

## Eastern Shore Regional Navigable Waterways Committee

### Meeting Minutes

January 30, 2024

A meeting of the Eastern Shore Regional Navigable Waterways Committee was held on January 30, 2024, at 3:00 p.m. at the Enterprise Building, A-NPDC, 23372 Front Street; Accomac, Virginia 23301.

#### Members Present:

Donald Hart, Accomack  
John Tavoraro, Accomack  
J. T. Holland, Northampton  
Robert Harris, Northampton  
Andy Dunton, Northampton, Chairman

#### Members Absent:

Dixon Leatherbury, Northampton  
William "Billy Joe" Tarr, Accomack  
George "Danny" Bowden, Accomack  
Brenden Kettner, Accomack  
John Coker, Northampton

#### Others Present:

Kellen Singleton, A-NPDC  
Elaine Meil, A-NPDC  
Bill Parr, Northampton County  
Tom Burkett, VCR-LTER  
LCDR Justin Strassfield, USCG Sector VA  
CPO Adam Season, USCG Chincoteague  
CPO Amanda Monroe, USCG Wachapreague  
CWO-4 Jason Brisson, USCG Sector VA  
Ira Brotman, Moffatt & Nichol\*  
Edward Winslow, Kilmon Cove\*  
Don Smith, Kilmon Cove\*  
Anna Johnson, BayLand, Inc.\*

\*Participated via Zoom/Phone

### 1. Call to Order

Chairman Dunton called the January 30, 2024 meeting to order at 3:02 PM and welcomed members, guests, and representatives from the United States Coast Guard (USCG) in attendance.

## 2. Public Participation

During the public comment period, staff read aloud a written comment submitted earlier that morning by former ESRNWC Chairman John Joeckel. Mr. Joeckel expressed serious concerns regarding the lack of response from the USCG to multiple letters submitted in 2023 and 2024, including his own and one from Accomack County Administrator Mike Mason, regarding inadequate Aids to Navigation (ATONs) at Wachapreague Inlet. Mr. Joeckel asserted that these communications have gone unanswered, representing a significant failure in public safety response. He urged the Committee to formally address the USCG's lack of communication and presence at ESRNWC meetings, noting the original intent of the bi-county Committee was to address Coast Guard-related navigation concerns, per the joint resolution adopted by both counties. Mr. Joeckel requested the Accomack County Board of Supervisors issue a formal invitation to the Commanding Officer of Sector Virginia to attend a future meeting and provide accountability on these issues.

In-person public comments followed. Mr. Parr spoke about his concerns over inconsistencies and delays in Coast Guard ATON maintenance, citing safety risks for the working waterfront community. Mr. Burkett echoed these concerns and supported the idea of developing a local, standardized PATON (Private Aids to Navigation) policy that could be adopted by both counties to provide consistency and ease of collaboration with the USCG.

LCDR Strassfield, CPO Season, CPO Monroe, CWO-4 Brisson were present to respond to committee and public concerns. Coast Guardsmen in attendance expressed appreciation for Chmn. Dunton's and the Eastern Shore community's continued engagement and recognized regional concerns to the issue. Discussion topics included: (1) Recent removal of USCG-maintained ATONs in local waterways, particularly Nassawadox, Wachapreague, and Oyster Creek. (2) USCG protocols for evaluating and removing federal ATONs, with criteria based on usage data as well as channel and ATON conditions. (3) Clarification of the process for proposing and installing PATONs. (4) Emphasis on public safety and federal limitations for maintaining aids in certain waterways. (5) Encouragement for local governments to take responsibility for PATONs where federal support is withdrawn.

Discussion was held regarding opportunities for improved coordination on PATON registration and channel marking. CPO Monroe of USCG Station Wachapreague acknowledged the concerns raised by Mr. Joeckel and others, expressing willingness to work more closely with localities on reporting and updating ATONs status and the USCG staff recruitment efforts - that remain a national challenge. CWO4 Brisson suggested that regional standards for PATON installation and maintenance could be mutually beneficial, especially if coordinated through a single point of contact such as the ESRNWC. Committee members emphasized the importance of continued collaboration and improved communication between USCG and the public, particularly when decisions impact working waterfronts. Committee members expressed appreciation for the Coast Guard's presence and suggested a collaborative approach moving forward.

### **3. Committee Attendance Record**

The Committee reviewed the FY2025 Attendance Record. Chairman Dunton thanked members for their continued commitment to the Committee's work and acknowledged that schedule conflicts occasionally arise. Provisional consensus to adopt was made pending proper ratification.

### **4. October 17, 2024 Meeting Minutes**

The October 17, 2024 minutes were presented. A minor correction was noted—Item 8 referred to “Mr. Kilmon,” which should have identified “Mr. Winslow” instead. With that correction, a provisional consensus to adopt was made pending proper ratification.

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

Staff presented the financial status of ongoing ESRNWC projects as of December 31, 2024. The following balances were reported: Kings Creek – \$993,144.77; Nassawadox Creek – \$2,189,708.36; Folly Creek – \$68,467.37; and Red Bank Creek – \$93,046.30. Staff noted that due to cost savings on the recently completed Kings Creek Phase 2 project, significant funds remain available. Staff plans to request VPA authorization to reallocate remaining funds to the Nassawadox Creek project due to unexpected cost increases related to the upland disposal plan at Tangier Island.

### **6. January 30, 2024 Staff Report**

Staff provided updates on active and upcoming projects:

Kings Creek (Phase 2): Construction concluded November 2, 2023. A total of 22,888 CY of material was removed and beneficially reused at the Cape Charles beach. Final demobilization was completed by Michel's Construction, with \$993,144.77 remaining in the project budget.

Nassawadox Creek (Phase 1B): Staff provided a comprehensive update on recent developments. At its January 28, 2025 meeting, the Virginia Marine Resources Commission (VMRC) reviewed and denied the permit application submitted for the Nassawadox Creek dredging project, which proposed installation of six Aids to Navigation and overboard disposal of ~24,200 cubic yards of dredged material into the Chesapeake Bay.

Testimony in support of the project was provided by ANPDC staff and ESRNWC Chair Andy Dunton. However, the Commission cited adverse environmental impacts from overboard disposal and the project's failure to adequately consider upland or beneficial use alternatives, including use at Tangier Island. The application must also address impacts to submerged aquatic

vegetation (SAV) using the VIMS 2019–2023 SAV composite layer. This shift significantly increases project costs due to the need for barge and truck transportation. Staff will coordinate with project partners to evaluate next steps and address VMRC's concerns in any resubmission. ANPDC staff will also coordinate with a Task Force of committee members to advise and develop the Tangier upland disposal effort. Ms. Johnson updated the group on National Fish and Wildlife Foundation National Coastal Resilience Funding for the Tangier Island Assessment and Adaptation Plan and offered assistance with the upland disposal effort.

Folly Creek (Phase 1B): A draft JPA was completed, including sediment data, a draft DMMP, and permit figures. Staff requested the Committee's input regarding contractor-supplied upland placement options and site verification. Preparation for Phase 2 and funding applications was underway.

Red Bank Creek: Staff reported continued collaboration with The Nature Conservancy (TNC) on beneficial reuse opportunities to restore marsh and nesting bird habitat. The Committee discussed the importance of aligning dredging plans with ecological goals and affirmed support for continued coordination with TNC and USACE.

Eastern Shore Dredged Material Management Initiative (VPA FY25): ANPDC staff updated the Committee on collaborative planning efforts with the Middle Peninsula PDC (MPPDC). A draft MOU is under review by MPPDC staff.

## **7. Folly Creek Phase 1B – Survey and Permits**

Staff presented the committee a draft JPA for dredging at Folly Creek including (1) the JPA form, (2) DMMP – specific for Folly, (3) Gradation/Sediment data - limited to the vibracores taken in the area proposed to be dredged area, and (4) Permit Figures. A table of APO's is still needed. Staff requested the committee to review for submission including verification of contractor supplied upland placement. A consensus was made to move forward.

## **8. FY26 Waterway Maintenance Fund Request**

The Committee reviewed staff's proposed participation in the upcoming Virginia Port Authority Waterway Maintenance Fund meeting scheduled for February 13 in Norfolk. The Committee consented to staff submitting two funding-related requests: a recurrent request for \$3.38 million for Phase B of the Folly Creek project, subject to updated cost projections, and the reallocation of the remaining \$993,058.92 from the Kings Creek project to support the Nassawadox Creek project. Staff noted that while the current DMMP cost projections for Nassawadox do not require additional funding, the transfer would support future needs, particularly if alternative disposal options are required.

## **9. Norfolk District Update for the ESRNWC – 1/30/25**

The Norfolk District Update for the ESRNWC was briefly presented to the committee by staff. There was no discussion.

## **10. Next Meeting**

The next meeting is scheduled for April 17, 2025 at 3:00 p.m. at the A-NPDC, 23372 Front Street, Accomac, Virginia 23301.

## **11. Adjournment**

There being no further business, the meeting was adjourned by Chmn. Dunton at 4:51 PM.

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Andy Dunton, Chairman

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Kellen Singleton, Secretary