

DREDGING COMMITTEE MEETING

SEPTEMBER 30, 2021 AT 9AM

MINUTES

COMMITTEE MEMBERS IN ATTENDANCE:

W. Rymer, G. Murphy, J. Armstrong, J. Pyne – all in person

S. Magdeburger, C. Madden – via zoom

OUTSIDE CONSULTANTS:

S. Bagnall – Anchor QEA Engineering

T. Pratt – T Pratt Consulting

ALSO IN ATTENDANCE:

R. Menominee, numerous residents and members of town council

Rymer called the meeting to order at 9:01 am

Since this was the first meeting of this Dredging Committee, Rymer made initial introductions and provided a project summary:

- Hydraulic dredging project. Two channels on the north and south ends of Fenwick lagoon channels to be dredged East-West to connect to the state-managed North-South channel that runs underneath Route 54 (Catch 54 and Harpoon Hanna's). Channels to be 35-foot wide and 4-foot deep. 19,000 cubic yards of dredge material.
- Current estimated cost of project is \$950,000 to \$1.1 million. \$350,000 grant has been approved by DNREC. Additional grant is being requested/discussed with Sussex County. Fenwick will be responsible for all costs over and above any grant monies received. DNREC has verbally agreed to provide channel markings after completion of project.
- Two additional tests are needed to support DNREC permitting process. A second round of chemical testing on sediment and an archaeological study of dredging area to ensure there are no significant cultural/historical artifacts. Tests will cost \$51,000 and take up to 60-90 days for full completion and final reports.
- Current discussions with local developer to place dredge material on their undeveloped land near Catch 54. Multiple drafts of a Memorandum of Understanding ("MOU") have been exchanged with the developer. Open items still remain and need to be finalized.
- Once MOU is signed and next round of testing is completed, Fenwick will begin final permitting process with DNREC which could take up to six months. Current estimate to actually begin physical dredging will be late Fall of 2022 (DNREC has allowable dredging "windows" that are typically October to March each year).

Steve Bagnall and Tony Pratt then led a discussion updating the committee on their views of the project, the MOU and discussions with the local developer:

- Developer will likely pull forward timing of a portion of their development project to the winter of 2021/2022. Combined with Fenwick's revised time window of permitting process and projected start of dredging, it is unlikely that the developer will need the dredging materials for their first phase of development.
- Developer is currently reviewing their Phase 2 development plans to determine the need and location of dredging material for that portion of the project. Anticipate the identification of areas for dredge material but those locations will be more confined and on the opposite side of their property from the dredging project (will likely result in higher costs to pump material a greater distance and into several locations).
- Draft MOU has several open items. MOU and open comments to be provided to Fenwick's new outside attorney for review. One large item is the acknowledgement by developer that the second round of chemical tests provided for DNREC permit will be adequate support for their purposes (no additional testing needed once permit is approved).
- Discussed in greater detail the two tests needed before completing final phase of permitting process.

The meeting was then opened for Public Participation:

- Mark Tingle asked about potential additional sites for dredge material if not able to meet developer's timeline. Committee/consultants discussed wetlands and possible return of Seal Island. Those options would result in significant increase in time and costs but will be explored (and will be necessary) if an agreement can't be reached with developer.
- Richard Benn requested confirmation that the new potential sites on developer's land will be accessible given the change in location. Consultants explained that the topic has been discussed with the developer and the necessary access will be granted but will result in increased costs/logistics.
- Bernie Merritt highlighted the importance of the working relationship between the town, the developer and state/local politicians to ensure success of project.
- Janice Bortner asked about opportunity for Federal grants given the recent work in Ocean City. Consultants mentioned that there are no areas along the coast in the state of Delaware that will receive federal support given the lack of commerce/tonnage (one of the largest items that determine federal support) and limited federal grants available. However, the team will continue to search for all grants possible in support of the project.
- Amy Kyle asked about possibility of using dredge material for the town's efforts to combat flooding on the bayside. Given the magnitude of the dredge material (19,000 cubic yards) and current plan from Town Council/Infrastructure Comte, it is unlikely that the two projects could be coordinated and those materials useful. No current plans for building up areas with dirt/sand.
- Jay Ryan asked about and additional details were discussed regarding the proposed soil tests

After Public Participation, a motion was made by Rymer and seconded by Pyne to call for a vote for final approval of the project to complete the two additional tests (total cost of \$51,000). Discussion followed with members, consultants and public input. Largest concern was spending \$51,000 on additional tests prior to having final agreement with local developer on where to place materials. It was highlighted that the archaeological test is necessary for any dredging to occur regardless of final placement of materials and that test is a "one and done" test. Once proven that no cultural/historical artifacts exist, no such test will be needed in the future. After a lengthy discussion, the committee members voted 4-1 in favor of starting the testing and spending the \$51,000. Murphy was the lone vote not in favor based on the concern regarding spending money now without clear eyesight to final placement of materials. Madden was no longer available via zoom and did not vote.

The next meeting of the committee was not scheduled given the uncertainty of timing of next steps. Rymer will communicate with the committee members to determine the best date/time possible for the next meeting. This date will then be posted on the town's website/public calendar.

ADJOURNMENT:

A motion was made by Rymer and seconded by Murphy to adjourn the meeting. The motion was passed unanimously and the meeting was adjourned at 11am