

Eastern Shore Regional Navigable Waterway Committee

**ESRNWC January 18, 2024 Minutes**

A meeting of the Eastern Shore Regional Navigable Waterways Committee was held on the 18<sup>th</sup> day of January 2024 at 3:00 p.m. at The Enterprise Building, A-NPDC, 23372 Front Street, Accomac, VA 23301.

Members Present:

Accomack

Donald Hart  
William “Billy” J. Tarr  
John Tavolaro  
Danny Bowden  
Brenden Kettner

Northampton

Andy Dunton, Chair  
John Coker  
Robert Harris  
JT Holland

Members Absent:

Dixon Leatherbury

Others Present:

Elaine Meil, A-NPDC  
Kellen Singleton, A-NPDC  
Faith Lewis, A-NPDC  
Ira Brotman, Moffatt and Nichol\*  
Mike Anderson, USACE\*  
Nolan Bursch, Rep. Kiggans  
Curt Smith, MPPDC\*  
John Joeckel, SEAConsult\*

\*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 3:02 p.m.

The committee welcomed Office of Congresswoman Jen Kiggans (02-Virginia) Nolan Bursch. Chmn. Dunton confirmed calendar 2024 meeting dates, the 3<sup>rd</sup> Thursday of January, April, June, and October. Typos to the Attendance Record were noted and will be corrected by staff.

### 2. **Public Comment**

Mr. Joeckel updated the committee on USCG shallow draft program/report and aids to navigation changes in the region. Recommends USCG reengagement with ESRNWC and regular updates to USCG navigational aide removal workshops in concern to shallow draft waterways.

**Mem. Hart moved for committee to draft and direct letter to Fifth Coast Guard District requesting USCG reengagement and regular updates to USCG navigational aide removal in region. Seconded by Mem. Tarr, the motion carried.**

### 3. **Minutes of January 18, 2024**

The draft minutes of October 20, 2023 Meeting was presented.

**Mem. Tarr moved to approve the minutes as presented. Seconded by Mem. Coker, the motion carried.**

### 4. **Projects Financial Status Report**

Staff updated the committee on a November 1st ANPDC Planning and Administrative Staff meeting with Melissa Fularon Director, Grant Programs at The Port of Virginia to discuss project funding and administrative details. The Projects Financial Status Report was presented along with notes on funding details. The group discussed funding availability and eligible expenses. Committee members advised that a Project Budget Report be presented in proceeding updates.

### 5. **Staff Report**

Staff updated the committee on the progress of Kings Creek, Phase 2. Dredging and beneficial use placement began September 28. The Kings Creek Phase 2 project construction was completed on schedule November 2. 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. and Waterway Surveys & Engineering, Ltd. A review and acceptance meeting between staff, project engineers, ESRNWC members, Northampton County and Cape

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Charles officials, was held November 8 at which Michel's Construction, Inc. was commended for their work. Michel's has completed their demobilization from the project site. \$1,389,016.00 was invoiced for the construction.

Staff and project engineer, Mr. Brotman, updated the group on Nassawadox Creek, Phase 1B, Nassawadox Creek, Phase 2, Red Bank Creek, Phase 1B, and Folly Creek, Phase 1B.

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

USACE has found that the current design does not meet the terms and conditions of any General Permit available for use within Virginia. Additional information has 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.

Mr. Brotman further explained the characteristics of the material planned and next steps. Six vibrocore samples were taken. Two samples indicated predominately silt material. An estimated 20,000 cy of material would be displaced. Dredged material placement is restricted by beneficial use policy in relation to its utilization on private property. Upland placement would require pre-construction approval of a permissible site. Supplemental samples would provide more information concerning material suitability.

Staff will explore beach nourishment private exemption options including procurement requirements. The group discussed dredged material management challenges. Mem. Tavolaro advised that group utilize parallel processes and approaches to challenges.

**Mem. Tarr moved that remaining projects move forward prioritizing contractor sourced dredge material management. Seconded by Mem. Tavolaro, the motion carried.**

### 6. **Business:**

Mr. Bursch updated the committee on the Water Resources Development Act (WRDA) a comprehensive water resources infrastructure development effort that authorizes studies and projects within the United States Army Corps of Engineers (Corps) Civil Works mission areas, including navigation, flood damage reduction, hurricane and storm damage reduction, shoreline protection, and ecosystem restoration. There is a March deadline for proposals. Mem. Tavolaro elucidated that WRDA is authorization, not funding, advising that the committee prioritize Community Project Grant funding.

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Mr. Smith, Dept Director-MPPC, presented the framework of a dual VPA Waterway Maintenance Fund proposal that would create a MPPDC master plan and separate ANPDC master plan with funds for each region to identify and develop placement sites and explore beneficial use options. The proposal would include a request for a total of \$4 million split between the two agencies.

**Mem. Tavolaro moved for committee support and approval in moving forward with dual MPPDC/ANPDC VPA-WMF application. Seconded by Mem. Tavolaro, the motion carried.**

Mr. Anderson updated the committee on ongoing USACE projects and initiatives.

Chincoteague Inlet received \$3,375,000 in FY2023 Congressional appropriations. Maintenance dredging utilizing the dredge Murden is scheduled for March 2024 to include up to 7 (24-hr.) days of dredging from the inner channel alignment with dredged material placement into the authorized nearshore zone off Wallops Island. Chincoteague Harbor of Refuge received \$250,000 in FY2023 Congressional appropriations. Maintenance dredging utilizing the dredge Murden is scheduled for March 2024 in concurrence with Chincoteague Inlet.

Quinby Channel 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. The study scope is being expanded to include Bradford Bay, Chincoteague Inlet, and Lewis Creek overboard placement areas. Next meeting is scheduled for 20 February 2024.

WCV received \$4,975,000 in FY2023 Congressional appropriations. The scope of the planned contract award includes restoring the Bradford Bay and Finney Creek channel elements to a maintained depth of -6 feet MLLW. Approximately 60,000 cubic yards of material will be dredged using a cutterhead pipeline dredge. Material will be transported by pipeline with placement at a nearby designated overboard placement site. The bid opening occurred on 5 January 2024 with several competitive bids provided by the dredging industry. The District is currently going through the pre-award process with contract award tentatively scheduled in April 2024.

The Tangier Channels Federal Navigation Project received \$2,884,000 in FY2023 Congressional appropriations. These funds will be utilized for a fully scoped maintenance dredging contract. The Norfolk District is in the early stages of developing plans and specifications for the contract. \$500,000 in FY2022 Work Plan funds were 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 concluded on 15 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. As part of the process, the ESRNWC and Town of Tangier Island, VA will be asked to participate and provide input.

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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. The project team has assessed the dredge material placement site conditions and has determined that the improvements will need to be made to the facility to operate effectively.

Deep Creek Accomack County, Virginia received \$4,275,000 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.

Starlings Creek, Virginia received \$1,705,000 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.

Chincoteague Island, Chincoteague, VA Flood Risk Management General Investigations (GI) Feasibility Study. 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. 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.

*Adjourn –*

**Mem. Tarr moved to adjourn. Seconded by Mem. Tavolaro, the motion carried.**

**The meeting was adjourned at 4:45 P.M.**

Andy Dunton, Chair

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Kellen Singleton, Secretary

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Date