

SHORELINES – January 2005

As presented to the Island Review Magazine.

Federal Appropriation Update for Beaches and Waterways (FY 2005)

Happy Holidays!!! The President and Congress must come to terms with 13 appropriation bills each year to fund the Federal Government. These appropriation bills essentially constitute the discretionary sector of the Federal budget with the remaining portion of the budget earmarked for prescriptive programs such as Social Security and Medicare. The appropriation bill containing the allocations enabling the U.S. Army Corps of Engineers to participate in beach nourishment, shore protection, and waterway navigation projects is housed in the Energy & Water Development Appropriation Bill. The Federal Fiscal Year (FY) runs from October 1st to September 30th, so in theory all 13 appropriation bills for FY 2005 should have been completed by October 1, 2004 and all appropriations should be expended by September 30, 2005. Let's briefly review this year's legislative process and the final numbers for the beaches and waterways.

A Long and Winding Road

If everything falls into place, an appropriation bill will go through the following steps before October 1st. (1) The president releases his budget proposal in February, (2) a House subcommittee develops their own version of the bill, (3) the larger House Appropriation Committee "marks up" a particular bill, (4) the full House passes the bill, (5) a Senate subcommittee develops their own version of the bill, (6) the larger Senate Appropriation Committee "marks up" a particular bill, (7) the full Senate passes the bill, (8) a House/Senate conference committee is developed to reconcile differences in the House and Senate versions of a particular bill, and finally (9) the conference bill is signed or vetoed by the President. There are no parliamentary procedures delineating whether the House or Senate should move on a particular bill first.

October 2004 came and went this year with 9 out of 13 appropriation bills left in an unresolved state. To keep the government agencies funded by these 9 bills in operation and to avoid a government "shut down", Congress must pass a continuing resolution(s) that provide skeleton funding until final appropriation bills can be developed. Congress elected to pass a single continuing resolution this year that expired on November 20, 2004. This paved the way for a rare "lame duck" session this fall where Congress had the dubious task of passing 9 stand alone appropriation bills, or roll some (or all) of the bills into a single bill known as an omnibus bill, or "mega-bill". Another continuing resolution would have been necessary if there were any outstanding appropriation bills remaining on the books after November 20th.

Rumors from Capitol Hill had 8 of the 9 bills moving into an omnibus package with you guessed it, the Energy & Water Development Appropriation Bill as the only bill that Congress was having major problems reconciling. A year long funding debate regarding the Yucca Mountain Nuclear Repository in Nevada had lawmakers scratching their heads and the Energy & Water Bill at a total standstill. However, some last minute agreements were reached and an omnibus appropriation package including the Energy & Water Bill was passed by a conference committee on November 20th. The President should sign the bill into law before this issue of the *Island Review* reaches the magazine racks and homes.

The Final Tally

From a National perspective, spending for the U.S. Army Corps of Engineers' shoreline protection program in FY 2005 totaled approximately \$112 million. This total is

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7% lower than the FY 2004 figure, but 61% higher than what the President proposed back in February for FY 2005. Locally, the Corps received an important \$3 million appropriation for the Section 933 Project to help extend the sand pumped out of Brandt Island along a greater distance of Bogue Banks shoreline, and a \$75,000 appropriation for the 50-year Shore Protection Feasibility Study. Although the proposed funding level for the study was \$257,000, there was not a single dollar appropriated for the study in any of the earlier versions of the appropriation bill before the omnibus package was passed, and can be viewed as another piece of good news.

The omnibus bill also included important language that rejected a proposal from the President's Administration to terminate any Federal involvement with periodic renourishment events associated with 50-year Shore Protection Projects. The language states "The Secretary of the Army, acting through the Chief of Engineers, shall not implement changes to existing shoreline protection policies that have not been specifically authorized by Congress". This essentially prohibits any policy changes without specific directions from Congress.

While the news regarding beaches appear to be in check, a crisis regarding shallow waterway maintenance funding is materializing. Bogue Inlet and the connecting channels from the Atlantic Intracoastal Waterway (AIWW) did not receive any allocations for maintenance dredging and joined 5 other shallow waterways in the State with this inauspicious distinction. Actually only 2 out of 8 shallow waterways in N.C. requiring dredging maintenance received funding. The AIWW as a whole in N.C. received \$2 million, which was an improvement over the President's budget (\$0) but a decrease from other versions of the bill before the omnibus package was approved. Also, the Morehead City Harbor (a deep water channel) received \$4.1 million for maintenance of the Outer Harbor reach in FY 2005.

The key to securing appropriations for beach and waterways projects is local support. The President should release his FY 2006 budget the first week in February 2005 – apparently there is no rest for the weary!!!