

## Eastern Shore Regional Navigable Waterways Committee

### Meeting Minutes

June 20, 2024

A meeting of the Eastern Shore Regional Navigable Waterways Committee was held on June 20, 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  
John Coker, Northampton  
J. T. Holland, Northampton  
Robert Harris, Northampton  
Andy Dunton, Northampton, Chairman

Members Absent:

Brenden Kettner, Accomack  
Dixon Leatherbury, Northampton

Others Present:

Kellen Singleton, A-NPDC  
Kenneth, Silver Beach Resident  
Jeanine Land, Silver Beach Resident  
John Joeckel, SEAConsult LLC\*  
Gerald Songy, Moffatt & Nichol\*  
Nolan Bursch, Rep. Kiggans' Office\*  
Ben Sagara, DWR\*  
Mary Walker, Moffatt & Nichol \*  
Don Smith\*  
Anna Johnson\*

\*Participated via Zoom

**1. Call to Order**

Chairman Dunton called the June 20, 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 committee Attendance Record. Staff noted previously recorded absences and committee guidelines regarding attendance. Mem. Tavolaro made the motion to

correct the FY2024 record to show Mem. Leatherbury's attendance at the January and April 2024 meetings, seconded by Mem. Tarr, the motion was carried.

#### **4. April 18, 2024 Meeting Minutes**

Adoption of the April 18, 2024 minutes was requested. Mem. Tavolaro noted one spelling correction to be amended.

Mem. Hart made the motion to adopt April 18, 2024 minutes as amended, seconded by Committee Member Tarr, the motion was carried.

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

Staff presented the Financial Status Report as of December 31, 2023. The following was noted: (1) The VPA Balance for Kings Creek as of June 10, 2024 is \$993,058.92, (2) \$526.06 have been expensed to Kings Creek last quarter. This has not been reflected in the VPA Balance. (3) Staff has drafted resolution language for the transfer of the remaining funds. The language has been reviewed and approved by Melissa Fularon, Grants Program Director at Virginia Port Authority and Janice Williams, Deputy County Administrator of Northampton County. The resolution is on the Agenda for the June 25th Northampton Board of Supervisors Recessed Meeting and is anticipated at the Virginia Port Authority Board meetings scheduled July 29th and 30th.

Staff requested that the committee approve the presented Kings Creek - Nassawadox WMF Funding Transfer Resolution 6/10/2024 Draft.

Mem. Holland made the motion to approve the presented Kings Creek - Nassawadox WMF Funding Transfer Resolution 6/10/2024 Draft. Seconded by Mem. Tarr, the motion was carried.

#### **6. June 20, 2024 Staff Report**

Staff and Mr. Songy updated the committee on Kings Creek - Phase 2, Nassawadox Creek - Phase 1B, Nassawadox Creek - Phase 2, Folly Creek - Phase 1B, Red Bank Creek - Phase 1B, the Eastern Shore Dredge Material Management Initiative, the April 9th quarterly meeting of the Virginia Eastern Shore Conservation Alliance (VESCA), and the May 30th Chesapeake Bay Foundation (CBF) and the Community of Tangier Island hosted resilience and adaptation discussion. MSA will prepare a topographic survey of the landward portion and a hydrographic survey seaward of the area inside the "Folly Creek Survey Limits".

Chmn. Dunton updated the group on his correspondence with VMRC Commissioner's Office, Rachael Peabody concerning the Nassawadox Creek JPA and DMMP challenges as well as discussions with Alexandre Wilke, Coastal Scientist at Virginia Coast Reserve TNC concerning the Red Bank Creek project and efforts to develop a beneficial use approach to sustain nearby coastal bird habitats.

Staff updated the committee on Nassawadox Creek dredge material disposal alternatives and progress including Tangier Island discussions. On May 30th the Chesapeake Bay Foundation (CBF) and the Community of Tangier Island hosted a resilience and adaptation discussion in which the possibility of Tangier Island as a beneficial use of dredged material alternative on Tangier Island for the Nassawadox Creek initiative was discussed. This discussion was followed up with a June 11th meeting with ANPDC Executive Director and staff with Vice Mayor Cameron Evans to discuss potential upland and beach fill locations. On June 12th ANPDC staff met with project engineers to discuss option details, costs, and feasibility. Staff and Project Engineers are in-process of developing budget projections for (1) Nearshore Berm, (2) Upland Trucking, and (3) Tangier Island Disposals. Preliminary discussions with regulating agencies are needed to move alternative material management plans forward with best case scenario implementation occurring the winter of 2025.

Committee members discussed disposal strategy options and the need to move forward with plea of appeal to VMRC staff/Board concerning their decision on the current Nassawadox Creek JPA dredge material disposal strategy. Mr. Songy confirmed that further vibrocore testing would be necessary to demonstrate improved substrate quality for nearshore berm disposal.

Mem. Holland made the motion for staff to arrange meeting with VMRC concerning their decision on the current Nassawadox Creek JPA dredge material disposal strategy and the appeal options. Seconded by Mem. Coker, the motion was carried.

#### **7. USACE GI Federal Funding**

Mr. Bursch updated the committee on U.S. Corps of Engineers Norfolk District Civil Works Program federal funding for General Investigation Studies. Kiggans' Office is engaging with USACE to draft funding language for the Chincoteague Island, Chincoteague, VA Flood Risk Management General Investigations (GI) Feasibility Study. Funding is currently unavailable for the Tangier Island, VA Aquatic Ecosystem Restoration GI Feasibility.

Mem. Tarr made the motion for the ESRNWC to endorse the Town of Chincoteague's letter to USACE concerning VA Flood Risk Management General Investigations (GI). The Town of Chincoteague as the non-Federal sponsor, has provided a letter of support and has secured a cost share for the effort. Seconded by Mem. Holland, the motion was carried.

Mem. Hart advised the importance of the USCG's full staffing of the Wachapreague Station and its role in maintaining waterfront access inquiring about the status of USCG's temporarily transition of Station Wachapreague to operate as a Scheduled Mission Station. Mr. Bursch would need to obtain the directive to review for the update.

#### **8. Nassawadox Creek Phase 1A/B – Kilmon Cove**

Northampton Residents Jeannine Land and Edward Winslow presented their request for consideration to the committee to include Kilmon Cove as part of the upcoming Nassawadox Creek dredging project. Residents are concerned about the long-term environmental damage to Kilmon

Cove due to sediment buildup at the entrance to the cove. This buildup of material at the entrance has reduced salt water flow entering and exiting the cove thereby severely impacting fish, wildlife and native vegetation in the cove as well as significantly impacting waterway navigability.

Mr. Joeckel elucidated the intent of the ESRNWC and waterway maintenance guidelines. Chmn. Dunton additionally clarified to the group that any effort in Kilmon's Cove could not at this point be eligible for ESRNWC managed funding.

**9. Nassawadox Creek Phase 1B – Material Management Plan**

Staff detailed Nassawadox Creek material management options including the JPA Submittal – Nearshore Berm, Beach Fill Option, and Upland Option.

**10. Regional Dredge Material Management Initiative – Initiation of Action**

Staff updated the committee on the April 30, 2024 VPA Resolution 24-4. VPA authorized \$3,048,500 in Waterway Maintenance Grant Funding (FY25) to the Middle Peninsula Chesapeake Bay Public Access Authority for planning efforts to advance the Middle Peninsula Planning District Commission and Accomack-Northampton Planning District Commission's Dredge Material Management Initiative. Staff requested the formation of a project management team consisting of ESRNWC members and collaborative stakeholders to implement the Dredge Material Management Initiative. Staff was advised to initially develop the initiative in collaboration with qualified membership.

**11. Regional Dredge Material Management Initiative – Tangier Island**

Staff updated the committee on the May 30<sup>th</sup> Chesapeake Bay Foundation (CBF) and Community of Tangier Island hosted resilience and adaptation discussion in which the possibility of Tangier Island as a beneficial use of dredged material alternative was discussed. This discussion was followed up with a June 11th meeting with ANPDC Executive Director and staff with Vice Mayor Cameron Evans to discuss potential upland and beach fill locations. On June 12th ANPDC staff met with project engineers to discuss option details, costs, and feasibility.

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. As part of the evaluation process, the ESRNWC and Town of Tangier Island, VA will be asked to participate and provide input. The \$300,000 is being used to evaluate beneficial use of dredged material alternatives on Tangier Island.

**12. U.S. Coast Guard Engagement**

Staff updated the committee on communication 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.

Staff presented a draft letter addressed to Captain Jennifer Stockwell Commander, Coast Guard Sector Virginia concerning the decision to temporarily transition the Wachapreague Coast Guard Station to a Scheduled Mission Station the letter additionally addressed the Coast Guard's lack of participation in the Eastern Shore Regional Navigable Waterways Committee (ESRNWC)

proceedings. The committee discussed letter draft noting SAR helicopter capabilities would not change.

Mem. Holland made the motion to approve and distribute the letter with edit as discussed. Seconded by Mem. Hart, the motion was carried. Chmn. Dunton will sign the letter. Staff will distribute the letter to parties noted.

**13. Norfolk District Update for the ESRNWC – 6/20/24**

The Norfolk District Update for the ESRNWC was presented to the committee by staff in Mike Anderson, P.E. absence. There was no discussion.

**14. Next Meeting**

The next meeting is scheduled for October 17, 2024 at 3:00 p.m. at the A-NPDC, 23372 Front Street, Accomac, Virginia 23301.

**15. Adjournment**

Mem. Tarr made the motion to adjourn. Seconded by Mem. Holland, the motion was carried unanimously.

The meeting was adjourned at 4:29 p.m.

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Andy Dunton, Chairman

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Kellen Singleton, Secretary