



Dare County Waterways Commission

Minutes

July 8, 2024

Call to Order

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

Acceptance of Minutes: May 13, 2024

- Natalie Kavanagh made the motion to approve the minutes. KP Scott seconded the motion. All in favor.

New Business

USCG Report

- Patrick Tallant reported buoys 5 and 6 in Sloop where the Merritt is dredging have been disestablished. Buoys will be placed back in the channel once the Merritt departs around the 12th. Hatteras Inlet appears to be in good shape. Patrick Tallant stated 34 is destroyed at Rollinson and will need to be replaced. Chief Matuska commented it is shallow in the Sloop cut, but is hoping the Merritt can make some progress. The channels are in good condition otherwise.
- Patrick stated the channel behind Buxton and Frisco has shoaled in, so the Coast Guard would like to disestablish those old aids to navigation. Then the Coast Guard would add new buoys to the channel boaters currently use. KP Scott clarified Patrick was speaking about disestablishing the old Cape Channel on the backside of the reef that no one uses, but is still marked. Currently everyone uses the inside channel when going from Rollinson to the boat yard. He commented the old channel is very shallow and buoys there may confuse out of towners. Natalie Kavanagh asked about the timeline for removing buoys. Patrick said this is for conversation right now, but would be publicly announced before any aids to navigation are removed. Patrick Tallant and the Commission reviewed a map of the proposed changes

to the channel. Steve Coulter said we will talk to local boaters to determine if anyone is using the old channel.

Corps Report

- Todd Horton reported there was a before dredge survey of Sloop on June 25th and a survey will be completed after the Merritt departs. There is an event in Wilmington that the Corps must address. Once the post dredge survey is seen, they will decide whether the Merritt will return. The Connector Channel survey was performed on the 27th and the channel appears to be 8 to 9ft. Steve Coulter said the channel is narrowing between 8 and 9 and the shoaling is building out between 13 and 15. Barney Slough and the channel between Barney Slough and Rollinson will be surveyed soon also.
- Steve Coulter asked about progress on amending the environmental permits for Rollinson Channel. Todd said they are planning a scoping meeting with the agencies on expanding the existing corridor to include Sloop. Barton Grover asked if the Corps is looking at widening Sloop to 200ft. Todd said that would require a Congressional act and it is not being looked at during the modification of this environmental assessment. Steve asked about 50 ft wideners. Todd stated because it is maintained by Corps dredge plant and the Miss Katie, wideners cannot be shown to be required. Steve said that channel needs to be wider due to ferries running through there trying to pass each other.

NCDOT Ferry Division Report

- Catherine Peele the ferries have continued to have issues in Sloop Channel. They are hoping conditions have improved when the Merritt departs and permits are available for the Miss Katie to dredge the channel also.
- The dredge Manteo removed approximately 34,000 cy of material from South Dock to place in the disposal site. The dredge is going to its credit dry dock in the next few weeks.
- A test run for the Stumpy Point emergency ferry channel will be conducted in the next couple of weeks and they will be planning a dredging project in the basin by DOT equipment or contracted out. The Ferry Division has been in consultation with the Corps about the Rodanthe channel.
- Barton Grover asked Todd Horton about the progress on bidding out the Stumpy Point work. Todd responded they are working on specifications, but the bid will be advertised at the end of the month to dredge Stumpy Point to 7 plus 2ft.

Public Comment

- Woody Joyner from North Carolina Watermen United commented about the Right Whale Vessel Strike Reduction Rule. There have been 90,000 public comments about this rule. It is

uncertain how the Supreme Court's recent decision on the Chevron interpretation will impact this rule. The Division of Coastal Management is now accepting public comments. Woody asked if the Waterways Commission or members as individuals could comment. Steve Coulter responded we are against the rule, but submitting a comment from the Waterways Commission may be outside of our purview. However, we can recommend the Board of Commissioners submit a comment on behalf of Dare County. Individually, we likely will all comment. Natalie Kavanagh asked about the timeline. Woody stated the public comments need to be in by the 30th.

Old Business

- Ken Willson stated the modifications we are working with deal with a few items. One is to include the new Sloop Channel. The Corps and Division of Water Resources have issued their modification. We have not received the CAMA permit modification, but we understand that will be issued at the end of the week. We have a pre-construction meeting scheduled next week with the agencies to check that box to allow the Miss Katie to dredge in Sloop.
- One modification for the Connector was submitted back in April. This modification included removing the moratorium after the State legislation change, including the flood channel disposal area and nearshore Hatteras disposal area, and deepening the nearshore disposal areas to 17ft as a safety factor. We are still waiting for modifications from Division of Water Resources, Corps Regulatory, and CAMA. The Corps is waiting on comments back from National Marine Fisheries. If the permit is in place, we do not have to request relief. If the Connector begins shoaling and the permit modifications have not been issued, then we would need to request for relief. Ken has drafted a request for relief if needed. We also have the CAMA Major Permit modification to add the Ocean Bar, that is expected to take 6 months to receive.
- Ken asked the Commission how many days of dredging they would expect the Miss Katie to dredge. Steve Coulter asked Jordan Hennessy about his availability. Jordan said it will be dependent on weather. Jordan asked about the number of cubic yards above authorized depth. Ken said there is likely more cubic yards above authorized depth than the County has funding for, likely around 60,000 cubic yards, but he can run some numbers to determine the amount of cubic yards to get the channel to 10ft by 200ft. Jordan and Ken said that recent events have been around 20,000 to 25,000 cubic yards. Jordan said that would take approximately two weeks. KP Scott motioned to submit a request for relief to the agencies and request the Miss Katie dredge the Connector Channel. John Berquist seconded the motion. All in favor. Barton Grover stated he would inform the Task Force tomorrow of the request.

Administrative Business

- Barton Grover stated the agenda reflects FY25 funding. \$900,000 for the Hatteras Connector and \$100,000 for Rollinson Channel.
- The non-federal funds are still in place with the Corps. Those funds were originally going to be used for the dredging of Rollinson, but the Corps was able to find federal funds to dredge that channel. We were waiting for permits to have the Miss Katie dredge be able to dredge Rollinson before requesting reimbursement. As of July 1st, the Miss Katie has the permits and funding to dredge that channel. While it is possible the Corps would need non-federal funds for a pipeline project or some other project, there is no current identifiable need for the funds to be held with the Corps rather than with Dare County. Steve Coulter motioned to request the non-federal funds be returned. Natalie Kavanagh seconded. All in favor.

Board Member Business

- Steve Coulter asked if the ferries would also be test running into Rodanthe when they test the Stumpy Point channel. Catherine Peele responded just Stumpy Point, that they did not feel comfortable with the depth in Rodanthe to send a ferry in there. Catherine said they have had multiple conversations with the Corps on this issue. Barton Grover commented the Corps still has non-federal funds to dredge Rodanthe that were transferred about 5 years ago. Todd Horton confirmed that the Corps had \$316,000 that was transferred in 2019 for Rodanthe.
- Natalie Kavanagh asked what the current depth of the Rodanthe channel was. Todd said there was a small section of 5ft. Natalie said we are coming into the peak of hurricane season where that channel may be needed. KP Scott asked Catherine if it was the Ferry Division's opinion they could not run an emergency ferry from Stumpy Point to Rodanthe. Catherine said they could not and have relayed that to the Corps. Ernie Foster wanted to reiterate that the entire purpose of this channel was to ensure access during the hurricane season. Ernie Foster motioned that the Waterways Commission alert the Board of Commissioners that the emergency ferry route is not available due to shoaling. KP Scott seconded. All in favor.

Adjournment

- KP Scott motioned to adjourn. John Berquist seconded.