

Eastern Shore Regional Navigable Waterway Committee

ESRNWC October 19, 2023 Minutes

A meeting of the Eastern Shore Regional Navigable Waterways Committee was held on the 19th day of October, 2023 at 3:00 p.m. at The Enterprise Building, A-NPDC, 23372 Front Street, Accomac, VA 23301.

Members Present:

Accomack

William “Billy” J. Tarr

John Tavolaro

Danny Bowden

Brenden Kettner

Northampton

Andy Dunton, Chair

John Coker

Robert Harris

Members Absent

Donald Hart

Dixon Leatherbury

JT Holland

Others Present:

Kellen Singleton, A-NPDC

Anne Doyle, A-NPDC

John Joeckel, SEAConsult*

Kim Huskey, Cherrystone Aqua Farms*

*Participated via the Zoom platform or conference call for facilitation & presentation purposes.

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1. Call to Order:

Chairman Dunton called the meeting to order at 3:00 p.m. Chmn. Dunton recapped the mission and purpose of the ESRNWC. Chmn. Dunton updated the group on the Kings Creek Dredging and Beneficial Use Project noting the professionalism and responsiveness of the contractor, Michels Construction Inc., adding that the dredge material placement appears well executed. Mem. Coker elucidated that the Town of Cape Charles was happy and satisfied with the communication and project progress.

2. Public Comment

Ms. Huskey expressed appreciation for the ESRNWC, staff, and contractors for work and had no concerns adding that the project was going smoothly.

Mr. Joeckel updated the group that \$5M has not been targeted, dispensed and advised committee to follow up with Port Authority, Delegate Rob Bloxom noting it was first com first serve.

Mem. Tavolaro advised consideration of regional placement site noting that other regions and jurisdictions have similar sites adding that property identification and permitting would be critical. The group discussed available funds and spoil site options for current projects.

Mr. Singleton made aware to the group DWR and FWS interest expressed at August 19th Virginia Eastern Shore Conservation Alliance (VESCA) meeting. Members advised staff to continue conversation with DWR and FWS staff concerning beneficial use options. The group discussed current erosion threats to the region.

3. Minutes of July 20, 2023

The group discussed upcoming committee meetings on schedule. Mem. Tarr advised the committee to reschedule July quarterly meeting to third Thursday of June due to commercial season.

Mem. Tavolaro recommended the development public drive to access important documents in during interim periods. Staff will explore information and document access options.

The draft minutes of the July 20, 2023 Meeting was presented.

Mem. Harris moved to approve the minutes as presented. Seconded by Mem. Harris, the motion carried with Mems. Coker and Tavolaro abstaining.

4. Projects Financial Status Report

In an effort to improve transparency, input, and funding management staff informed the committee that future updates will include Projects Financial Status Report.

On November 1st ANPDC Planning and Administrative Staff will meet with Melissa Fularon Director, Grant Programs at The Port of Virginia to discuss project funding and administrative details.

Staff requested committee members input on future details of the Projects Financial Status Report and any questions they may have for Dir. Fularon.

The group discussed funding availability and eligible expenses.

5. Staff Report

Staff welcomed Mr. Kettner to the Eastern Shore Regional Navigable Waterways Committee. Following Closed Session discussion: On a motion made by Mr. Tarr and seconded by Mr. Hart, the Accomack County Board of Supervisors voted to appoint Mr. Brenden J. Kettner to fill the vacancy created by the resignation of Mr. John Joeckel. This term will commence immediately and expire on June 30, 2026.

Staff updated the Kings Creek, Phase 2, Nassawadox Creek, Phase 1B, Nassawadox Creek, Phase 2, Red Bank Creek, Phase 1B, and Folly Creek, Phase 1B

Staff updated the committee on the progress of Kings Creek, Phase 2 was awarded to Michels Marine with proposal coming in at \$1.494M

Construction was awarded to Michels Marine with proposal coming in at \$1.494M. Michels Construction, Inc. and Northampton County finalized an August 17, 2023 Contract of Execution agreement to render construction services relating to Phase Two of the Kings Creek Project.

On September 7, 2023 a Pre-Dredging Conference was held at the Town of Cape Charles Civic Center, 500 Tazewell Ave, Cape Charles, VA 23310. Attending: Michels Construction, Inc.:

Ross Johnson, Regional Manager; Hayden Robertson, Project Engineer; Andrew England, Project Superintendent. Northampton County and Region: Charles Kolakowski, County Administrator; Andy Dunton, Eastern Shore Regional Navigable Waterways Committee; Kellen Singleton, A-NPDC; Anne Doyle, A-NPDC. Town of Cape Charles: Adam Charney, Mayor; John Coker, Chair, Board of Supervisors; John Hozey, Town Manager; Ralph Bowen, Public Works Director; Bob Panek, Project Manager. Stakeholders: Tim Rapine, Cherrystone Aquafarm; Niel Gyllwg, Oyster Farm; Mike Maddox, Oyster Farm; Matt Losingier, USCG Cape Charles Station; Bill Parr, Parr Properties.

The Notice to Proceed and subsequent mobilization commenced September 7.

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On September 11, 2023 a Regulatory Pre-Dredging Conference was held at project site. Attending: Michels Construction, Inc.: Hayden Robertson, Project Engineer; Waterways Surveys: Tracy Quast, Vice President Rebecca Francese, Sr. Environmental Scientist; VMRC: Claire Gorman, Environmental Engineer; Northampton County and Region: Kellen Singleton, A-NPDC Material dredging and beneficial use placement was initiated September 28. Construction completion is scheduled for November 17. Demobilization is scheduled to begin November 20 and finalize December 1.

The Town of Cape Charles, Michels Construction, and ANPDC staff have begun holding weekly on-site meetings on Thursday at 10AM open to interested stakeholders.

Staff informed the group that Moffatt and Nichol have completed and submitted project JPA, signed off by Northampton County. DEQ has provided waiver letter. VMRC has assigned number, #23-2155 with Claire Gorman in assignment.

The USACE has acknowledged receipt, NAO-2007-02923-gdt (07-V0792, 23-V2155) (County of Northampton / Nassawadox Creek Channel Dredge / Northampton). The POC is Taylor Hollingsworth

Representatives from Moffatt and Nichol, VIMS, VMRC, USACE and ANPDC will meet October 19 to discuss JPA and project details.

Staff updated the group on Nassawadox Creek, Phase 2 and award. Next steps include the completion of Phase 1B and scope and RFP development. The committee discussed temporal and regulatory limitations to segway with Kings Creek effort.

Staff updated the group on Red Bank Creek, Phase 1B

Discussions are ongoing with APO TNC regarding collaboration to beneficially utilize materials in habitat build-up for migratory nesting birds

Geodynamics is scheduled to survey Red Bank's Connector (all by boat). GET will perform gradation tests and perform vibracores (agriculture) pending APO interest.

Staff updated the group on ongoing discussions with subject matter experts & consultants regarding potential beneficial use of material for building up agricultural lands concerning Folly Creek, Phase 1B. GET will perform vibracores (agriculture) pending APO interest

Staff updated the committee on the monthly project team check-ins occurring the first Wednesday (Folly, Red Bank, and Nassawadox) and third Tuesday (Kings Creek). These will include the consultants and occur monthly during active project times.

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6. Business:

Ms. Doyle informed the committee that after meeting with Moffatt and Nichol, VIMS, VMRC, USACE that effort would require an Individual Permit.

Mem. Tavolaro further explained that agency's approach is to hedge expectations. Adding that the Nassawadox effort would be comparable to Kings Creek in expense and tonnage.

Chmn. Dunton noted that the Red Bank connector construction is integral to efficacy of effort noting the significant expense and need for placement site.

Material placement and alternative dredging material uses were discussed. Placement remains most significant barrier to dredging efforts.

Staff will provide volume and acreage info for upland placement options.

Mem. Tarr will reach out to farmers and county administrator concerning material placement.

The committee noted that collaboration with both counties to identify upland placement would be essential including the any acquisitions

Adjourn –
The meeting adjourned at 4:12PM.

Andy Dunton, Chair

Kellen Singleton, Secretary

Date