

103D CONGRESS  
1ST SESSION

# S. 197

To require the Corps of Engineers to carry out the construction and operation of a jetty and sand transfer system, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 26 (legislative day, JANUARY 5), 1993

Mr. HELMS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To require the Corps of Engineers to carry out the construction and operation of a jetty and sand transfer system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oregon Inlet Protec-  
5 tion Act of 1993”.

6 **SEC. 2. FLOOD CONTROL IMPROVEMENTS.**

7 (a) IN GENERAL.—Notwithstanding any other provi-  
8 sion of law, the Secretary of the Army, acting through  
9 the Chief of Engineers, shall construct, operate, and main-  
10 tain the jetty and sand transfer system for the Oregon

1 Inlet on the Coast of North Carolina, about 85 miles south  
2 of Cape Henry and 45 miles north of Cape Hatteras (as  
3 described on page 12 of H.R. Rep. No. 91-1665) author-  
4 ized under the River and Harbor Act of 1970 and the  
5 Flood Control Act of 1970 (Public Law 91-611), except  
6 that the land area of the system shall be subject to the  
7 requirements of subsection (b)).

8 (b) DESIGNATION OF LAND.—

9 (1) IN GENERAL.—Not later than 60 days after  
10 the date of enactment of this section, the Secretary  
11 of the Army, acting through the Chief of Engineers,  
12 and the Secretary of the Interior shall jointly des-  
13 ignate the tracts of land for the jetty and sand  
14 transfer system described in subsection (a). If the  
15 Secretary of the Army and the Secretary of the Inte-  
16 rior fail to jointly designate tracts of land by the  
17 date that is 60 days after the date of enactment of  
18 this section, the Secretary of the Army shall des-  
19 ignate the tracts of land pursuant to a description  
20 prepared by the Secretary of the Army, in consulta-  
21 tion with the Chief of Engineers, and shall notify the  
22 Secretary of the Interior of the designation.

23 (2) SIZE.—

1 (A) LIMITS.—Except as provided in sub-  
2 paragraph (B), the amount of acreage in the  
3 tracts shall not exceed—

4 (i) with respect to the tract in the  
5 Cape Hatteras National Seashore, 65  
6 acres; and

7 (ii) with respect to the tract in the  
8 Pea Island National Wildlife Refuge, 35  
9 acres.

10 (B) EXCEPTION.—If the Secretary of the  
11 Army and the Secretary of the Interior jointly  
12 designate the tracts of land pursuant to para-  
13 graph (1), the area of each tract may exceed  
14 the acreage specified in this subparagraph.

15 (c) MODIFICATION.—If, after designating the tracts  
16 of land pursuant to subsection (b) without the mutual  
17 agreement of the Secretary of the Interior, and providing  
18 notice to the Secretary of the Interior under subsection  
19 (b) of such designation, the Secretary of the Army deter-  
20 mines that any tract is inadequate for the construction,  
21 operation, and maintenance for the jetty and sand transfer  
22 system described in subsection (a), the Secretary of the  
23 Army is authorized to designate, not earlier than 60 days  
24 after providing notice of a designation to the Secretary

1 of the Interior under subsection (b)(1), an additional tract  
2 of land adjacent to the tract that is inadequate.

3 (d) EXEMPTION.—Notwithstanding any other provi-  
4 sion of law, the construction, operation, and maintenance  
5 of the jetty and sand transfer system described in sub-  
6 section (a), shall be exempt from any permit requirement  
7 (including any requirement for a special use permit or  
8 similar authorization) prior to the use of the system.

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