



# Dare County Waterways Commission

## Minutes

October 10, 2023

### Call to Order

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

**Acceptance of Minutes:** August 14, 2023

- Danny Couch made the motion to approve the minutes. Natalie Kavanagh seconded the motion. All in favor.

### **New Business**

#### **USCG Report**

- Patrick Tallant reported the 49 ft boat had been repaired. A temporary light buoy was placed at 21 after it was destroyed. That will be replaced by a crew from Fort Macon. Buoys 3, 5, and 6 will be worked the week of the 23<sup>rd</sup> and put back on station. Steve Coulter thanked the Coast Guard for putting the buoys back in at the end of Sloop Channel as quickly as they did.
- Patrick asked if the Waterways Commission had received any comments on the tower at the southern tip of Hatteras Island. Steve said he spoke to about 10 commercial and charter boats and they all agreed that it is nice to see in the dark, but they do not use it for navigation. John Berquist stated he heard the same from the boaters he spoke to. Danny Couch commented that these towers appear to be obsolete with modern day technology, so unless someone is using the tower for navigation, it is likely not worth the expense to repair.
- Patrick said he will recommend that the tower will remain up until the light is extinguished, which could be a month or 3 years from now. Natalie asked if there is any public notice so people will be aware it will be removed. Patrick said it will be posted and the public will have 90 days to comment. Then a final determination will be made to demolish or not. The tower is in disrepair and would have to be fixed if it was to remain on. It was originally 80 ft, but is

now 42 ft after being damaged. Michael Flynn mentioned it is the last man-made structure on that part of the island after the power lines were removed. Ernie Foster asked why we would want to remove a part of history. Patrick said he would look into how much history is behind the structure. Danny Couch made the motion to recommend the Coast Guard begin their process to extinguish the tower light. Steve Coulter seconded the motion. Natalie, Michael, John, and KP also in favor. Ernie against.

- Chief Matuska said he will touch base with Patrick on having 3A moved due to the shoal shifting out into the channel. Steve recommended placing another buoy to the northeast of 3A which would help boaters get lined up when making the big turn.

## **Corps Report**

- No attendees from the Corps
- Barton reported that the federal FY24 allocation for Rollinson Channel was \$1.5 million. Joen Petersen had earlier stated that later this month, the Merritt and then the Murden would return to work in the ferry channel near Barney Slough.
- Natalie asked if there was any update on the pipeline project this winter. Barton responded there will be another meeting later this month wherein the Corps will provide an update on project status. They are considering a couple different disposal options, including placing material nearshore to avoid the need for biological monitoring. Michael stated DOT is also considering providing additional funds so material placed on Ocracoke could be pumped to the sandbag area. Funds are limited for the project. Barton commented it is already late in the process to bid out the project.

## **NCDOT Ferry Division Report**

- Catherine Peele said they are concerned with the status of the ferry channel and they have coordinated multiple meetings with the Corps on the pipeline project and how they can move forward. DOT and the Ferry Division are ready to provide support where they can. There will be a meeting next week.
- Catherine said they have requested the Corps dredge the Hatteras side of the ferry route.
- Steve asked about modifying the permit in Sloop to allow for dredging a straight shot through the shoal. Catherine responded she is aware the Corps is beginning to look into that, but it would be another year before the Corps could modify their recently realigned channel.

## EJE Dredging Report

- Jordan Hennessy reported the Miss Katie is currently working in the Connector Channel. It arrived early Sunday and dredged 6 loads Sunday and 9 loads yesterday. That is approximately 6,843 cubic yards, not including dredging done today. A survey will be done Thursday to then decide how much additional dredging is needed. Steve said they will need to focus on the point extending into the channel in between buoys 8 and 9.
- Steve said the crew of the Miss Katie has been very professional, very courteous, and very helpful in keeping the traffic flowing while they are working. John concurred, saying they are the same in Oregon Inlet and they communicate very well and are aware of their surroundings.

## Public Comment

- Ed Aniski asked for an update on Avon and if a location for contaminated material placement has been found. He also mentioned there is an area behind the riprap on the southern end of his property where they could accept some clean material.

## Old Business

- Brad Rosov updated the Waterways Commission on the status of the permits. Permit applications were submitted in July. Typically the State has 150 days to issue the permit, which we are approximately halfway through. We have received the typical comments from the agencies. Also, almost all the agencies requested Dare County participate in the Hatteras Inlet Management Plan. The Corps was required to create this plan during the Rollinson Realignment process. The Division of Water Resources had similar comments and put their permit review on hold. The Division of Coastal Management put their review on hold as a result, which stalls the statutory clock. CPE immediately responded to those comments. CPE has been in touch to determine if the response to the agency comments has satisfied DWR and if the hold is withdrawn.
- Brad stated we have had a meeting with the Corps to work together on the Hatteras Inlet Management Plan to submit to the agencies. The process to develop that plan is ongoing and the agencies are aware of that. Steve asked if when we submitted the application, we applied according to all the requirements and laws. Brad said yes. Steve asked if the Division of Water Resources is trying to backdoor an additional requirement on us. Brad said all the agencies have an opportunity to comment on review and put permits on hold for additional clarity. The Division of Water Resources is responsible for issuing the water quality certification, so they required additional information on the plan before moving forward.
- Steve asked if the agencies are aware that this plan is essentially just a spreadsheet that shows where each entity has permits and the details of the permits. Brad said he is not

aware of the amount of information on the plan the agencies have, but he has communicated with the Corps who has been tasked with developing the plan. The Corps states the spreadsheet provides the information the agencies requested.

- Steve said these comments are concerning the same channels the agencies just reviewed a year ago. Brad said essentially yes, but we have additional disposal areas. We are requesting a wider channel in Sloop than the Corps, but narrower than what DOT has permitted in that channel. Danny said he does not like the open-ended nature of this hold and does not want this review to be ongoing for another 6 months. Steve commented we essentially have a hold on our permit because of what the Corps is developing and because agencies are waiting for information they already know. Brad said this is atypical, but CPE sent the comments back to DWR within 48 hours to provide clarity on the situation.
- In response to public comment, Barton reviewed the many iterations of the Avon project. Originally the material was to be placed at Canadian Hole with DOT permitting the project. However once the material was tested, it was discovered to be contaminated. Therefore, it could not be placed on a recreational beach adjacent to the Sound. DOT informed Dare County they may be able to use the material once it was dried and turned over for use in the right of way, however they did not have a site to store it. A private entity, which had a bermed in confined disposal facility, was found where the material could be trucked to. Dare County is responsible for permanent placement, but the Corps is responsible for dredging and permitting temporary placement.
- Barton had a meeting with the Corps last week and the Corps geotechs stated they also need a confined disposal facility adjacent to the harbor for temporary placement. There is not sufficient space to place a confined disposal facility adjacent to Avon Harbor to hold the dredged material. Therefore, it is unlikely the Harbor itself is dredged. The Corps will be looking into whether the channel into the sound could be pipeline dredged to the ocean beach, assuming the material is clean. They are looking into that internally. Canadian Hole is too far away to pipeline the material. The Corps has approximately \$1.6 million in funds that cannot be used for other projects. Michael asked if the Corps will be testing the channel material. Barton said the material has not been tested yet. Danny said it is important to get something done in Avon, the status quo is not sufficient.
- CPE is currently working on the design of the Stumpy Point disposal site and developing the bid documents. It is expected the cost of the project will be more than originally anticipated.

## **Administrative Business**

- As mentioned earlier, there is \$1.5 million in the federal budget for Rollinson Channel. The Miss Katie budget will be updated after the current project is completed.

## **Adjournment**

- Natalie motioned to adjourn. John seconded.