment of both.

I was interested in Dr. Pilkey's comment in which he said that he was not an expert about sand transferal and that was what he was referring to when he had made the comment that he just wanted to cancel everything else he had said. And that's not so. And I think it's not intentionally that he made the statement. He just doesn't recall it because what he had been testifying about, and I read from the transcript, "We do have a lot of understanding of how larvae come into inlets from studies by biologists. And I gave you a thumbnail sketch of that. We know that, and we know what is going to happen when you build the jetties. We know how different that is from coming in in shallow water along the shoulders of an inlet. So putting two and two together, we come up with hopefully four that indicates that in any event it's a lot different than the natural system. And there is a suspicion that because of the deep water, they are going to be in trouble. This is an assumption that has not been documented to my knowledge. I am not an expert on this, but to my knowledge it has not been documented as yet because it is very difficult to quantify larval transport in the system." And I appreciated his honesty in later saying that he wished to cancel that out because he was not an expert in that regard.

And another thing in some of the testimonies that appeared, some of the ridiculous things -- my last comment -- ridiculous things that those who proposed stabilization have faced. In the discussion about the need for transport of waters between the sound and the ocean, Dr. Riggs said, "That is a serious problem in North Carolina, and we have two choices to deal with it. One, we clean up our waste and don't dump as much, or two, we blow the hell out of the barrier islands and let it mix more." What I would submit to you that the more reasonable solution is the stabilization. And it's going to take care of many more problems than it ever would create.

MR. CONNAUGHTON: Let me ask you. You've been struggling with this issue for some time sort of, well, I guess, one step removed from the folks that are most immediately involved. I guess a couple of questions. One is on this notion -- again, we've had lots of talks -- I'm trying to stay focused on the NOAA referral issues which is, you know, this issue of the larval situation and the sand. If somebody put on the table the scientific case on the larval transport that, in fact, this was going to impede it and could result in a significant loss of the access that creates the productivity of the fishery, you know, coming -- take that as an if. Please do not take that as a given. That's what we're exploring, what's the risk of that? That's what this issue is about. And how does that weigh in the way you look at the future of the county

and the fishermen? You know, how would you take that issue?

MR. WHELESS: I think that would be an important thing to consider in balancing the issues which is what you're trying to do. But my point is, to my knowledge, even as of today, there has been no firm data put on the table that can be submitted about that. And everyone seems to -- anytime you say, I am an environmentalist and I feel like this, everybody seems to just jump at it, jump at the -- to the conclusion that that's a good stand. Sometimes it's not. We can be environmentalists, and we can also look at the other side of these issues that are important to the local economy and perhaps to the international economy. It's a factor, but it's not on the table that I know of.

MR. CONNAUGHTON: The second question relates to the broader set of issues which is, you know, the future of the bridge, the highway, the predicted, you know, fall back of the shoreline just through natural processes. How have you struggled with that issue, and then sort of what's your vision for -- I mean, yeah, this stabilization piece is one of several elements. You know, what's -- how have you looked at that issue as you've struggled with it, that old balance of how you plan for the future to accept some of this significant natural change that's going to occur?

MR. WHELESS: Well, I think if -- how shall I address this thing? I don't know that I have the expertise. I'm trying to recall the studies that DOT prepared when they proposed a new bridge construction and how it devised a plan and how it had determined -- I remember one study that determined that the stabilization of the inlet would be an asset in the construction process of the new bridge. But I just don't remember the data. It's been nine years since I retired from that. I'm sorry. I wish I could help you with that.

MR. CONNAUGHTON: That's okay. Thank you. We have a couple more left. Is that right?

MR. BOLING: Yes. Aubrey White.

MS. WHITE: Hi. I'm no one of any real significance.

MS. CONNAUGHTON: So aren't we all.

MS. WHITE: I'm just here today to present another side. I do live in Dare County. And I am one of the many members of the Sierra Club that they refer to. And I do have concern of this. I do use the inlet. And I use it for recreational fishing. We use it for -- we go down there and we spend time on the beach down there. Of course, I use Pea Island, and I would be appalled to know that I would not be able to use these things. And I know that there are many people who I know and in this community who also use this recreation area. And I'm sure whereas commercial fishing is important and is important to the economy, so is tourism. And this is also a big tourism place as well. And so if you are truly looking for balance, I'm

sure that with all the very, very smart people in this room, you can find a balanced way to preserve both the park, the refuge, while still having access by commercial fishermen to the inlet without destructive means. I'm sure we can come up with something. Thank you.

MS. CONNAUGHTON: Faith, hope; I love it.
Thank you.

MR. BOLING: Michael Farroff. Am I far off on that name?

UNIDENTIFIED: Probably since no one recognizes it.

MR. BOLING: That's my best guess. Number 71 on the list if you recall where you were on the list when you were signing in. All right. I'll skip over that and we'll move on to Bill Goldey. Is there a Bill Goldey in here. Okay, we may be losing people. J. J. Frost, did you decide whether you wanted to speak?

MS. FROST: Thank you, Mr. Chairman. My name is Jenny Frost. And I do want to speak because I'm one of those strange imports. I'm an environmentalist, and I'm for the stabilization. I've always been amazed about the misnomer of Oregon Inlet. It's a -- I'm asking, please correct the official records. It is, in fact, an outlet as Captain Meekins said.

Secondly, everybody looks to this without context, and then they look at it in the slight context of north and south. And, in fact, it's got to be looked at in the context of west to east.

And I want to say something else which is highly confusing. As well as being an environmentalist for stabilization, for years I sat on the Nags Head Planning Board. And I have to tell people, you know, we all look for our dollars in our fishing and our hotels and our motels as the beach and then the ocean. Wonderful to swim in, but, boy, it's really an enemy. It is my opinion that we also look at this whole thing from the ocean's point of view. And then we ought to look at it from the river's point of view as Captain Meekins says. And I think since we've done an awful lot of damage already, while we do the next 30 years of study, it might help our economy -- and I'll mention a nation that did this in a minute -- it might help us humbly to stabilize while we make that effort instead of putting people at tremendous risk. Everybody is very arrogant about a hurricane coming through here; it's never going to happen. Well, it is. And the results are going to be absolutely devastating. So let's have a jetty while we study.

And I did once work for a firm called Unilever, NV in London when I was a kid. And it was so interesting because like Dutch-Anglo and Dutch-- (inaudible) they were Anglo and Dutch. And they always used to say to me, you British are so arrogant. Don't you know that Holland is below sea level. And we've put up stuff and we've survived for centuries. So I think we need to put some jetties, sir, while we do our

next 30 years of study and let the bureaucracies butt heads. Because I'm for moderation. I'm also for the beautiful State of North Carolina which is now my home. And I don't see where a few puny jetties in this tiny little outlet, and it is an outlet, sir. I leave you with that thought. It's an outlet, no inlet. Thank you.

MR. BOLING: Janice Lane.

MS. LANE: Hi. I'm Janice Lane, and I am a resident of Kitty Hawk. And I have prepared notes only because I babble when I'm nervous. The image of Pea Island National Refuge for me conjures up images of miles of unspoiled beaches, ponds filled with shorebirds in the summertime and waterfowl in the wintertime and unsurpassed natural beauty reminiscent of how the Outer Banks used to be. I've lived in this area for nearly 12 years, and I've seen a lot of changes in that time. Since the terminal groin went up, I've seen not only Pea Island beaches shrink, but beaches all along Hatteras Island. Did this groin have an impact? I'm not a scientist, but I do know what I see. Highway 12 on Hatteras Island has had to be relocated a couple of times since the groin went in due to erosion problems.

In my early morning treks to see a sunrise on Pea Island beaches, I've seen hundreds of charter fishing boats come in safely through Oregon Inlet and returning home every evening. Rarely is there damage, injury or death due to conditions of the inlet. And I don't mean to diminish the importance of the lives lost because they were important lives that were important to people that lost them. But I would like to put those in perspective. The number of lives that are lost on the highways every year are tremendously more than what we see lost in the inlet, but we don't do away with cars or roads.

The other thing I think you need to ask is who does benefit from the stabilization of Oregon Inlet. And I think for most of these citizens of Dare County that answer would be no. And I'd like to see you question who benefits and what their motives are for getting these jetties in place.

The price tag on this project is an enormous amount of money, tens of millions of taxpayer dollars. What people don't like to point out is the money that will continually need to be spent even after the jetties are built. The sand bypass system the Corps has designed to let the sand go through probably works, but as far as I know, is untested. But it's also driven by money. If for some reason Congress decides they don't want to fund that, the sand will not go through the inlet and Pea Island will slowly just vanish. And as someone alluded, the New Jersey beaches are a testament to that fact. They don't have sand bypass systems. And also the inlet will still need to be dredged with the jetties in place. So we're still talking about spending millions of dollars in addition

to the construction cost.

The other thing I've read about and you've talked about tonight is the impact on the fisheries resources. And the very folks the jetties are supposed to help would be most harmed by their constructions in my belief. I know a lot of these folks and they have a hard way to make a living, and I don't want to make it any harder on them. And I really feel like we would be cutting our own economic throats to allow this. This has been a very long and emotionally charged issue for many years. And I hope that people will set aside emotions and look at this issue logically. I think in the long run the jetties will harm more than help, and the cost will be tremendous in the process to the taxpayers. Thank you.

MR. CONNAUGHTON: Thank you.

MR. BOLING: All right. The last on the list to speak is Mike Daniels.

MR. DANIELS: Thank you. This is probably the last place I thought I'd ever be to come back again. I'm from Wanchese, North Carolina, one of the fish house boys. And the Lord has blessed us and give us a nice business. But we've been messing with this thing for 32 years. We've been through this thing for 32 years, the same people, same faces are here. You know, used to, at one time I, you know, was -- I'd get so upset that I would, you know, I would invite them outside and fight them. But that's passed, you know. Maybe I've grown up a little bit, you know. But, you know, I don't dislike anybody, but you know, what concerns me is that, you know, we're the only people that it hurts. We're the only people that's suffering. We're the only people that can't go to sea. We're the only people to have to move to Norfolk, Virginia because my boat can't get here. Not a one of you people are hurt. We're the ones that are hurting. And, you know, years I was really frustrated. I said, this ain't right. We've been to Washington, trip after trip. For 32 years we've been doing this stuff. And, you know, and I say -- finally, I said, you know what? I don't think I'm coming to anymore of these meetings. But today I said, I'm going to come back. I'm not giving up. I believe in this project. And I believe in you people. I believe if you really saw what you were doing to us, if you really saw how much you were hurting. You see, I can't even get one of my boats in to go flounder fishing to get 7,500 pounds a week or for ten days. I can't even get it here. I own the boat. It's a \$300,000 boat. I can't get it in Wanchese.

We're not telling you people to quit riding on the beaches. We're not telling y'all to quit fishing. We want you to fish. You know, that's what it's all about. We're not fighting one another. And the merits on this project and they've met time and time and time again. For instance, my nephew graduated from the University of North Carolina. He's a lawyer.

I just want to tell you a story. He had for his -- to graduate from the University of North Carolina to be a lawyer, we are a commercial fishing family. Do you know that before he could graduate, he had to write against jettifying Oregon Inlet. He talked to Dr. Pilkey -- Billy Daniels. This is truth. He had to write against his own family's business to get out of the University of North Carolina to be a lawyer. Thank the Lord that he's not a -- you know, he got out of the lawyer business now.

But really, you know, this thing has been studied. Guys, it's been studied. We've been here. You all know this. We've been through this whole thing for like 32 years. I'm telling you, 32 years. It's time to get it over. It's a time for you guys to help us. We're not trying to run you off the beaches. My land, go fish, have a good time. Help us, okay? We need to join together. This is the county. We love one another. I don't dislike you people. At times I was ready to fight you folks. That ain't the answer. We need to live, to learn to work together, you know. God has changed me. At one time I weren't like this. Thank you, sir.

MR. BOLING: Richard Johnson.

MR. JOHNSON: I'm Richard Johnson. I'm on the Dare County Commissioners, and John Robert was supposed to have wrote my name down and forgot evidently. But there are several issues I'd like to address that I've heard people talk about. And one of them was a point that Arvin brought up. How many of the people that are speaking, environmentalists, are born and raised in Dare County. Will you raise your hand. How many environmentalists that spoke against the inlet was born and raised in Dare County. That's what I thought.

They travel around the country speaking against projects in other people's neighborhoods. I heard them from Raleigh, Chapel Hill, Maryland, everywhere, coming down here to talk about our environment. I would suggest they stay home and clean up their own storm water run-off and their own problems, and we wouldn't have the dead water in our sounds.

We all agree that the inlet is necessary because if it closes there won't be any fish. People say, well, if you let it close up another one will come. Well I suggest to that fellow if his house burns down, leave it burning and then let somebody else build him one and see how he feels. Some of these things are ridiculous to me. They say dredging is environmentally friendly. Follow a dredge and watch the seagulls. It's a smorgasboard. It cleans up everything off the bottom. Blows shells, fish, everything out. Millions of gallons at a time. A jetty would do a whole lot less harm. Eighty-six percent of the land in Dare County, 86 percent of the whole county is owned by the Federal Government. We're talking about a few acres of

land out of the whole county. It's not a lot.

Dangers cause fishermen to move. You ask the question, why is there less lives lost? If you put a big old Doberman pincher in your front yard you'll have less company. If you put a fisherman going through that inlet, you'll have less fishermen, because they can't do it. Mikey addressed that well.

We talk about the cost of dredging. There's never been a real cost of dredging because the Corps has done the best they could with what they had, but they've never had enough money to fully maintain that inlet. The true cost of dredging will never be known. If it was, it would be five times what it is now.

Fishermen are environmentalists. You'll never see a commercial fisherman catch the last fish of any species because in his industry he's got to make a certain amount of money or he'll go out of business. Now you'll see a party man go out and catch the last Marlin. You'll see a guy stand on the beach and catch the last Trout. You'll never see a commercial fisherman catch the last fish.

The National Park Service, the guy mentioned that they are supposed to have unimpeded beaches. I spoke to Mr. Bailey back there one day about it. I said, if you all are supposed to have everything unimpeded why did you, when you started losing the north end of Roanoke Island, put jetties out there. Why did you secure it with rocks. It's easy, because that one was there and this one, it's worth fixing. Thank you.

MR. BOLING: One more late addition.

MR. CONNAUGHTON: By the way, is there anyone else who wants to speak that didn't sign up? Let's make sure.

MS. BROWN: I was on it for last and Billy Carl wanted to speak. I can still go last.

MR. CONNAUGHTON: I think we just have a small number left to go.

UNIDENTIFIED: There is someone in this audience that has an awful lot of scientific information that has not spoken, and I would like to request that he speak. His name is Carl Miller.

MR. CONNAUGHTON: I'll leave that to him to decide as we wrap up here. And I've got a few questions to close with in a few minutes.

MR. BOLING: Well, we're not calling witnesses but it just so happens that the last person I had was Carl Miller.

MR. CONNAUGHTON: Maybe there's some strategic positioning going on there.

MR. MILLER: I'm the Carl Miller. I actually did sign up, and I signed up not to speak.

MR. BOLING: I was told you wanted to speak. You can sit down if you want.

MR. MILLER: Actually I jotted a couple of notes, and I know they want to talk about all the data and all that, but we can exchange data or science any

time you'd like. I did just October 3rd, do a current study across the inlet throat, and I will be able to get a tide prism, and we can see whether the flow of water in and out of the inlet is what it used to be. So what effect the terminal groin has had.

I have five comments. Just things to consider, nothing about the data. First of all, when the terminal groin was built the dike was cast at Oregon Inlet. It is no longer the natural inlet. Man has intervened, and the actions of the inlet and the dynamics of the inlet which have been going on for hundreds of years are being influenced by man. And we have to deal with that. As Tom Jarrett said most of the things anticipated are going as planned.

That's my second one. So far the Corps has not had surprises. I have papers that I have written in the early '90s that projected what was going to happen, and our data is showing us that is what's happening. And I share my data with Professor Riggs and Professor Pilkey anytime they request. And in fact I've looked at things together with them.

As far as opponents to the jetties, it just occurs and I would like to offer the idea that everyone who opposes the jetty on certain basis it would be nice if we could find the cases where they supported a jetty. Do they oppose all jetties in every location? George Oliver stood up here and gave a list of jettied or stabilized inlets where there were projects where the fishing in many cases he said actually got better and is better. In my experience from Florida to New Jersey where I've looked at inlets is that in every case that we've had a jettied inlet certain things have happened but no one has said or documented that the fish stocks have actually gone down. So I just offer that as something to pursue in your investigations.

The other thing is jetties are not unique. This stabilization of inlets is -- there's projects all over the country. And we're not inventing the wheel here. We might not be able to predict sediment transport to Professor Pilkey's liking, but lo and behold, the ability to manage sand at an inlet is going on and doing very well in Europe and in a number of places in the United States. So, anyway, we're not reinventing the wheel here by stabilizing the inlets.

The last thing that I have is that the channel migration so that every time there has been a structured inlet the channel migrates toward the structure. The Oregon Inlet channel is migrating towards the terminal groin. The ramifications of that will be significant in many ways including environmental ways as well as safety issues and things like that. This is happening. The new bridge is to account for some of that, but just because we put a terminal groin there mother nature is still moving the northern portion of Bodie Island down as it has for the past hundreds of years. And the dynamics of Oregon Inlet are going to continue to change. And we're going

to have to keep an eye on that no matter what the decision is.

And last, but not least, there was an experiment that is on our website at the field research facility where I work up in Duck. And that experiment was called the co-op experiment. And Cheryl Ann Buckman, the professor from Woods Hole Oceanographic was one of the first to deploy instrumentation that was automated to actually catch fish larvae. It was almost like a player piano roll and it had adhesive and formaldehyde that would preserve these things. And the study was to look at how fish larvae take advantage of the salinity and water characteristics to perpetuate themselves. Do they actually do that across the shelf. And the result of the experiment was is they're not as dumb as they look. Quite frankly they have some ways to account for this somehow and they do take advantage of the characteristics of the water. And it was amazing how they were able to document this. So there are some studies that show that fish larvae will -- like I say, they're not quite as dumb as we think. As sea turtles are they have these ingrained from millenniums of evolution the ability to perpetuate themselves.

So I'd just like to look at some of those things and raise some of those issues that so far there hasn't been any unanticipated effects from the terminal groin. So far the inlet response has been what's been anticipated. And quite frankly now that the die has been cast and the terminal groin has been built, man has intervened there, and the changes that are going on at Oregon Inlet are not going to go away just because we don't act today. Mother Nature is going to have the last say at Oregon Inlet.

MR. CONNAUGHTON: Thank you.

MR. BOLING: And then for last say it's Marsha Brown.

MS. BROWN: I think Billy Carl Tillett had asked too.

MR. CONNAUGHTON: How many more do we have? Let's have hands up.

MS. BROWN: Just us, I think.

MR. BOLING: Okay, Marsha, then Billy, then we're done.

MR. CONNAUGHTON: We should all be going out to watch Monsters, Inc.; right? Much more entertaining.

MS. BROWN: Mr. Chairman, I'm going to tell you I've been sitting back there, and I've been watching you. And my name is Marsha Brown. I grew up in Dare County. I've lived on Hatteras Island with my husband and our daughter and grandson now for 11 years. I'm a realtor. I've been a realtor for 20 years on the Outer Banks. I've been President of the Civic Association for three terms in Rodanthe/Waves/Salvo. And I can tell you I've been sitting there watching you and looking at your face and I think just from what I

see that you're a good person. I'm not a smoozer. And by saying that I think that you're someone that has a conscience. I just think that you do. And I really appreciate that you're here and I appreciate that you'll go back to President Bush and talk to him about these things. I wish I could sit down with him because I think he's someone that cares about people and about safety and about hard-working citizens in our country. And I just want to tell you that I feel like if everybody in this room -- I know how passionate Mikey is. I grew up with Mikey, went to school with him as with many of the folks over here on this side. And I just have to tell you that it is a very passionate thing; it's an emotional thing for us. Because I don't know if you have children, but if you do and you have to watch them look and survey survival suits to go to work with everyday, this would ride home a lot closer to your heart.

One thing I want to tell you too is I have a lot of faith in Carl Miller. We're not best buddies, we don't eat together, but I respect him and I think his opinion is vital. We've had him speak at our Civic Association numerous times. He's been very convincing to me that he knows what he's talking about, and I have faith in what he says.

My husband is the RWS Chief Operator, the water plant operator at Rodanthe. He worries about water quality from the inlet not flushing in and out to other areas. I know these folks that are here that have other opinions -- and I'm going to try to hurry. I respect everybody's opinion. I'm like Mikey, I like to look at folks when I talk to them. But you all don't -- you really and truly are from other areas, a lot of you. You're from the mountains. I wouldn't go and pretend to tell you how to plant your vegetation or about mudslides. These people that grow up on the water and work it every day know what they're talking about.

And I'm hoping that you're going to understand too that the Coast Guard came to one of our meetings one night and they couldn't make a rescue because they couldn't get out. Now that's pretty darn serious. And you know what, it wasn't commercial fishing, it was recreational. And a lot of the recreational fishermen that are going in and out of there do not understand how serious it is, so their life is in jeopardy. Therefore other commercial fishermen who are out there trying to make a living are jumping in to help them and then the Coast Guard is risking their life to go out and help the folks in trouble.

So I'm just telling you that what these folks are telling you is from their heart. This is not something that everybody needs to put off. And I can tell you this, I'm a mother who loves her son, but there's no creature in the sea or on this land more important than my son's life or than these other folks

that work everyday to make a living. They support the fish houses, they employ people packing fish, processing fish, driving trucks. There is a lot to be considered here. And we need your help and we don't need to keep being put off.

And I know I sound like I'm about to cry because it really makes me feel that way. It's a very important thing, and I'm really, really happy that you came. And I really, really hope, and I pray. When I talk to my son every time I talk to him I don't know if it will be the last. And I just ask that you really consider it for the safety of everyone. Carl Miller knows what he's doing. John Bone and Richard and all these folks that live here and have been here for many, many moons are telling you the truth. You've got to listen. Please.

So, again, I appreciate it, and any of you all that would like to come down and take a trip out with my son, if you have the guts, I'm sure he'd be glad to accomodate you.

MR. CONNAUGHTON: Thank you.

MR. TILLET: I'm Billy Carl Tillett from Wanchese. I'm a member of the Oregon Inlet Waterways Commission, current Chairman of North Carolina Fisheries Association. And if I knew what I was doing I would have put my name down in the middle so I wouldn't have to sit so long. What I'd like to tell you, I'd like to speak to you from a little bit of experience. I started going out Oregon Inlet when I was seven years old. Or six years old maybe. I used it full-time, depended on it full-time as a captain of a fishing trawler for 20 years. For the last 10 or 12 years I've kind of been on the land on the business side.

I've been out of that place when I wondered why. I've been in it when I wondered how. How did I make it. I remember one time when I was a boy, I probably weren't 10 years old. I remember a little boat fishing in the inlet turned over. Prettiest day, just as flat. The sea was as flat as this floor. The little outboard got over on the shoulder where there was a breaker, flipped her over and a little three-year-old boy was drowned. And we picked him up and brought him in. I never forgot it.

I remember another time going out on the fishing trawler there was an outboard turned over just out of the channel. The tide was running out. There wasn't nothing I could do. I couldn't help him. There was one man in the boat, on the bottom of the boat. All I could do was holler for him. I said, stay put buddy, somebody will get you. There was three more in the water. They didn't make it. So, you know, I've heard you speak to the part of you want to put this together and that together, the fish larvae versus the safety. I have to say the safety comes first. The Good Lord will take care of the fish larvae. And I think that if you put more volume -- this is my

personal opinion, if you put more volume of water going through that inlet with a jetty on each side of it, it ought to do just as good as what it is now. And it stands a chance now of closing up. Now what would happen to the fish larvae if it closed up where there weren't but two foot of water across it. It's getting narrower by the minute. Every year it seems to get narrower. So what would happen then to the fish larvae. I think Mother Nature will take care of that in time to come.

If you want to weigh it all together, help us get some rocks.

MR. BOLING: All right, that's it.

MR. CONNAUGHTON: First of all I want to thank everybody, in particular for actually your respect for each other. You all stuck around to the end, which I really appreciate in each of you. I just really appreciate that. A few general comments then I'll talk a little bit about the process.

One, I heard a lot from locals with different viewpoints, you know, folks from here. Now maybe they weren't all born here, but there's a lot of people who claimed this area as their home. So I heard a whole mix of views, which just reinforces this is the reason why we're here and the reason why I'm here and the reason why this has been 30 years. This is a really sticky situation. And hopefully we can bring it to some closure. And I say hopefully because you know these processes are really quite amazing.

And you've all lived through this a heck of a lot longer than I have, and quite frankly for that matter, than I will. And so the decision that comes out of this process either way is -- Oregon Inlet and the entire island system, you know, is something you all will be living and working with and dealing with for some time to come. So I just hope that you appreciate that I'm sensitive to that and really appreciate your coming out here.

One more time, I've got to tell you I heard a lot of great information tonight. We've taken away more important questions than -- I've taken away more important questions from this evening's two and a half hours than even I took from today's eight hours. So it you're wondering whether it was worth coming out here, at least from where I sit it was worth it for me in terms of the additional insights that I was able to gain here tonight.

We have -- I also do want to note the folks that came here at great expense and time from outside of this area I actually would hope that for those of you that live here, I think it's important to recognize how much the folks that don't live here treasure what you experience everyday and what you enjoy everyday. So the reason for their commitment, even where they have different viewpoints, although there are some who have shared viewpoints with you, I hope you appreciate actually what you've got here. And that it actually

generates -- this location generates this level of passion even from those outside. What we see here is what we typically see out in all the big western battles. You don't get too much of this on the east coast. And so what you do have here is a treasure and so you should recognize that. It may bring some anxiety and some annoyance and some subsided anger. Fortunately subsided over time. But I do hope that you keep that in mind as we move forward.

We've got a process by which I'll be getting back together with the agencies and talking to them. I'll probably get back with the Senator and the Congressman as well. The complicating factor in timing is that Senator Baccus and Senator Edwards have called for a GAO report. So we've got another report coming, and that's not going to be due out until March or April. And they're being asked to comment on the Corps environmental impact statement, the most recent one. So I've got to look at what we're doing in the context of that additional data point so we're not tripping over each other again. And so that affects -- that may affect some of my internal timing in trying to bring this to the next stage of conclusion.

I think finally what I want to close on, and then by the way don't take this wrong, if some of the fishermen could stick around I just want to have a little bit more of a personal conversation with a few of you. It's not to diminish any of your other viewpoints but since at the end of the day I think we can all appreciate that these are the guys that are sticking their necks out on the safety side. I do want to, if you don't mind, just a little more time. A short amount of time. I know it's kind of late. And I know you guys get up early.

In my run around fresh today there are a lot of resource values out there. And this project, whether it goes in or doesn't go in, those resource values are pretty robust. And I've heard across the spectrum this evening. So assertions of sort of extremes that at least from my perspective don't bear up from I witnessed and don't bear up from any of the technical information I've seen in terms of the extremes of what we're looking at here. So, again, either way the decision goes I think we're in a bundle. We've got a lot of resource values that are being preserved and are going to be protected into the future for future generations. And if we can knock the extremes off and again get our collective dialogue toward this core. I really appreciated the comment, we've got a long trek to look at with respect to this inlet. It's not a 10 year issue going forward. It's not a 30 year issue going forward. And we need to keep that in mind. And actually, by the way, that's what I -- if you look at my statutory authority and what the President is looking for me to be doing, the additional piece I bring to the table is I'm supposed to be thinking 30 and 50 years ahead. And I'm going to be

bringing some of that to this discussion as well. So again, thank you for your time, I really appreciate it. And please send in -- if you left something out, the time was short, write it in. If you can't fax it or e-mail it just call Ted. You've got his phone number in the Federal Register notice. The website is available. Everything we're going to do is going to be on the website so you can keep posted on what's being sent in to us. We'll post it right away. So drive safely as you go home or walk safely as you go home. Thanks.

STATE OF NORTH CAROLINA)
) C-E-R-T-I-F-I-C-A-T-I-O-N
COUNTY OF PERQUIMANS)

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Sandra A. Graham, CVR January 12, 2002

My commission expires: February 1, 2004