



# Dare County Waterways Commission

## Minutes

Monday August 14, 2023

### Call to Order

**Roll Call:** Steve Coulter, Natalie Kavanagh, Ernie Foster, KP Scott, Michael Flynn, John Berquist

**Acceptance of Minutes:** July 10, 2023

- John made the motion to approve the minutes. Michael seconded the motion. All in favor.

### **New Business**

### **USCG Report**

- Patrick Tallant reported the Maple was in town last week to address buoys in deep water. Buoys 3, 5, and 6 are still missing and they will address those in mid to late September. They have been working with the Corps on relocating buoys during dredging operations in the ferry channel. Patrick stated they are looking to discontinue Hatteras Light at the tip of Hatteras Island on the tower. The structure is deteriorating and may be destroyed. If boaters are using it, they will do their best to repair.
- Steve responded the Waterways Commission will speak with the local boating community to determine if the light is being used for navigation purposes. Michael said he would reach out to the Special Use Permits coordinator since he believed the Coast Guard has a SUP for the tower.
- Ernie asked why the beacon was replaced with the 21 buoy. Patrick stated he would look into it.

## Corps Report

- Todd Horton said Sloop and Barney were surveyed recently in coordination with the dredging events. The Merritt began dredging on July 27<sup>th</sup> and will be departing Thursday. Focus has been on 12A and between 14 and 17. Sloop was dredged during the weekend, the Ferry Division has asked that the primary focus be in the 12A area.
- Natalie asked if this was an emergency dredging event. Todd confirmed it was. The channel has actually moved outside the approved corridor near 12A, so agency permission was required for dredging to occur in this area. Steve asked when that emergency request was submitted. Todd responded July 1<sup>st</sup> and approval was given July 21<sup>st</sup>. Natalie asked where the funding came from for this project. Todd stated they received an additional \$1 million in funding.
- Steve asked if the Corps is looking into straightening Sloop Channel. Todd said they are looking into it, but modifying the environmental assessment would not be a quick process. Steve said the sooner we get started on it, the better. Catherine asked if the EA could be completed before the contract pipeline dredge. Todd responded no, it would take at least a year. Natalie asked if the Corps modified the corridor, would it include both the slough on the Sloop South survey and the straight-line area opening on the Sloop North survey. Todd said they would look to encompass that entire area.
- Michael asked about the timeline for placement of the material and if a special use permit application has been submitted yet. Todd said Coley has been the lead on that project, but he does not believe an application has been submitted. Barton mentioned this is related to the placement of material on the beach at the northern tip of Ocracoke and southern tip of Hatteras Island. Steve asked if that project was still progressing. Todd said there are still a few items to work through including the monitoring requirements and funding. KP asked how much additional funding is needed. Todd said approximately \$3 million. Michael mentioned the Corps is looking into potential relationships with universities to perform the benthic monitoring.

## NCDOT Ferry Division Report

- Catherine Peele thanked the Corps for their efforts in dredging the ferry channel. Some of the ferry vessels have been incurring damage due to shallow conditions. The Ferry Division is having continuous dialogue with the Corps on the proposed pipeline project. They have surveyed the existing disposal site near South Dock to determine capacity.
- Steve asked about the DOT dredge. Cat responded they are wrapping up at Silver Lake then will be heading to South Dock to assist in piling install efforts. Then it will go into shipyard for repair in September.
- Steve asked if DOT was looking into modifying their permit in Sloop. Cat said the State has not passed the FY24 budget, so the Ferry Division cannot pursue a permit modification

project at this point. They will work in partnership with the Corps if the Corps pursues a modification.

## **EJE Dredging Report**

- The Miss Katie is currently working in Oregon Inlet. Steve said the dredge window opens October 1<sup>st</sup>. Some housekeeping needs to be done on both ends of the channel and the shoal is creeping in near buoys 8 and 9. KP motioned to request the Miss Katie dredge the Connector Channel in early October. Natalie seconded. All in favor.
- Ken Willson asked if the Corps anticipated performing a survey before October. Todd would check with the survey crew.

## **Public Comment**

- Pat Elliott stated she was here for an update on the Avon Harbor project. Steve said that is a federal project, but Dare County is looking into disposal options. The material was contaminated based on testing results. Barton said they are looking into a disposal site in Buxton, but Dare County will need to pull a CAMA Major permit for placement. The Corps is still determining internally with their geotechnical team if the material can be placed adjacent to the Harbor temporarily before Dare County trucks the material. Bianca Aniski asked what would cause the project not to move forward. Barton said the Corps informed Dare County that we need to identify a placement site before September 18<sup>th</sup>, it does not need to be permitted at that point but the Corps needs to know if we anticipate moving forward with the project. Edward Aniski asked if there were any concerns with the material re-contaminating the area during temporary placement. Barton responded the Corps must determine that, since it is a component of their work and they have environmental regulations they must follow.

## **Old Business**

- Steve asked Ken Willson if any comments have been received from the agencies concerning the permit application submitted. Ken explained most of the comments received from the agencies focus on the fact there are so many entities applying for permits in the area and that the entities need to work together on permit actions. Ken said each entity has different priorities, so it will be difficult to get the Corps, DOT, and Dare County, to align exactly. Ken stated the agencies indicated permits should not be given until the Hatteras Inlet Management Plan is developed. However, he's not aware of any reason they would be able to hold off providing permits due to this.

- Steve said we have had multiple scoping meetings over the last couple of years and the agencies have known about this application. They have also looked at this area during the Rollinson Realignment process. Steve asked which agencies have made these comments. Ken responded he would provide the documents to the Commission, he did not want to misidentify which agencies made those comments. Typical commenting agencies are the Wildlife Resources Commission, National Fish and Wildlife, and National Marine Fisheries.
- Todd said he has reached out to the environmental division to determine status of the plan. Steve asked if the agencies asked for the management plan during the Corps realignment process. Todd said there was a comment from the agencies concerning confusion with which entities had which permits. It was included in the environmental assessment. Steve responded these agencies provide us the permits, they should be able to keep track of what entities are permitted to work in these channels.
- Ernie asked if we have requested anything different than what was approved for the Corps. Ken said the channels are the same, but we have asked for disposal areas much closer to the channels so they do not have to dredge in Rollinson and dispose offshore Ocracoke. Ken said the agencies typically do submit comments which we will provide responses to, but it is DCM and Corps Regulatory that is responsible for determining if those comments are turned into conditions.

### **Administrative Business**

- Barton alerted the Commission that the Coastal Federation received another grant to remove abandoned vessels. If you are aware of or see abandoned or derelict vessels, please contact him so that he can add to the list for removal.
- Barton asked Todd about the budget report received from Coley. The budget still had \$210,000 listed in the non-federal budget, however the emergency dredging event should have been charged to this account by this time. Todd said they were able to locate federal funds for the emergency dredging event. Barton and Steve thanked Todd and the Corps.
- Barton commented CPE is still working on the design for Stumpy Point.

### **Adjournment**

- Steve motioned to adjourn. John seconded.