

## Eastern Shore Regional Navigable Waterways Committee

### Meeting Minutes

April 18, 2024

A meeting of the Eastern Shore Regional Navigable Waterways Committee was held on April 18, 2024, at 3:00 p.m. at the Enterprise Building, A-NPDC, 23372 Front Street; Accomac, Virginia 23301.

Members Present:

Donald Hart, Accomack  
William "Billy Joe" Tarr, Accomack  
John Tavolaro, Accomack  
George "Danny" Bowden, Accomack  
Brenden Kettner, Accomack  
John Coker, Northampton  
J. T. Holland, Northampton  
Andy Dunton, Northampton, Chairman

Members Absent:

Dixon Leatherbury, Northampton  
Robert Harris, Northampton

Others Present:

Kellen Singleton, A-NPDC  
Faith Lewis, A-NPDC  
Mike Anderson, USACE\*  
John Joeckel, SEAConsult LLC\*  
Ira Brotman, Moffatt & Nichol\*  
T. West\*

\*Participated via Zoom

**1. Call to Order**

Chairman Dunton called the April 18, 2024 meeting to order at 3:00 p.m.

**2. Public Participation**

There was no public participation.

**3. Committee Attendance Record**

The Committee reviewed the Community Attendance Record. There was no discussion.

**4. January 18, 2024 Meeting Minutes**

Adoption of the January 18, 2024 minutes was requested.

Mr. Singleton proposed one correction be amended. Committee Member Hart made the motion to adopt the amended January 18, 2024 minutes, seconded by Committee Member Holland, the motion was carried.

## **5. ESRNWC Projects Financial Status Report**

Mr. Singleton presented the Financial Status Report as of December 31, 2023. The following was noted: the same project does not need a resolution for funds transfer, letter from county would be needed for fund transfer request, and VPA BOC meeting resolution is scheduled in May.

Committee Member Coker made the motion to transfer remaining Kings Creek funds to Nassawadox Creek with a Resolution from Northampton County Board of Supervisors. Seconded by Committee Member Tarr, the motion was carried. Chairman Dunton stated he would contact Commissioner Green of the VMRC Board regarding Nassawadox Creek's disposal site.

Committee Member Hart requested the Navigable Waterways Committee write a letter of support to the Governor, Congressmen, and Senators to note the importance of the Wachapreague Coast Guard Station. Without this station, the Army Corps will no longer dredge connecting waters and this would impact citizens and local watermen. If an emergency would occur, personnel from Elizabeth City, North Carolina would have to respond, causing a delayed response. This motion was seconded by Committee Member Holland. Committee Member Hart made a motion to request letters of support from Accomack and Northampton County Administrators. Seconded by Committee Member Bowden, the motion was carried unanimously.

## **6. April 18, 2024 Staff Report**

### **Kings Creek, Phase 2 [VPA FY22]**

- Dredging and beneficial use placement began September 28<sup>th</sup>. The Kings Creek Phase 2 project construction was completed on scheduled November 2<sup>nd</sup>.
- The total material removed was 22,888 cubic yards (22,228 cubic yards payable) that was utilized to restore the Cape Charles Public Beach. Following AD surveys by Michel's Construction, Inc. was commended for their work.
- Michel's had completed their demobilization from the project site. \$1,389,016.00 was invoiced for the construction.
- \$994,241.37 remained in the Kings Creek project budget.

### **Nassawadox Creek, Phase 1B [VPA FY22]**

- Moffatt and Nichol had completed and submitted project JPA, signed off by Northampton County.
- DEQ had provided waiver letter. VMRC had assigned number, #23-2155. Claire Gorman in assignment.
- The USACE had acknowledged receipt, NAO-2007-02923-gdt (07-V0792, 23-V2155) (County of Northampton / Nassawadox Creek Channel Dredge / Northampton). POC is Taylor Hollingsworth.
- USACE had found that the current design does not meet the terms and conditions of any General Permit available for use within Virginia. Additional information had been provided for the first step of Individual Permit evaluation which is Corps issuance of a public notice.

- Based on berm characteristics and bottom sediment sampling VIMS and VMRC disagree with characterizing the proposed overboard disposal as beneficial use as there is no appreciable difference between what is proposed here and typical overboard disposal.

**Next Steps:**

- Verify direction to proceed is via Mech Dredge with upland placement area as determined by Contractor.
  - ANPDC to reach out to Michaels re potential contract mod to do this work.
  - Need to determine “transfer site” and need survey.
  - Michaels may have ideas for location of transfer site.
  - Required updates to permit, including info on transfer site – impacts (wetlands, etc.).
  - Need “consent” from oyster lease holder (Patrick Cantwell)
- Option 2: Beach fill, on adjacent private property. Discussed, but has permit “risk” as VIMS likely will not support.
- Option 3: Explore Parker’s Marsh Natural Area Preserve to Scarsborough Neck as beneficial use alternative (6 miles from site).

**Nassawadox Creek, Phase 2 [VPA FY24\*]**

- Awarded \$2.15M\* from VPA WMF FY24\*

**Next Steps:**

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

**Folly Creek, Phase 1B [VPA FY22]**

**Next Steps:**

- Verify direction to prepare permit for mechanical dredge, with contractor supplied upland placement site
- Need to determine details for the transfer area, likely county ramp.
- For county ramp, would need to get a topo survey (we would need to get a scope from surveyor).
- M&N had proposed from MSA to survey.

**Red Bank Creek, Phase 1B [VPA FY22]**

- Discussions ongoing with Alexandra Wilke, Coastal Scientist, Virginia Coast Reserve TNC regarding collaboration to beneficially utilize materials in habitat build-up for migratory nesting birds.

**Next Steps:**

- GET would perform vibracores pending APO interest

## Other

- The Virginia Eastern Shore Conservation Alliance (VESCA) Habitat and Restoration committee in their April 9<sup>th</sup> quarterly meeting has identified Dredging and Beneficial Use as a priority issue as part of their work to identify, promote, and implement effective habitat management and restoration strategies that maximize overall wildlife benefit at scale. Staff would work closely with fellow alliance partners to examine and identify beneficial use opportunities.
- Cedar Island Marsh creation Project
  - Current Phase: Engineering Designs & Permit Application
    - Engineering designs and associated cost estimated for ~40 acres of new/elevated marsh along southern Cedar Island (in location of former tidal inlet known locally as The Breach) are nearing 60% completion.
    - Drafting of a joint permit application for construction is ongoing, led by terms at VIMA and Stantec. Likely submission timeline is Summer 2024.
  - Future Phase: Final Designs and Construction
    - 90% engineering design plans will be derived iteratively during permitting process (Fall 2024 – Winter 2025)
    - The project team was actively exploring and applying for funding for construction. Earliest possible construction would start in 2026 or 2027, pending funding.

## Project Check-Ins

- Red Bank/Nassawadox/Folly Project Check ins: first Wednesdays of the month at 3PM
- How To Join (same for both project checks in & 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: \*75778

## 7. Nassawadox Creek JPA Submittal

- VMRC is not in favor of the nearshore berm and had expressed hesitation despite material size.
- Beach fill option – if a site was available VMRC would expect more graduation data (GET had been reached for cost of additional samples).
- Beach fill – beneficial use on private property is a state concern.
- Upland is the most permissible option. The upland site does not need to be specified in the permit, but by the pre-dredge meeting (that would include VMRC) the site needs to be known.

- Upland site – if moving forward the transfer site would need to be discussed. This would need to be shown in permit and bid docs, and include any shoreline impacts or additional dredging if necessary.

**8. U.S. Aids to Navigation System**

USCG Shallow Draft Program

Staff contacted the USCG District 5 point of contact Albert L Grimes. At this time Sector Virginia is not working on any District 5 aids to navigation issue of/to note.

**9. MPPDC/ANPDC Dual VPA WMF Proposal**

DMMP remains a significant barrier to regional dredging effort. On March 1, 2024 Curtis Smith Dept Dir, MPPDC submitted a dual drafted and supported proposal that would create separate MPPDC and ANPDC master plans with funds for each region to lease and develop placement sites and explore beneficial use options.

Attached was the 3/1/2024 dual Middle Peninsula & Eastern Shore Dredge Material Management Initiative.

**10. Norfolk District Update for the ESRNWC – 1/18/24**

The Norfolk District Update for the ESRNWC was presented. There was no discussion.

**11. Next Meeting**

The next meeting is scheduled for June 20, 2024 at 3:00 p.m. at the A-NPDC, 23372 Front Street, Accomac, Virginia 23301.

**12. Adjournment**

Committee Member Tavolaro made the motion to adjourn. Seconded by Committee Member Holland, the motion was carried unanimously.

The meeting was adjourned at 4:30 p.m.

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Andy Dunton, Chairman

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Kellen Singleton, Secretary