



Cape Fear Firebird

The Light of Save the Cape

April 15, 2011

*Only when the doors of government are open wide, and the sun truly shines in,
can we be sure that our government by the people is working for the people.*

–Governor Perdue

Dredging in the Dark

A month ago, during the week proclaimed by the Governor as “Sunshine Week,” we reported our efforts to discover the background of the letter of intent from the Secretary of the North Carolina Department of Environment and Natural Resources to the Corps of Engineers. The State intends to share costs of a feasibility study for modifications to the channel in the Cape Fear River for “slightly larger vessels.” We had sent requests under the Freedom of Information Act and the North Carolina Public Records law early the week before. Now at the end of the sixth week, this is what we have:

- From NCDENR, an immediate response with e-mail correspondence and attachments, showing that NCDENR issued the letter of intent at the request of the State Ports Authority without any supporting materials. The State Ports Authority drafted the letter.
- From the Governor’s office, a not-so-immediate but nevertheless timely response with some interesting items, including an unreleased Corps of Engineers report on navigation problems with the channel turns at the mouth of the river. That is on our Web site now. We were also supplied a scope of work for a very large (\$1.5 million) new feasibility study for deepwater ports, including one in Southport. The tenth port study since 2005. More to come on that.
- From the State Ports Authority, zero, zip, zilch, nada.
- From the Corps of Engineers Wilmington District, an estimate of the cost of the requested materials: \$792.
- From the Corps of Engineers South Atlantic Division, the same sort of thing.

After struggling with a maze of regulations only a Philadelphia lawyer (yes, your faithful editor) could comprehend, we obtained a fee waiver from the Corps and promise of documents by April 27.

But the State Ports Authority seems to regard the Governor’s mandates on accountability and transparency as optional. Likewise, State laws on Public Records and Meetings of Public Bodies. Prior to the meetings of the Board of Directors, the directors and staff have a nice dinner together, at which a quorum is present. But we are not invited. At the formal meeting, the directors are supplied a book of materials. The public is supplied a different book, much thinner. Many meetings are held by telephone conference; perfunctory, not a forum for deliberation. Contempt for the public or simply contemptible?

And after six weeks, we do not have materials requested under the law.