



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION
P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301
(757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221
WEBSITE: www.a-npdc.org

Eastern Shore Regional Navigable Waterways Committee

Meeting Agenda

October 19, 2023 3:00p.m.

*Enterprise Building (A-NPDC)
23372 Front Street, Accomac, VA 23301*

The Eastern Shore of Virginia Regional Navigable Waterways Committee (Navigable Waterways Committee) is a bi-county committee formed in 2015 to study and plan for navigable waterway needs. The Committee shall study and advise their respective Boards on the condition and status of all navigable waterways, list and prioritize the Shore's water navigation needs, and provide possible solutions to water transport needs. The Committee is staffed by the A-NPDC to ensure regional management approach. The Committee also works closely with the United States Army Corps of Engineers to facilitate clear communication of our dredging and waterway needs.

Virtual Attendance:

For Joining via **Computer:**

1. Click this link: <https://us06web.zoom.us/j/7577872936?pwd=QTNJdmhCc3pWdVNUZ0ZWYnVjJdWpWUT09>
2. If prompted, enter the Meeting ID: 7577872936
3. If prompted, enter the Passcode: 7577872936



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Meeting Agenda

1. Call to Order
2. Public Participation
3. Committee Attendance Record.....3
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5. ESRNWC Projects Financial Status Report..... 9
6. October 19, 2023 Staff Report.....10
7. Kings Creek, Phase 2.....13
8. Nassawadox Creek, Phase 1B 14
9. Norfolk District update for the ESRNWC - 7/20/23..... 15
10. Attachments
10. Schedule Next Meeting (January 18, 2024 @ 3pm; Enterprise Building 23372 Front Street, Accomac, VA 23301)
11. Adjourn



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MEMORANDUM

TO: Eastern Shore Regional Navigable Waterways Committee

FROM: Kellen J. Singleton
Interdisciplinary Planner
Accomack-Norhampton Planning District Commission

DATE: October 19, 2023

SUBJECT: **Committee Attendance Record**

Committee Attendance Record

The FY2024 Committee Attendance Records are attached.



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ATTENDANCE RECORD FY2024

Members	Term Exp.	07/2023	10/2023	01/2024	04/2024
<i>Accomack County</i>					
Donald Hart	6/30/2025				
William J. "Billy" Tarr	6/30/2025				
John Tavolaro	6/30/2023	x			
George "Danny" Bowden	6/30/2023				
Brenden Kettner	6/30/2026	-			
<i>Northampton County</i>					
John Coker	6/8/2024				
Dixon Leatherbury	6/8/2024				
J.T. Holland	6/8/2024	x			
Andy Dunton, Chair	6/8/2024	x			
Robert Harris	6/8/2024	x			
<i>Non-Voting Ex-Officio Members</i>					
Kellen Singleton		x			
Vacant					
	- Not a Member			X	Member Present
	* No Meeting Held			NA	Not Applicable
	() Alternate Present				



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MEMORANDUM

TO: Eastern Shore Regional Navigable Waterways Committee

FROM: Kellen J. Singleton
Interdisciplinary Planner
Accomack-Northampton Planning District Commission

DATE: October 19, 2023

SUBJECT: **July 20, 2023 Meeting Minutes**

Please see the attached July 20, 2023 Meeting Minutes for approval.

Approval from the Eastern Shore Regional Navigable Waterways Committee is requested to accept the Meeting Minutes.



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Eastern Shore Regional Navigable Waterway Committee

ESRNWC July 20, 2023 Minutes

A meeting of the Eastern Shore Regional Navigable Waterways Committee was held on the 20th day of July, 2023 at 3:00 p.m. at The Enterprise Building, A-NPDC, 23372 Front Street, Accomac, VA 23301.

Members Present:

Accomack

John Tavolaro, Selection Committee

Northampton

Andy Dunton, Chair, Selection Committee

Robert Harris

JT Holland

Members Absent

Danny Bowden

William J. "Billy" Tarr

Donald Hart

Dixon Leatherbury

John Coker, Selection Committee

Others Present:

Kellen Singleton, A-NPDC

Elaine Meil, A-NPDC

Mike Anderson, USACE*

Chris Turner, USACE*

Brenden Kettner

Phil Custis

Mara Engelbert, US Rep. Kiggans Office*

John Joeckel*

Kim Huskey, Cherrystone Aqua Farms*

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



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Eastern Shore Regional Navigable Waterway Committee

1. **Call to Order:**

Chairman Dunton called the meeting to order at 3:01 p.m. NO QUORUM

2. **Public Comment**

Mr. Joeckel discussed the Commonwealth local match contribution for the CAP 204 project. \$4 million would be the Commonwealth/local match contribution to the Fed \$11 million overall project cost

Mr. Joeckel discussed Tangier Project and potential need of state to provide 50% of the funding.

Mr. Joeckel discussed Folly Creek spoils and new USACE site (Parker Creek) expressing preference for agriculture disposal advising that Accomack County should be aware of potential need to make a disposal site available.

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

3. **Staff Report**

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

Kings Creek, Phase 2 was awarded to Michels Marine with proposal coming in at \$1.494M
The effort has been awarded an additional \$1.25M (in addition to \$1.15M current budget) from VPA WMF FY23

Steps moving forward include contract negotiations: draft contract, liaise between consultant & County for contract negotiation, and execution by mid-August, scheduling of BD survey, and construction post-Labor Day.

Geodynamics will survey Nassawadox's Southern Nearshore Berm, anticipate results before end of the month. Staff and engineer will revisit pre-application discussions with permitting agencies.

JPA submittal and continued development technical specs are anticipated in the interim.

Nassawadox Creek, Phase 2 has been awarded \$2.25M from VPA WMF FY23

Steps moving forward include completion of Phase 1B and scope and RFP development for Phase 2.

Red Bank Creek, Phase 1B discussions ongoing with APO TNC regarding collaboration to beneficially utilize materials in habitat build-up for migratory nesting birds

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



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Eastern Shore Regional Navigable Waterway Committee

Folly Creek, Phase 1B discussions ongoing with subject matter experts & consultants regarding potential beneficial use of material for building up agricultural lands.
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.

4. **Business:**

Chmn. Dunton updated group on Kings Creek project informing the committee that the contract has been awarded to Michels Construction, Inc. Southwinds made a formal inquiry.

Brenden Kettner introduced himself to the committee and interest in filling the vacant Accomack appointment. Mr. Kettner, retired USCG Commander, served as Chief of Port Operations for four years in Detroit, the Senior Investigating Officer for Maritime Law in Savannah Georgia, the Officer In Charge for Port Security in Basra Iraq for two tours, the US Coast Guard Deputy Sector Commander in Guam with oversight for three ships, 200 personnel and responsibilities for Guam the Marianas Island Chain and all ports and maritime Law Enforcement operations and also worked as the Emergency Manager for Goddard Space Flight Center with oversight of Wallops Flight Facility in VA, White Sands Missile Facility in New Mexico, Independent Verification and Validation Facility in WV and Columbia Ballon Facility in TX.

Chmn. Dunton will forward his interest to committee members and the Accomack Board of Supervisors.

The group discussed dredging priorities moving forward. Mr. Anderson, updated the group on the progress of the Quinby Channel Federal Navigation, Tangier Channels Federal Navigation, Little Machipongo River Federal Navigation, and CAP 204 Projects. Little Machipongo will be the prioritized. Dredging material management remain questions.

Mr. Anderson emphasized differentiation between shovel ready and in-progress efforts.

Adjourn –
The meeting adjourned at 3:38PM.

Andy Dunton, Chair

Kellen Singleton, Secretary

Date



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MEMORANDUM

TO: Eastern Shore Regional Navigable Waterways Committee

FROM: Kellen Singleton
Interdisciplinary Planner
Accomack-Northampton Planning District Commission

DATE: October 19, 2023

SUBJECT: ESRNWC Projects Financial Status Report

In an effort to improve transparency, input, and funding management staff will be providing the ESRNWC with a 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 requests committee members input on future details of the Projects Financial Status Report and any questions they may have for Dir. Fularon.



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MEMORANDUM

TO: Eastern Shore Regional Navigable Waterways Committee

FROM: Kellen J. Singleton
Interdisciplinary Planner
Accomack-Northampton Planning District Commission

DATE: October 19, 2023

SUBJECT: **October 19, 2023 Staff Report**

Accomack County Appointment:

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 welcomes Mr. Kettner to the Eastern Shore Regional Navigable Waterways Committee and looks forward to working with him to address our region's water navigation and transport challenges and needs.

Project Updates

Kings Creek, Phase 2 [VPA FY22]

- Awarded additional \$1.25M (in addition to \$1.15M current budget) from VPA WMF FY23
- 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.
- On September 11, 2023 a Regulatory Pre-Dredging Conference was held at project site. Attending:



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- 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.

Next Steps:

1. Post-dredge survey (by Waterway Surveys) scheduled proceeding construction completion.

Nassawadox Creek, Phase 1B [VPA FY22]

- Moffat and Nichol have completed and submitted project JPA, signed off by Northampton County.
- DEQ has provided waiver letter. VMRC has assigned number, #23-2155. 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). POC is Taylor Hollingsworth

Next Steps:

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

Nassawadox Creek, Phase 2 [VPA FY23]

- Awarded \$2.25M from VPA WMF FY23

Next Steps:

1. Complete Phase 1B
2. Begin developing scope and RFP for Phase 2

Red Bank Creek, Phase 1B [VPA FY22]

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

Next Steps:

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



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Folly Creek, Phase 1B [VPA FY22]

- Discussions ongoing with subject matter experts & consultants regarding potential beneficial use of material for building up agricultural lands

Next Steps:

1. GET will perform vibracores (agriculture) pending APO interest

Project Check-Ins

1. Red Bank/Nassawadox/Folly Project Check ins: first Wednesdays of the month at 3PM
2. Kings Creek Project Check ins: AS NEEDED
3. HOW TO JOIN (same for both project check ins & same each month)

- **Join Zoom Meeting**

<https://us06web.zoom.us/j/89457025520?pwd=Q1ErS0xVQ2R4L1BSL0JqQnBmVDBmUT09>

Meeting ID: 894 5702 5520

Passcode: 7577872936

Call In to Zoom Meeting

Call: 1-646-558-8656

Upon prompt, enter Meeting ID: 89457025520#

Upon prompt, enter Passcode: *7577872936#



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MEMORANDUM

TO: Eastern Shore Regional Navigable Waterways Committee

FROM: Kellen J. Singleton
Interdisciplinary Planner
Accomack-Northampton Planning District Commission

DATE: October 19, 2023

SUBJECT: **Kings Creek, Phase 2**

Kings Creek Implementation

- 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.

Please see attached Contract of Execution, Pre-Dredging Conference Agenda, Conference Notes, Notice to Proceed and subsequent Daily Project updates.



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MEMORANDUM

TO: Eastern Shore Regional Navigable Waterways Committee

FROM: Kellen J. Singleton
Interdisciplinary Planner
Accomack-Northampton Planning District Commission

DATE: October 19, 2023

SUBJECT: **Nassawadox Creek, Phase 1B**

Nassawadox Creek JPA Submittal

- Moffat and Nichol have completed and submitted project JPA, signed off by Northampton County.
- DEQ has provided waiver letter. VMRC has assigned number, #23-2155. 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). POC is Taylor Hollingsworth

Please see attached Nassawadox Creek JPA Submission.



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MEMORANDUM

TO: Eastern Shore Regional Navigable Waterways Committee

FROM: Mike Anderson, P.E.
Chief, Design Section
Operations Branch, Water Resources Division, Norfolk District

DATE: October 19, 2023

SUBJECT: **Norfolk District update for the ESRNWC - 7/20/23**

Norfolk District update for the ESRNWC - 7/20/23

Please see below Norfolk District update for the ESRNWC - 7/20/23, presented July, 20.



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CORPS OF ENGINEERS NORFOLK DISTRICT

Eastern Shore Regional Navigable Waterways Committee

Status Update for 20 April 2023

Norfolk District Civil Works Program updates on Projects currently under development

Chincoteague Inlet Federal Navigation Project:

Chincoteague Inlet received \$3,375,000 in FY2023 Congressional appropriations.

Maintenance dredging utilizing the dredge Murden concluded on January 27, 2023, removing approximately 9,000 cubic yards from the inner channel alignment with dredged material placement into the authorized nearshore zone off Wallops Island.

Project appropriations will be used for a full scope maintenance dredging contract including portions of the inner channel and outer bar to project authorized depths. The Corps will continue its collaboration with the U.S. Fish and Wildlife Service, National Park Service and Chincoteague National Wildlife Refuge to beneficially place suitable material at one their designated restoration sites surrounding Toms Cove.

Chincoteague Harbor of Refuge Federal Navigation Project:

Chincoteague Harbor of Refuge received \$250,000 in FY2023 Congressional appropriations.

Maintenance dredging utilizing the dredge Murden is scheduled to occur in FY 2023 with the first event concluding in January 2023, removing approximately 1,000 cubic yards from the harbor's entrance channel. Safe navigable depths were restored in advance of the upcoming boating season.

Quinby Channel Federal Navigation Project:

Quinby Channel was a donor of a reprogramming action in FY2022 for \$128,000 and received \$2,917,000 in FY2023 Congressional appropriations.

The NAO project team and ERDC continue working together to determine if the Peeler Point overboard site is a dispersive or non-dispersive source of dredged sediments redepositing into the Quinby navigation channel. Study deliverables will include a dredge material management plan to help identify environmentally acceptable methods for containing unconfined placement of dredged material in advance of the next dredging cycle.

FY2023 appropriations will be used for a full scope maintenance dredging contract of the Quinby landing and access channel to restore the project to maintained depths.

Waterway on the Coast of Virginia (WCV) Federal Navigation Project:

WCV received \$4,975,000 in FY2023 Congressional appropriations.

The USCG, Sector Virginia has recently indicated to the Norfolk District that it is becoming increasingly difficult to get Coast Guard Station boats in and out of Station Wachapreague. The unit is only able to get in and out at high tides.

The Eastern Shore Regional Navigable Waterways Committee (ESRNWC) has requested that the District perform condition surveys of Lewis Creek, Bradford Bay, and Chesapeake Bay to



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CORPS OF ENGINEERS NORFOLK DISTRICT

Eastern Shore Regional Navigable Waterways Committee

Status Update for 20 April 2023

Magothy Bay and Magothy Bay to determine how best to utilize the FY 23 appropriated funding in support of maintenance dredging. Those surveys are currently scheduled to be accomplished by May of 2023.

Based on current shoaling conditions within Wachapreague, Bradford Bay & Finney Creek, priority of project funds will go to restoring navigation at Wachapreague to support the USCG mission at Station Wachapreague. The Norfolk District is showing capability to execute maintenance dredging in two different locations on the WCV. Mapping will be provided to the ESRNWC once available for prioritizing the second maintenance dredging location within the WCV Federal project.

Tangier Channels Federal Navigation Project:

The Project received \$2,884,000 in FY2023 Congressional appropriations. These funds will be utilized for a fully scoped maintenance dredging contract.

\$500,000 in FY2022 Work Plan funds are being utilized for maintenance dredging with Government Plant. The Special Purpose dredge Murden mobilized to the island and commenced dredging of the Eastern Channel on 06 April 2023 with placement at the nearshore placement site northwest of Uppards. Dredging is expected to conclude on or about 16 April 2023.

The Baltimore Harbor and Channels Civil Works O&M project received \$300,000 in FY2023 Congressional appropriations to evaluate beneficial use of dredged material at Tangier Island, VA. A team will be developed with expertise in beneficial use of dredged material within the North Atlantic Division, and a kick-off meeting is currently being scheduled. As part of the process, the ESRNWC and Town of Tangier Island, VA will be asked to participate and provide input. The \$300,000 will be used to initiate design, and environmental coordination. The Norfolk District is currently showing capability for an additional \$500,000 in FY 2024 to finalize designs, environmental authorizations, plans, and specifications leading to a contract to build a placement site infrastructure that would serve to receive dredged material but also provide stability to portions of the Northwestern shoreline of Tangier Island, VA.

A Virginia Marine Resources Commission (VMRC) permit authorizing overboard placement of dredged material at Tangier Island was executed on 14 November 2022.

Little Machipongo River Federal Navigation Project:

Little Machipongo River received \$2,200,000 in FY2023 Congressional appropriations.

These funds will be used to evaluate the Government furnished placement site, initiate field evaluations, perform design, environmental coordination, and authorizations, plans and specifications, solicitation, and contract award.



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CORPS OF ENGINEERS NORFOLK DISTRICT

Eastern Shore Regional Navigable Waterways Committee

Status Update for 20 April 2023

Cedar Island, CAP, Section 204, Beneficial Uses of Dredged Material:

The purpose of the project is to beneficially use the dredged material from the Finney Creek Channel and the Bradford Bay Channel for enhancement, expansion, and protection of the Cedar Island back-barrier shoreline wetlands and marsh islands. The thin-layer spraying will be done via a hydraulic cutterhead dredge equipped with a pipeline that will spray the material from the Federal navigation sites. Total Project costs are estimated at \$11,258,000, which are to be cost shared on a 65 percent Federal and 35 percent non-Federal basis. The USACE NAD concurred with the Norfolk District's recommendation on 24 October 2019 concluding the feasibility phase of the project. Next phase is design and implementation phase, which requires a non-Federal Sponsor.

On 27 March 2023, the Norfolk District addressed the lack of Project sponsorship during the recent Project Delivery Board for the Continuing Authority Program. VMRC has indicated they are currently not interested in sponsoring the Project. District leadership suggested that the District engage other state agencies (Virginia Department of Wildlife Resources and the Virginia Department of Conservation and Recreation). The District is following up with staff at those agencies to identify a potential path forward. A non-Federal sponsor and Letter of Intent is required for the District to show capability to initiate the design and implementation phase.

General Investigation Studies:

Chincoteague Island, Chincoteague, VA Flood Risk Management General Investigations (GI) Feasibility Study. Study authority is provided by Section 1201(27) of the Water Infrastructure Improvements for the Nation Act of 2016 (Public Law 114-322) which states (27) CHINCOTEAGUE ISLAND, VIRGINIA. Project for hurricane and storm damage reduction, navigation, and ecosystem restoration, Chincoteague Island, Virginia. The town of Chincoteague is the non-Federal sponsor, has provided a letter of support and has secured a cost share. The Norfolk District continues to submit the feasibility study for budget consideration. The district received an updated letter of intent in support of the study dated 27 March 2023, from Chincoteague Town Manager Michael T. Tolbert.

Tangier Island, VA Aquatic Ecosystem Restoration GI Feasibility. Study authority is provided by Section 1201 under America's Water Infrastructure Act of 2018 to evaluate...(9) COASTAL VIRGINIA, VIRGINIA.—Project for flood risk management, ecosystem restoration, and navigation, Coastal Virginia. Or (10) TANGIER ISLAND, VIRGINIA. Project for flood risk management and ecosystem restoration, Tangier Island, Virginia. The Norfolk District continues to submit the feasibility study for budget consideration. The district is aware of a Community Project Funding request for FY 2024, submitted by the Eastern Shore Regional Navigable Waterways Committee to the House of Representatives. A non-Federal sponsor and Letter of Intent is required for the District to show capability to initiate a study.

*** Please refer to the table and program mapping below for a summary of Projects funded in FY 2022/2023 with estimated times for work award and completion.**



A-NPDC

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION

P.O. BOX 417 • 23372 FRONT STREET • ACCOMAC, VIRGINIA 23301
 (757) 787-2936 • TOLL FREE (866) 787-3001 • FAX: (757) 787-4221
 WEBSITE: www.a-npdc.org

USACE NORFOLK DISTRICT CIVIL WORKS PROGRAM
 (Eastern Shore)

14 April 2023

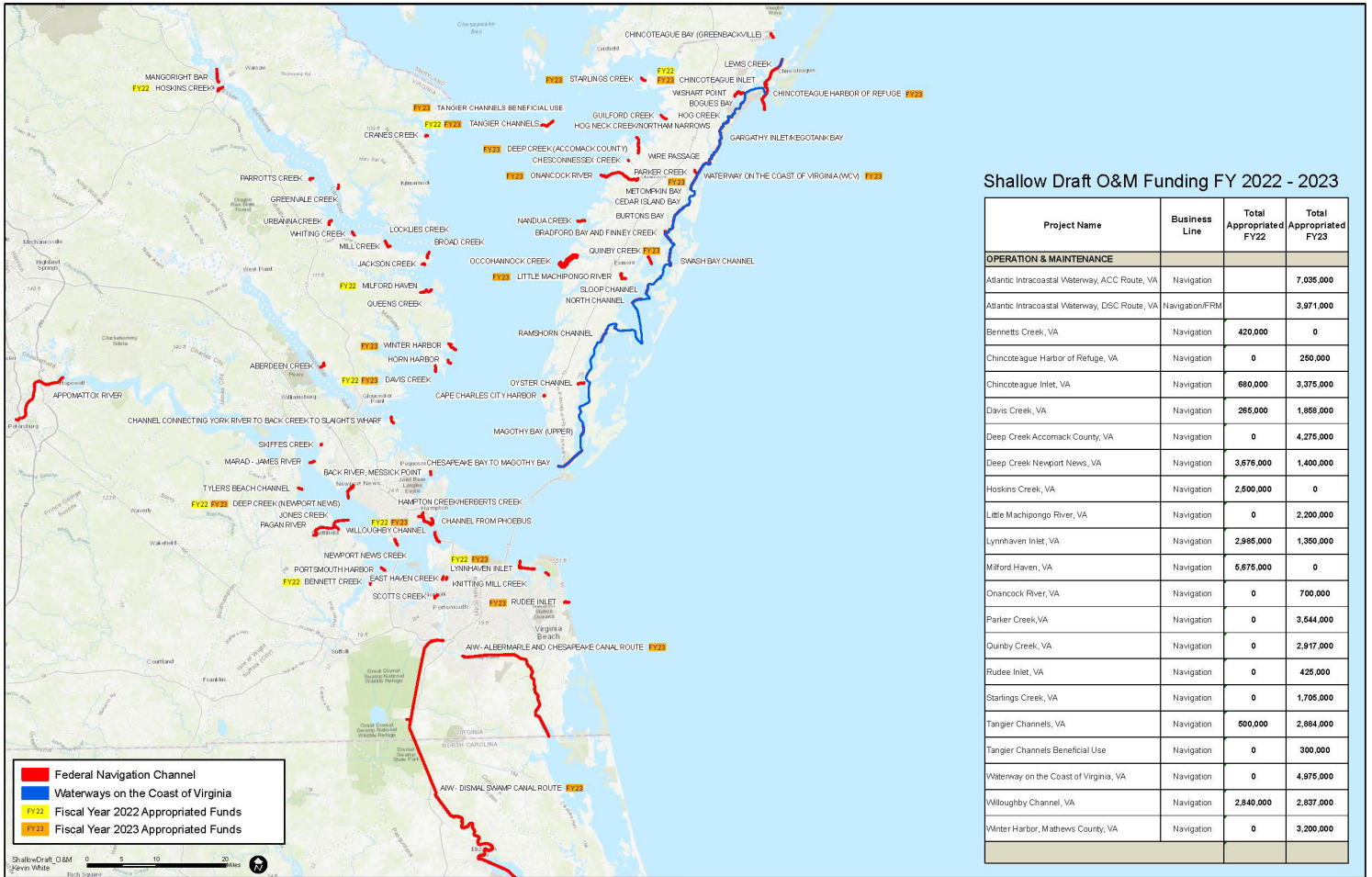
Project Name	Civil Works Appropriation	Business Line	Total Appropriated FY22	Total Appropriated FY23	Estimated Construction Award Schedule	Estimated Construction Complete Schedule	Notes
Chincoteague Island, VA, New Start Feasibility	Investigation	Coastal Storm Risk Management	\$0	\$0	Not Applicable		Non-Federal Sponsor is the Town of Chincoteague, VA. Letter of intent provided.
Tangier Island Aquatic Ecosystem Restoration, VA, New Start Feasibility	Investigation	Aquatic Ecosystem Restoration	\$0	\$0			Non-Federal Sponsor and Letter of Intent is required for USACE to show capability.
Cedar Island, CAP, Section 204, Beneficial Uses of Dredged Material	Construction (CAP)	Aquatic Ecosystem Restoration	\$0	\$0			Non-Federal Sponsor and Letter of Intent is required for USACE to show capability.
Chincoteague Harbor of Refuge, VA	Operations & Maintenance	Navigation	\$0	\$250,000	Sep-23	Sep-23	Maintenance dredging to be performed by the USACE dredge MURDEN
Chincoteague Inlet, VA	Operations & Maintenance	Navigation	\$680,000	\$3,375,000	Oct-24	Oct-25	Includes maintenance dredging by MURDEN and full scope contract for maintenance dredging with beneficial use of dredged material at nearby NWR. Estimated 18 months to award. Required agreement between USACE and U.S. Fish and Wildlife Service.
Deep Creek Accomack County, VA	Operations & Maintenance	Navigation	\$0	\$4,275,000	Jan-25	Jan-26	Placement site evaluation, field investigations, environmental coordination, design, development of plans and specifications is required. Estimated 18 to 24 months to award a contract.
Little Machipongo River, VA	Operations & Maintenance	Navigation	\$0	\$2,200,000	Sep-24	Jun-25	Government furnished placement site evaluation, field investigations, environmental coordination, design, development of plans and specifications is required. Estimated 18 months to award a contract.
Onancock River, VA	Operations & Maintenance	Navigation	\$0	\$700,000	Feb-24	Mar-24	Work to be performed by the USACE dredge MURDEN. Coarse grain material to be dredged with nearshore placement.
Parker Creek, VA	Operations & Maintenance	Navigation	\$0	\$3,544,000	Feb-25	Feb-26	Placement site evaluation, field investigations, environmental coordination, design, development of plans and specifications is required. Estimated 22 months to award.
Quincy Creek, VA	Operations & Maintenance	Navigation	\$0	\$2,917,000	Sep-24	Mar-25	Placement site evaluation and modelling to be completed, field investigations, environmental coordination, design, development of plans and specifications is required. Estimated 18 months to award a contract.
Starlings Creek, VA	Operations & Maintenance	Navigation	\$0	\$1,705,000	Jun-24	Feb-25	Contract to prepare the placement site for dredged material. Environmental coordination, design, development of plans and specifications is required. Estimated 14 months to award.
Tangier Channels, VA	Operations & Maintenance	Navigation	\$500,000	\$2,884,000	Jul-24	Mar-25	Includes Murden Dredging and Full Scope Contract for maintenance dredging and beneficial use of dredged material at nearby Beach (Northwest shoreline). Estimated 15 months to award.
Tangier Channels Beneficial Use	Operations & Maintenance	Navigation	\$0	\$300,000	Not Applicable	Not Applicable	Perform an evaluation using dredged material from nearby Federal channels for beneficial use on Tangier Island. Focus will consider using dredged material to repair, renourish, and stabilize the shoreline.
Waterway on the Coast of Virginia, VA	Operations & Maintenance	Navigation	\$0	\$4,975,000	Feb-24	Aug-24	Full scope contract for maintenance dredging Bradford Bay and Finney Creek with placement of dredged material at the nearby permitted overboard placement site. Lewis Creek and Magothy Bay project elements being surveyed for consideration for maintenance dredging contract as well. Estimated 10 months to award 1st contract.
TOTAL			\$1,180,000	\$27,125,000			



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Shallow Draft O&M Funding FY 2022 - 2023

Project Name	Business Line	Total Appropriated FY22	Total Appropriated FY23
OPERATION & MAINTENANCE			
Atlantic Intracoastal Waterway, ACC Route, VA	Navigation		7,036,000
Atlantic Intracoastal Waterway, DSC Route, VA	Navigation/FRM		3,971,000
Bennetts Creek, VA	Navigation	420,000	0
Chincoteague Harbor of Refuge, VA	Navigation	0	250,000
Chincoteague Inlet, VA	Navigation	680,000	3,375,000
Davis Creek, VA	Navigation	265,000	1,868,000
Deep Creek Accomack County, VA	Navigation	0	4,275,000
Deep Creek Newport News, VA	Navigation	3,676,000	1,400,000
Hoskins Creek, VA	Navigation	2,600,000	0
Little Machipongo River, VA	Navigation	0	2,200,000
Lynnhaven Inlet, VA	Navigation	2,985,000	1,350,000
Milford Haven, VA	Navigation	6,676,000	0
Onancock River, VA	Navigation	0	700,000
Parker Creek, VA	Navigation	0	3,644,000
Quincy Creek, VA	Navigation	0	2,917,000
Rudee Inlet, VA	Navigation	0	425,000
Starlings Creek, VA	Navigation	0	1,705,000
Tanger Channels, VA	Navigation	600,000	2,884,000
Tanger Channels Beneficial Use	Navigation	0	300,000
Waterway on the Coast of Virginia, VA	Navigation	0	4,975,000
Willoughby Channel, VA	Navigation	2,840,000	2,637,000
Winter Harbor, Mathews County, VA	Navigation	0	3,200,000



The County of Northampton

KINGS CREEK DREDGE & BENEFICIAL USE PROJECT

PHASE TWO

AGREEMENT FOR SHALLOW-DRAFT MAINTENANCE DREDGING SERVICES

THIS AGREEMENT, herein called the "Agreement," is entered into this 17 day of August, 2023, by and between the County of Northampton, Virginia ("County"), a political subdivision of the Commonwealth of Virginia, hereinafter called the "County" and Michels Construction, Inc., a corporation organized and existing under the laws of the State of Delaware and authorized to transact business in the Commonwealth of Virginia ("Contractor").

WHEREAS, the County desires to engage the Contractor to render certain construction services relating to Phase Two of the Kings Creek Project, including:

- (i) mobilization and demobilization of equipment;
- (ii) dredging from station 17+21 to Station 77+00 to -7 feet MLLW with 1-foot of allowable over depth;
- (iii) dredging in the widener from Station 31+91 to Station 38+12 to 5.5 feet MLLW with 1-foot of over depth; all as specified in the Port of Virginia Waterway Maintenance Fund Grant Program and associated Memorandum of Understanding, hereinafter called the "Program.";
- (iv) consolidation of all Phase One costs/reimbursement requests to County; and
- (v) provide regular updates to the Eastern Shore Regional Navigable Waterways Committee project manager

Dredging will be completed in a method that will follow the guidance of included technical specifications, management plans, and improve navigability of waterways and use any appropriate dredged materials in a beneficial manner to improve resiliency, coastal habitat condition, water quality, and/or provide protection for adjacent peoples and infrastructure.

The contractor must provide products to meet the needs of the A-NPDC, as communicated regularly during the contract period. The A-NPDC will work with the ESRNWC to ensure stakeholder input and community engagement. The Contractor will be expected to participate in some of these events.

The contractor assumes responsibility for all reasonable site investigations to determine the nature and location of the work, the general and local conditions, availability of roads and boat ramps, the topography and conditions of the ground, the uncertainties of the weather, tidal action and flood stages, and the character of the equipment and facilities needed during prosecution of the work.

The contractor is responsible for all other matters that may in any way affect the work or the cost thereof and for which information (both field and record) is reasonably available or obtainable.

The contractor may be called upon to provide products in phases or in preliminary form, where urgency merits. These preliminary deliverables shall be organized/presented in a manner that lends itself to efficient, comprehensive, and meaningful quality assurance review and analysis by both the contractor and survey section personnel.

The contractor shall not release any data, analyses, results, conclusions, or computations relative to any work performed under the contract to any agency, business concern, or individual outside the government without advance express approval of the A-NPDC.

NOW, THEREFORE, for and in consideration of the mutual promises herein, and for other good and valuable consideration, the parties hereto do mutually agree as follows:

1. ADMINISTRATION. This Agreement is administered by the Accomack-Northampton Planning District Commission ("Commission") pursuant to a separate agreement with the County.

2. SCOPE OF SERVICES. Contractor shall provide dredging and related services to the County, including:

- (i) mobilization and demobilization of equipment;
- (ii) dredging from station 17+21 to Station 77+00 to -7 feet MLLW with 1-foot of allowable over depth; and
- (iii) dredging in the widener from Station 31+91 to Station 38+12 to 5.5 feet MLLW with 1-foot of over depth; all as specified in the Port of Virginia Waterway Maintenance Fund Grant Program and associated Memorandum of Understanding, hereinafter called the "Program", with a total volume of 27,000 CY.
- (iv) consolidation of all Phase One costs/reimbursement requests to County; and
- (v) provide regular updates to the Eastern Shore Regional Navigable Waterways Committee project manager

The Program and the County’s General Terms and Conditions for Professional Services, copies of which are attached hereto, are each incorporated herein by reference. The referenced DMMP, developed under Phase 1, evaluated strategies and options to meet the goal of improving the navigability of the Kings Creek and using dredged materials in a lawful manner to promote beneficial uses, such as improving resiliency, coastal habitat condition, water quality and protecting adjacent properties and infrastructure. Phase 2 will continue this effort.

3. **LABOR, TRANSPORTATION AND SUPPLIES.** Contractor shall provide the following as necessary to perform the services under this Agreement:

- Personnel and labor possessing required expertise, training and skill.
- Transportation, including without limitation, vehicles, boats, and fuel.
- Equipment and supplies, including without limitation, survey equipment, safety equipment, communication devices, laptops and computers with Internet service, software, and systems.

4. **DELIVERABLES.** Deliverables shall meet the needs of the County and the specifications of the Program. A packet containing all final documents and information shall be submitted to the County and Commission upon completion of this Agreement. All documents, materials, and items included in the final packet shall be the property of the County.

5. **TIME OF PERFORMANCE.** Contractor shall, at a minimum, adhere to the timeline in the chart below. In the event Contractor fails to meet this timeline, Contractor may request a schedule change, filed with the Commission and subject to the approval of the County, which request shall include justification for the schedule change.

Project Timeline	
Phase 2 Activity – Kings Creek	Project Timeframe
Contractor mobilizes to Kings Creek & begins set up	Week of September 5, 2023
Before-dredge survey (by a third party)	1-3 days pre-dredging
Contractor commences Kings Creek dredging	Week of September 18, 2023
Contractor completes 8-week dredging & sediment disposal at Kings Creek (+4-week weather and equipment delays; holidays)	On or before December 4, 2023
Post-dredge survey (by a third party)	1-3 days post-dredging
Contractor demobilizes from Kings Creek	On or before December 11, 2023
Full Project Phase 2 Timeline	September 2023 – December 2023

6. COMPENSATION.

County agrees to pay Contractor upon satisfactory performance of the services required herein and receipt of all reports, lists, surveys, options, plans, permit applications, contract documents and other deliverables approved by the Commission and by the County. Contractor shall address invoices to the County but submit said invoices to the Commission, which shall, after review and validation, submit the invoices to the County for payment. Each invoice shall show the percent of the services completed and be accompanied with a description showing Contractor's work and cost details, including hours completed by position for each of service required under this Agreement. The County will pay invoices for satisfactory work and receipt of approved deliverables 45 days from the receipt of an invoice. The County will not pay finance charges imposed on any invoice submitted by the Contractor under this Agreement.

Project Cost	
Phase 2 Activity – Kings Creek	Payment Amount
Mobilization & Demobilization (lump sum)	\$900,000.00
Dredging in the widener from Station 31+91 to Station 38+12 to 5.5 feet MLLW with 1-foot of over depth (27,000 CY at \$22.00/CY)	\$594,000.00
Full Project Phase 2 Cost	\$1,494,000.00

The total project cost of \$1,494,000.00 may be adjusted upward or downward, provided any such adjustment is approved by the County. Contractor must submit a written request with detailed justification for an upward or downward adjustment to the Commission, which shall make a recommendation to the County concerning same. The County shall have the sole right to reject and refuse a request from the Contractor for an upward or downward adjustment of the total project cost. If a request is approved by the County, the approval shall be in writing signed by the County, the Commission and Contractor.

The CONTRACTOR invoices shall be billed to the COUNTY, but **mailed to the A-NPDC (23372 Front Street/PO Box 417, Accomac, VA, 23301)**. Each invoice shall include the following elements:

- a. Project Code: **3351 – VPA FY22 KINGS PHASE 2**
- b. Period of Services
- c. Date of Invoice
- d. Percent (%) completion of each line item
 - a. Mobilization & Demobilization
 - b. Dredging from Station 17+21 to Station 77+00
 - c. Dredging Widener from Station 31+91 to 38+12
- e. CONTRACTOR's work & costs detail – including hours completed by position for each line item

7. **REPORTS**. Contractor agrees to provide the Commission with monthly written progress and completion reports for each task comprising the services to be rendered under this Agreement. **Such reports will be due the 15th of each month and are to include all services performed in the previous month.** Justification as to any variance from the project timeline shall be included in the monthly report. Contractor agrees to provide biweekly verbal and/or email updates in addition to the monthly written report.

The CONTRACTOR agrees to provide the A-NPDC with monthly written progress and completion reports, to be accompanied with the monthly invoice. Justification as to the cause of variance from the timeline included in this Agreement must also be included in the monthly report. The CONTRACTOR agrees to provide biweekly verbal and/or email updates in addition to the monthly written report.

These reports will be due the 15th of each month to include work performed during the previous month.

Please send all reports and invoices to:
Jessica Steelman, Project Manager

jsteelman@esvaplan.org

and Cc: Sandy Taylor, Director of Admin & Finance

staylor@a-npdc.org

8. DUTY OF CARE. The Contractor shall perform and complete the services required hereunder in a manner consistent with the professional skill and care ordinarily provided by professional engineers practicing in the same or similar locality under the same or similar circumstances. Contractor is responsible for all matters that may in any way affect the services to be performed under this Agreement, including the cost thereof, to the extent that knowledge and information (both field and record) related to such matter is reasonably available or obtainable or that is within the scope of is professional expertise.

9. SITE INSPECTIONS. Contractor assumes full responsibility for all reasonable site investigations conducted to determine the nature and location of the work required hereunder, the general and local conditions, availability of roads and boat ramps, the topography and conditions of the ground, the uncertainties of weather, tidal action and flood stages, and the type and character of the equipment and facilities needed to perform the services required by this Agreement.

10. STAKEHOLDERS' MEETINGS. Contractor shall work with the Commission to ensure attendance at meetings with the Eastern Shore Regional Navigable Waterways Committee and other stakeholders to facilitate community input and engagement. Contractor shall participate in and provide designs for all stakeholder events. In addition to the stakeholders' meetings, Contractor shall solicit feedback of landowners in the areas surrounding Folly Creek to assist in developing strategies, options, and plans and otherwise completing the services required under this Agreement.

11. LICENSURE. Contractor and any subcontractors must be authorized by the Virginia State Corporation Commission to transact business in Virginia and shall, at its sole expense, maintain all licenses and permits required to perform the services required by this Agreement.

12. INDEPENDENT CONTRACTOR. Contractor is an independent contractor and shall not be construed to be an agent or employee of the County or the Commission.

13. ASSIGNMENT. Contractor shall not transfer or assign this Agreement, or subcontract any part of the services to be rendered hereunder, with the exception of subcontracted services indicated in the Contractor's proposal, without first receiving prior written consent of the County, which shall not unreasonably be denied. Contractor further agrees that any such assignment, transfer or subcontract shall not release the Contractor from any responsibility or liability under this Agreement.

14. INSURANCE. Contractor shall provide insurance coverage of the types and in the amounts required in the County's General Terms and Conditions for Professional Services. All such insurance policies shall name the County as an additional insured party. Within 15 days of execution of this Agreement, Contractor shall deliver to the Commission and the County certificates of insurance that demonstrate compliance with the County's insurance requirements.

Each policy of insurance shall be issued by a financially responsible insurer duly authorized and licensed to do business in the Commonwealth of Virginia. Each policy of insurance shall include a waiver of subrogation in favor of the County and shall require no less than 30 days' notice to the County in the event of a cancellation or change in conditions or amounts of coverage.

15. INDEMNIFICATION. To the extent permitted by law, Contractor, its successors and assigns, shall defend, indemnify and hold harmless the County and the Commission, their respective officers, employees, and agents, from and against any and all liability for loss, damages, claims, or expense of any kind whatsoever by reason of injury to, or the death of, any person, or damage to any property, to the extent caused by the negligence, acts, errors or omissions, recklessness or internal wrongful conduct of the Contractor, its officers, employees, successors, assigns and subcontractors, in performance of this Agreement.

16. PERFORMANCE IN ACCORDANCE WITH LAW. Contractor agrees to perform the services required hereunder in accordance with applicable state, federal, and local laws, ordinances, regulations and policies and to obtain all required permits and licenses necessary to perform the services required under this Agreement, including without limitation, a business license from Northampton County. In accordance with Virginia Code Section 2.2-4311.1, Contractor agrees that every contract for goods or services shall include the following provisions: During performance of this Agreement, Contractor does not and shall not knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

17. MODIFICATION. This Agreement and the attachments hereto constitute, including without limitation, the County's General Terms and Conditions for Professional Services, constitute the entire understanding between the parties and shall not be amended, modified, or otherwise changed except by written consent of the Contractor, County and Commission.

18. TERMINATION. This Agreement may be terminated by the County for cause or convenience in accordance with the provisions set out in the County's General Terms and Conditions for Professional Services. In addition to the provision in the County's General Terms and Conditions for Professional Services, the County may void this Agreement if the Contractor materially misrepresents any offering or defaults on any other contract with the County or on any contract with another Virginia locality

19. NOTICES. All notices and other communications required or permitted by this Agreement shall be in writing and shall be given by personal delivery, facsimile, electronic mail, or United States mail, return receipt requested, to the following designated addresses:

Northampton County:	Michels Construction, Inc.:
Charles Kolakowski, County Administrator	Luke Ploessl, Vice President; Marine Operations
PO Box 66, Eastville VA 23347	PO Box 128 817 Main Street Brownsville, WI 53006
ckolakowski@co.northampton.va.us	lploessl@michels.us
(757) 678-0440	(608) 385-8725

20. JURISDICTION AND VENUE. This Agreement shall be interpreted and applied in accordance with the laws of the Commonwealth of Virginia. Any claim brought under this Agreement shall be filed in the Circuit Court of the County of Accomack, Virginia.

IN WITNESS WHEREOF, authorized representatives of the County of Northampton, Virginia and Michels Construction, Inc. have affixed their signatures below:

County of Northampton, Virginia

Name: Charles Kolakowski, County Administrator

Date:

8/22/23

Signature:

CK

Michels Construction, Inc.:

Name: Luke Ploessl

Date: 8-17-23

Signature:

Luke ploessl

PRE-DREDGING CONFERENCE AGENDA

Kings Creek Maintenance Dredging and Beneficial Use Project

September 7, 2023 – 11:00 a.m.

**Thursday, September 7th at 11:00 AM at the Town of Cape Charles Civic Center,
500 Tazewell Ave, Cape Charles, VA 23310, VA 23310**



Conference Overview for Eastern Shore of Virginia Dredging Initiative

Purpose:

The main purpose of this conference is to bring together stakeholders, regulatory bodies, and the community to discuss and plan the dredging initiatives for the Kings Creek Maintenance Dredging Project. Given the historical, ecological, and economic significance of these waterways, it's paramount to address sedimentation challenges and ensure their continued navigability.

Objectives:

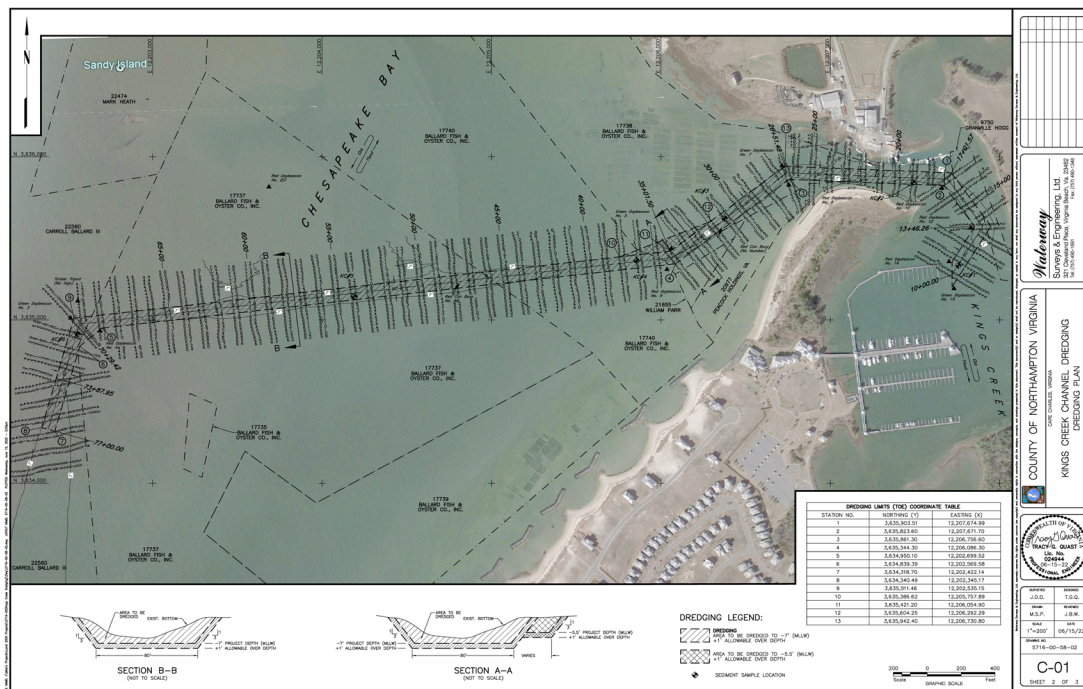
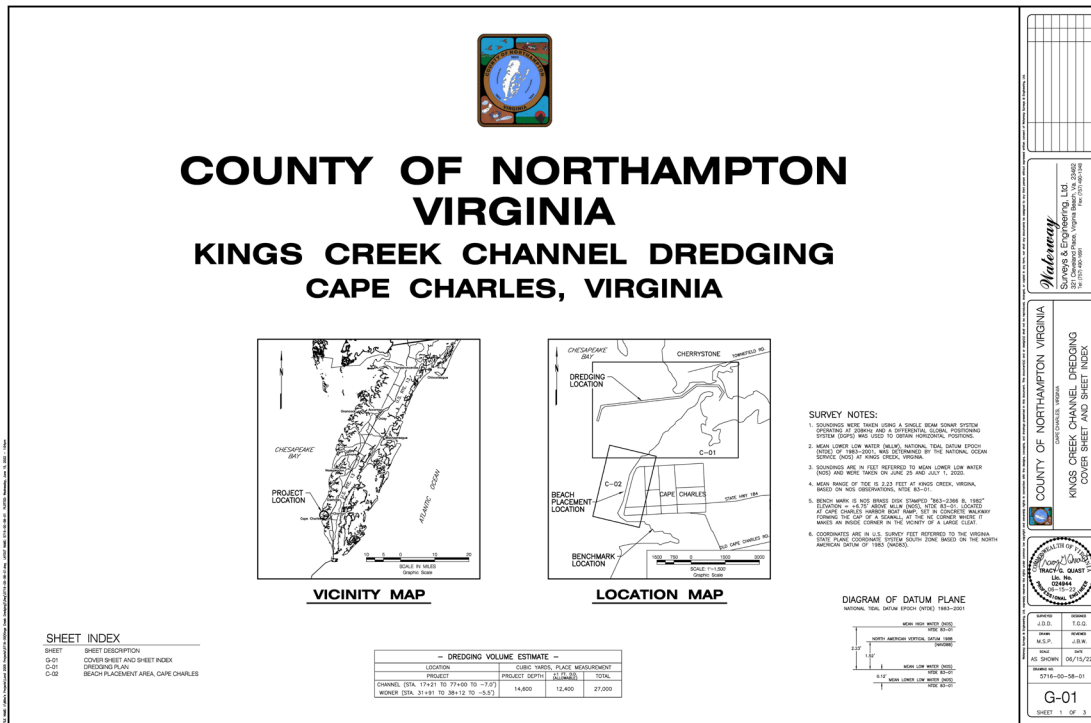
1. **Project Details Discussion:** Provide in-depth information on the dredging requirements for Kings Creek, including the estimated volume of material to be dredged and its proposed beneficial use.
2. **Navigational Concerns:** Highlight the navigational challenges posed by shoaling, especially concerning the safety and access for fishermen, businesses, and recreational users.

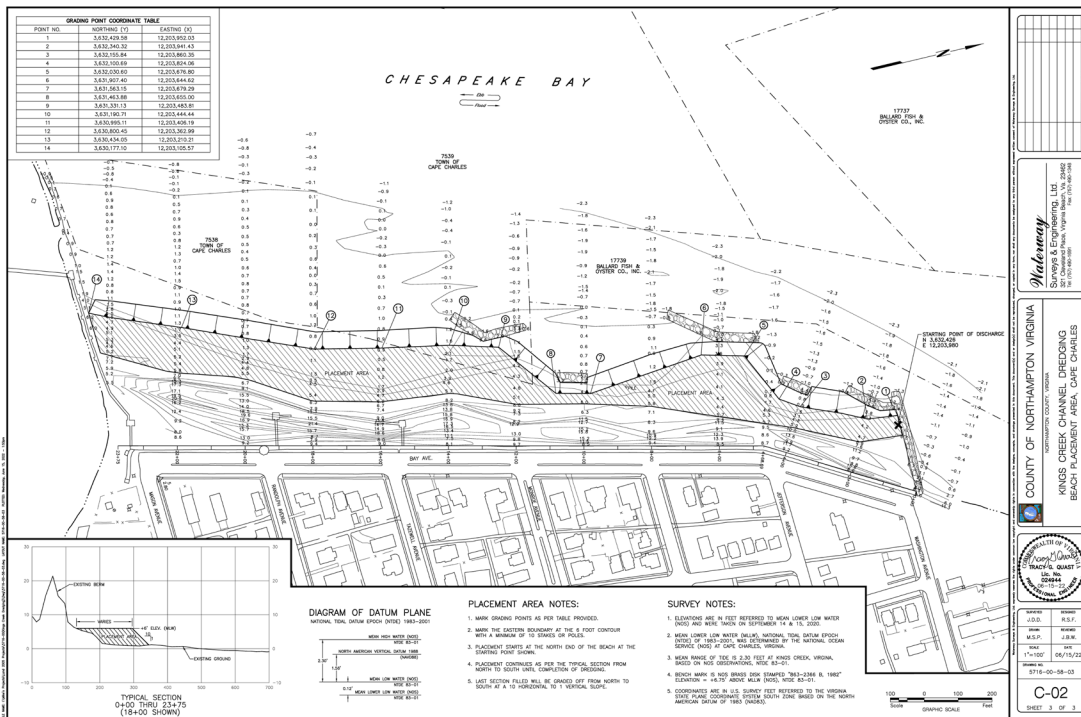
3. **Time Constraints:** Address the specific time-of-year constraints for both dredging and the disposal of dredged material to ensure minimal disruption to the local community and businesses.
4. **Collaboration and Partnership:** Foster a dialogue between Northampton County, the Town of Cape Charles, Michel's Construction Inc., Waterway Surveys & Engineering Inc., the Accomack-Northampton Planning District Commission (A-NPDC), and other stakeholders to ensure the success of the project.

This conference aims to create a collaborative environment where concerns are addressed, solutions are discussed, and a strategic plan for the Kings Creek Maintenance Dredging and Beneficial Use Project is laid out.

1. Grantee: Northampton County
2. Northampton County Representative: County Administrator Charles Kolakowski
3. Funder: Virginia Port Authority Waterway Maintenance Fund
4. VPA Representative: Grant Program Director Melissa Fularon, Virginia Port Authority
5. Project Name: Kings Creek Dredge and Beneficial Use Project - Phase Two
6. Project Code: 3351 – VPA FY22 Kings Phase 2
7. Awarded Contractor: Michels Construction, Inc.
8. Contractor Representative: Regional Project Manager Ross Johnson, Michels Construction, Inc.
9. Contract Amount: \$1,494,000.00
10. Design Engineer: Waterway Surveys & Engineering, Ltd.
11. Engineer Representative: Sr. Environmental Scientist Rebecca Francese
12. Advisory Body: Eastern Shore Regional Navigable Waterways Committee
13. Advisory Representative: ESRNWC Chairman Andy Dunton
14. Administrative Services: Accomack-Northampton Planning District Commission
15. Project Manager: Interdisciplinary Project Manager Kellen Singleton, A-NPDC
16. Sign-in Sheet Distribution

17. Review of the Scope of Work – Singleton, Johnson





- Prioritized area and final depth, width specifications:
 - 80ft wide
 - Station 17+21 to Station 77+00, -7ft MLLW +1ft
 - Widener from Station 31+91 to Station 38+12
 - -5.5ft MLLW + 1ft
 - Time of Year (TOY) Constraint: No dredging January 1 – June 15

- Expected volumes:
 - Total volume of 27,000 CY

- Placement Site:
 - Cape Charles Public Beach
 - Constraint: No placement until after Labor Day

18. Dredging Methodology and Equipment – Johnson

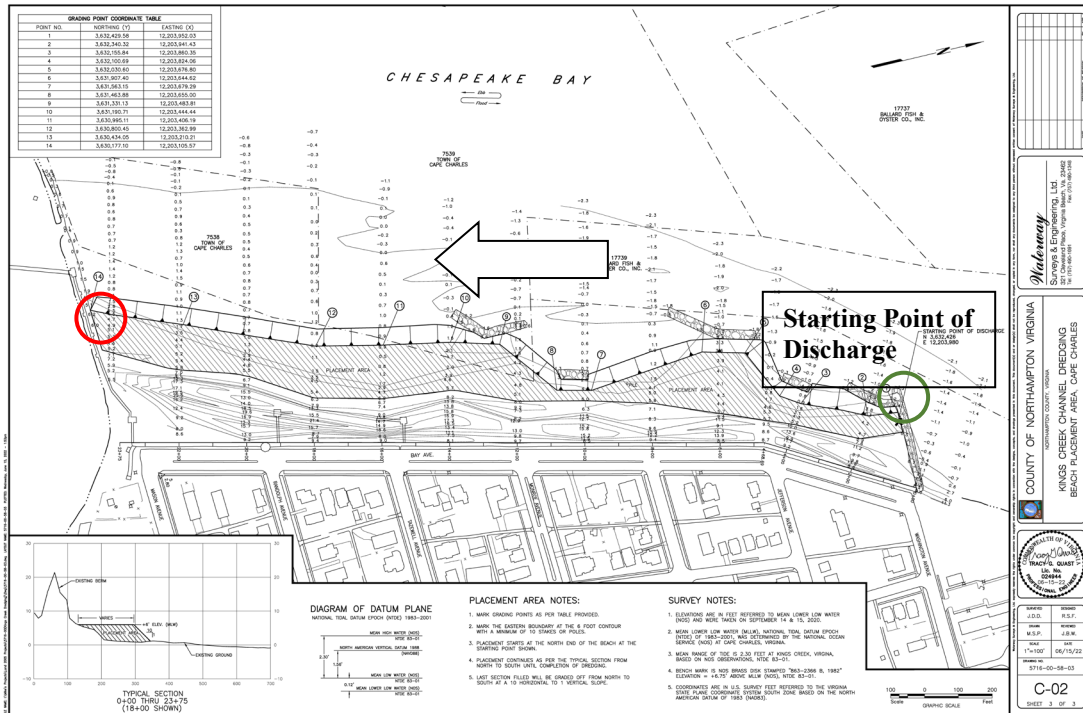
- Chosen dredging method: [Dredging Method]
- Equipment to be used: [Equipment List/Description]
- Rationale behind the chosen method and equipment.
- Marine Space Needed:
 - 3 – Boats
 - 2 – 30x40’ barges
 - 1 – 20x60’ dredge



Proposed Pipeline MOB

19. Disposal of Dredged Material - Johnson, Hozey, Bowen

- Disposal locations: [Disposal Location Details]
- Disposal method and considerations: [Disposal Method]
- Transportation method (if applicable): [Transportation Method/Details]



20. Environmental and Ecological Considerations – Francese, Johnson, Singleton

- Overview of Environmental Impact Assessments (if conducted): [EIA Summary/Details]
- Mitigation measures: [Specific Mitigation Measures]
- Environmental monitoring plans and protocols: [Monitoring Plan Details]

21. Safety Protocols and Considerations – Johnson, Hozey

- Safety guidelines for personnel and equipment: [Safety Guidelines]
- Emergency response procedures: [Emergency Response Details]
- Interaction guidelines for other vessels: [Vessel Interaction Protocols]

22. Project Schedule and Timeline – Johnson, Singleton

- Project commencement: [Start Date]
- Anticipated completion: [End Date]
- Work hours and shift details: [Work Hours/Shift Details]
- Contingency considerations: [Contingency Plan Summary]

Approximate Project Timeline for Kings Creek Dredging (to be finalized by contract negotiations with dredge contractor)	
<i>Phase Two Activity</i>	<i>Approximate Project Timeframe</i>
Contractor mobilizes to Kings Creek & sets up MOB Equipment	September 7, 2023
Pipe at beach	September 11
Marine Equipment at CCYC	
Contractor commences Dredging and Material Placemen	October 2
Contractor completes dredging & sediment disposal at Kings Creek (+ 4-week weather and equipment delays; holidays)	November 17
Start DeMOB – 11/20 Beach and Marina Areas	November 20
Thanksgiving Break	(5 Days)
Post-dredge survey (by Waterway Surveys)	November (3-5 Days)
Contractor demobilizes at Kings Creek	December 1

23. Quality Control and Verification – Johnson, Francese

- Depth verification methods: [Depth Verification Methods]
- Inspection and monitoring procedures: [Inspection Details]
- Reporting protocols: [Reporting Protocol Details]
- Francese Statement: “This material is all fine powder sand (except the material in the inlet which is more coarse). This is the same material that was placed on the beach several years ago. We took the area closest to the marina out of the dredging – it was already deep enough for the marina operations, but there was more silt in that sample which precluded that material from being placed on the beach.”

24. Regulatory and Compliance Overview – Francese, Singleton

- Overview of permits obtained: [Permit Details/Numbers]
- Regulatory requirements and compliance: [Regulatory Requirements Overview]
- Reporting and documentation procedures: [Reporting Procedure Details]

25. Communication Plan – Singleton

- Designated points of contact: [Contact Person/Role]
- Update frequency and method: [Communication Update Details]
- Addressing concerns and issues: [Concern Addressal Process]

- Initial weekly meetings between stakeholders, the contractor, and ANPDC Staff will be held.

Kings Creek Dredge and Beneficial Use Project General Contact List 9/7/2023						
Affiliation	Name	Position	Email	Phone 1	Phone 2	Fax
Northampton County	Charles Kolakowski	County Administrator	ckolakowski@co.northampton.va.us	757-678-0440 x515		
Northampton County	Janice Williams	Deputy County Administrator	jwilliams@co.northampton.va.us	757-678-0440 x516		
Northampton County	John Coker	District 1 – Chair	jcoker@co.northampton.va.us	201-519-0906		
Town of Cape Charles	Adam Charney	Mayor	mayor@capecharles.org	757-331-8640		
Town of Cape Charles	Steve Bennett	Vice Mayor	vicemayor@capecharles.org	757-331-4689		
Town of Cape Charles	John Hozey	Town Manager	townmanager@capecharles.org	757-331-2979		
Town of Cape Charles	Ralph Bowen	Public Works Manager	ralph.bowen@capecharles.org			
Michels Construction, Inc.	Ross Johnson	Regional Manager	rjohnson4@michels.us	507-459-0209		
Michels Construction, Inc.	Hayden Robertson	Project Manager/Onsite	crobertson2@michels.us	601-674-1985		
Michels Construction, Inc.	Andrew England	Site Superintendent	aengland@michels.us	563-451-8099		
Waterway Surveys & Engineering, Ltd.	Rebecca Francese	Sr. Environmental Scientist	beccafr@waterway.net	757-490-1691	757- 537-5401	757-490-1348
	Tracy G. Quast, P.E.	Vice President	tquast@waterway.net			
A-NPDC	Elaine Meil	Executive Director	emeil@a-npdc.org	757-787-2936 x116		
A-NPDC	Anne Doyle	Director of Planning	adoyle@a-npdc.org	757-787-2936 x115		
A-NPDC	Kellen Singleton	Interdisciplinary Project Manager	ksingleton@esvaplan.org	757-7872936 x129	907-602-0235	
VPA	Melissa Fularon	Director, Grant Programs		757-440-7220	757-348-4645	
Parr Properties Inc.	Bill Parr	Managing Broker/Owner	billparr@parrproperties.com			
Ballard Fish and Oyster Company	Tim Rapine	Managing Director	timr@clamandoyster.com	757-678-2809		
US Coast Guard	Douglas Simpson	Training Support Staff (TSS)	douglas.c.simpson@uscg.mil	757-398-6346		
US Coast Guard	Chris Scraba	Fifth Coast District Resource Management Division Chief	chris.p.scraba@uscg.mil	757-398-6303		757-398-6303
VMRC	Claire Gorman	Environmental Engineer, Habitat Management	claire.gorman@mrc.virginia.gov	757-247-2285		
Virginia DEQ	Curtis Davey	VWP Permit Writer	curtis.davey@deq.virginia.gov	757-518-2158		
Virginia DEQ		unauthorized impacts	vwp.tro@deq.virginia.gov			804-698-4178
Virginia DEM		fish kills or spills of fuels or oils		757-518-2077		
National Response Center		fish kills or spills of fuels or oils		1-800-468-8892		
US Army Corps of Engineers	Tracye West	Environmental Project Manager	tracye.l.west@usace.army.mil	757-2017179		

26. Potential Challenges and Mitigation Strategies – Johnson, Singleton, Hozey

- Foreseeable challenges: [List of Challenges]
- Action plans and mitigation: [Mitigation Plan Details]

27. Contract Modification Procedures – Singleton

- Change orders and weather delay notices must be submitted in writing (email, letter).
- All change orders, including time extensions, must be signed by an authorized representative of the County of Northampton prior to implementation.

28. Open Discussion/Question and Answer Session
 - Opportunity for attendees to ask questions, seek clarifications, or share insights.

29. Conclusion and Next Steps

30. Summary of the conference and decisions made.

31. Immediate steps leading up to dredging commencement.

32. Adjournment

38. Notice to Proceed with Construction-
 - Date: _____
 - Substantial Completion Date: _____
 - Final Completion Date: _____
 - Contractor staff to sign and return NTP; Executed copy sent to Community Development Specialist

PRE-DREDGE CONFERENCE NOTES

Kings Creek Maintenance Dredging and Beneficial Use Project

September 7, 2023 – 11:00 a.m.

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.

Overview: The region agrees the project is essential to address sedimentation challenges and continued navigability. Emphasis was placed on this segment of Kings Creek being a significant working waterway, including for oyster hatcheries, commercial boats, etc. In addition, Town Manager John Hozey stated the very strong desire to minimize the project's impact upon the Town's public beach. Ross Johnson, Regional Manager for contractor Michels Construction, offered reassurance, noting the equipment they would use was the most appropriate for the job, including the hydraulic dredge, the 12" hose, in-water lighting and signals, etc. Additionally, Michels Construction will use dredge precision software that provides real time data to inform and document the work performed. Johnson further stated his team had formulated a traffic management plan for the portion of the creek that constitutes a navigational bottleneck. Michels Construction will have seven (7) employees onsite during construction.

Dredge Placement: For the beneficial placement of dredge material, Michels would use a small excavator to move the dredge material as well as a small bulldozer to grade and dewater the material. John Hozey noted the Town would use a sand fence to delineate the work zone. Michels Construction and the Town confirmed the project engineer's plans that dredge placement would start in the northern-most area of the recipient beach area and would move southward. Each section of the beach has its own material requirement. Johnson noted October 2nd would be the date of the first material placement on the beach.

Equipment Staging: Johnson noted Michels Construction had leased adequate property at the Yacht Club Marina that is suitable for fusing the pipeline, staging equipment on land, and mooring boats.

Communication Meetings: Michels Construction Superintendent Hayden Robertson is the contractor's day-to-day onsite contact. He will handle on-site meetings with the Town. It was agreed the first meeting would take place at the **Oyster Farm on Thursday, 10/5/23 at 10am**. Future communication meetings could be held weekly or as needed. Michels Construction will write up the notes from progress meetings. In addition, Johnson/Robertson will distribute daily reports during construction. Project Manager Kellen Singleton noted that he would set up a Google Drive as the repository for all meeting notes and reports.

ACOE and VA Marine Resources Commission (VMRC) Onsite Presence: Singleton noted that Waterway, the project engineering firm, had scheduled representatives from ACOE and VMRC to be on site for a pre-dredge meeting to be held on Wednesday, 9/13/23.

Safety Measures and Equipment: US Coast Guard representative Matt Losinger raised a question concerning safety equipment. Johnson responded that Michels Construction had all equipment required to be compliant with federal regulations. The safety equipment is identified and marked and is Wisconsin registered. Singleton will reach out to USCG District 5 for additional information concerning safety inspections. Losinger provided Marine Police emergency and non-emergency contact information, which is listed below. Superintendent Hayden Robertson is the contractor's responsible charge. Robertson noted it is Michels Construction's practice to be proactive in all matters of communication.

Marking the Channel: Channel markings were discussed and it was noted that Army Corps of Engineer (ACOE) markings would be installed once the project is completed. These ACOE markers would be privately maintained. Guidance for the placement of the channel markings would be provided during the post dredge survey.



COUNTY OF NORTHAMPTON
COUNTY ADMINISTRATION

16404 Courthouse Road | PO Box 66 | Eastville, VA 23347

Telephone:(757) 678-0440

Charles Kolakowski
County Administrator

September 7, 2023

Mr. Luke Ploessi, Vice President
Marine Operations
Michels Construction, Inc.
P.O. Box 128
817 Main Street
Brownsville, WI 53006

Re: Kings Creek Dredge & Beneficial Use Project: Phase Two

Dear Mr. Ploessi:

You are hereby given **Official Notice to Proceed, Thursday, September 7, 2023** to provide labor, materials, and equipment for "Phase Two of the Kings Creek Project" as specified in the Request for Proposals Kings Creek #3351, and the fully executed contract dated August 17, 2023. Contract Sum is according to "Project Cost" per each Phase 2 Activity and requirements for each.

Your company agrees to complete the work as defined in the Request for Proposals beginning September 7, 2023.

If you have any questions, please contact me at (757) 678-0440 ext. 515 or at ckolakowski@co.northampton.va.us.

Sincerely,

Charles Kolakowski
Northampton County Administrator

CC: Janice Williams, Deputy County Administrator