

The April meeting of the Commissioners, of the WEST COAST INLAND NAVIGATION DISTRICT, was held April 15, 1968, in the Civil Defense Auditorium, Bradenton, Florida.

Present:

Ellsworth G. Simmons, Chairman, Hillsborough County
 A. L. Anderson, Vice Chairman, Pinellas County
 Mrs. Dorothy R. Flowers, Secretary, Charlotte County
 Kenneth D. Dierks, Treasurer, Manatee County
 Kenneth W. Daniels, Lee County
 Robert M. Wright, Sarasota County

Harlan T. Johnson, Executive Director
 Dewey A. Dye, Jr., Counsel

ADMINISTRATION

The Chairman called the meeting to order at 10:30 a.m. Minutes of the March 18 meeting were approved as presented. The Treasurer's Report was read and approved. Vouchers #5337 through #5382 were approved for payment.

PROGRESS REPORT

Construction

Canal Bank Treatment, Venice Area - The Director reported that work had started and that the length of time allowed for this contract is 410 days.

Bridges

SCL Bridge at Placida - The Chairman reported on his efforts to have these plans processed and released.

Spoil Areas, Sarasota County

The Director reported on the meeting held in Jacksonville on March 27. At this meeting, the Corps of Engineers approved a proposal made by the representative of the Casey Key Protective Association and agreed to accept Permanent Pipeline Easements which would authorize use for maintenance dredging of the existing project only. The Director stated that this could involve the WCIND in undesirable litigation and possibly require the WCIND to pay additional compensation for use of the same easement if the project is modified, i.e., if the Corps of Engineers would put in a widener or if they dredged a settling

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basin outside of the channel as they are planning to do in the Midnight Pass Area. A question might be raised whether or not this is maintenance, and the new easement proposed by the C.E. provides for maintenance of the existing project only. Owners could seek additional compensation if the Waterway is modified in any way. The Corps of Engineers previously required WCIND to get an easement that provided for disposal of spoil regardless of the reason that it originated, whether it be for a change in the channel or for maintenance.

The Chairman stated his view that the language should be broad enough to provide for all work on the present project, but this project has some flexibility. WCIND should secure the right to do any work that is in keeping with the project. He requested an opinion from Mr. Dye.

Mr. Dye stated his view: "The Corps will accept an easement which provided strictly for maintenance of the existing authorized project. Referring back to the Congressional House Document describing the authorized project, it describes a Channel 9 feet deep and 100 feet wide; so, technically, if you propose to do anything other than the maintenance of the 9' X 100' project, you couldn't do it on the proposed limited easement."

The Chairman stated that he did not think that WCIND ought to accept such a strict limitation. It is WCIND's intention and desire to properly protect the public. Easements secured should provide for disposal of spoil if the Waterway is modified from time to time by the Corps of Engineers after due process.

Mr. Dye stated that the major problem would be if Congress, not the Corps of Engineers, were to authorize the deepening and widening of the Waterway, say, to 12' X 150'; this, of course, would create quite a different problem in spoil disposal than that caused if the Corps of Engineers should determine that it is necessary to straighten a bend in the 9' X 100' Channel.

The Chairman stated that WCIND has an obligation to protect the public from additional expenditure regardless of who modifies the project, Congress or the Corps of Engineers.

Mr. Dye: "I feel that where we can acquire Spoil Areas by negotiation we should get the broadest possible rights that we can negotiate for in property. On those easements that we have to acquire by condemnation, we will possibly be limited to the

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maintenance of the existing project--at least in the area south of Tampa Bay where there is no authorized study of any different project. In the area north of Tampa Bay, we are justified in negotiating or condemning whatever right of way would be required for the proposed 12' X 150' project."

In answer to Mr. Daniels' question on permitted use of present spoil areas, Mr. Dye stated that all the spoil areas we have now can be used for any purpose, for this project, for any modifications thereto, or for any future deepening or widening.

It was agreed to continue with the present easement policies unless WCIND has to use condemnation; in that case the WCIND will accept a more restricted easement.

Mr. Wright stated that this would help eliminate the problem of objections to pumping rock onto the beaches. The WCIND resolution providing for payment to correct damage to beaches and the Corps of Engineers letter stating their policy, which requires contractors to clean rock from the beaches, was helping toward a better understanding and elimination of opposition.

The Director stated that the samples of material taken from the Channel behind Casey Key and Manasota Key consist basically of desirable sand without much muck in any of them. Two additional spoil area conferences are being arranged; one on April 19 with the Casey Key Group, and one on April 30 with the Sarasota County Commissioners.

Charlotte County Spoil Areas

The Director reported that studies of proposed changes to present spoil areas were requested from the U.S. Fish and Wildlife Service; these proposed changes were shown on the WCIND chart. Basically, these are adjustments to spoil areas to eliminate objectionable features; wherever an addition is made another spoil area is eliminated. In Charlotte County acquisition of spoil areas from private individuals has been completed; the proposed adjustments pertain only to property obtained from or to be obtained from the Trustees.

Mr. Dye stated that by working out this plan the WCIND was able to completely eliminate three spoil islands from the Bay. The modified plan, which the Corps of Engineers has approved, is to use slightly larger spoil areas and not so many of them.

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Sabal Palms Lake Drainage (re S/A S-35-1)

Mr. Dye stated that he had prepared a report and filed it with the Board, with a copy to Commissioner Wright. Mr. Wright said that the problem is being taken care of; no further action by the WCIND is required.

Litigation

Mr. Dye reported that the Gault parcel, as authorized by the Board at the last meeting, was settled; order of dismissal has been prepared. On the Walrath case, hearing is set for April 19 on an order of taking. It is estimated that the Court order will be in the neighborhood of \$90,000 to \$100,000. Mr. Dye requested authorization for a Court deposit check to be made whenever the order of taking is entered.

A motion was duly made and carried that this authorization be granted.

On the Norfolk Dredging Case, Mr. Dye stated that quite a bit of time has been spent securing witness statements and working down in Venice area in preparation for this case.

An order of taking will be entered, but just a nominal court deposit will be required, in the Florida Bridge case.

Motion was duly made and carried that the Progress Report be accepted as presented.

NEW BUSINESSPinellas County Spoil Areas

The Chairman presented a proposed resolution to the Board which asks for cooperation from Pinellas County in procurement of spoil areas. Commissioner Anderson expressed his approval. A motion was duly made and carried that Resolution No. 68 - 7 be adopted.

Employment of Mr. Cole

The Director reported to the Board that Mr. Cole was planning to attend college part-time and his services on a part-time basis would not be available to WCIND if he took another job as previously planned. WCIND has adequate work to keep him employed on

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a full-time basis. This would be greatly to our advantage due to his thorough knowledge of the project and the fact that he has done practically all the drafting and is fully acquainted with the survey notes. His employment on a full-time basis should result in a substantial saving. It was requested that the full-time employment of Mr. Cole be continued until the procurement of Pinellas County and Sarasota County spoil areas is completed. The Chairman stated that Hillsborough County had and would cooperate with the District regarding the employment of Mr. Cole. Agreement was reached that the full-time employment of Mr. Cole would be continued.

Budget

The Director reported that the budget was being prepared and members will receive information on it before the next meeting.

National Rivers & Harbors Congress

Mr. Dale Miller is the new president. The Annual Meeting will take place at the Mayflower Hotel, Washington, D.C., June 4 - 7. Motion was duly made and carried that members and staff are authorized to attend the annual meeting at WCIND expense.

Announcements

The Director reported that there would be some delay in WCIND work since Mr. Furman Moodie, an appraiser used by the WCIND, had died.

Lake Okeechobee is below depth; the Waterway there is below the project 8' depth.


A Survey Report from the District level, which is favorable to the St. Marks - Tampa Bay Waterway, has been received.

Stickney Point area markers 57 to 65 are all being replaced or relocated starting 1 May 1968.

Next Meeting

Monday, May 13, 1968, was approved as the date of the next Board Meeting.

The meeting adjourned at 11:10 a.m.


Secretary


Chairman

PROGRESS REPORT

March 12, 1968 - April 9, 1968

CONSTRUCTION

Canal Bank Treatment, Venice Area - On March 21 the Director attended the pre-construction conference in Clewiston. The contractor has established an office on the site; Mr. Wofford has been assigned as inspector by the Corps of Engineers; equipment is being assembled; progress appears to be satisfactory.

BRIDGES

SCL Bridge at Placida - The J. E. Greiner Company requested that the SCL Railroad Company expedite approval of the plans submitted to them on September 22, 1967.

ADMINISTRATION

Widener Cut S-9 - The South Venice Civic Association did not approve the proposed easement. Further negotiations are necessary.

Spoil Areas, Sarasota County - Mr. Dye, the Director, and representatives of Sarasota County conferred with Corps of Engineers representatives in Jacksonville on March 27, 1968. At the request of Sarasota County representatives, the Corps of Engineers agreed to accept Permanent Pipeline Easements which would authorize use for maintenance dredging of the existing project only. This could involve the WCIND in paying additional compensation for use of the same easement if the project is modified.

The Corps of Engineers also agreed to require contractors to remove rocks from the beach pumped there during maintenance dredging and to obtain additional information concerning the effects of spoil on the beaches as well as the quality of available spoil prior to the next conference.

WCIND representatives expressed a willingness to cooperate and discussed the problems involved concerning a change in the pipeline easement form. Conferees were informed that they would be advised of action taken by the WCIND.

On April 4, 1968 the Corps of Engineers provided a policy letter concerning the elimination of rock from spoil placed on the beaches and another letter suggesting a revised easement form. On April 2 and 3

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the Corps of Engineers took samples of material from the Waterway channel behind Casey Key and Manasota Key. Mr. Jack Van Norman accompanied the sampling party for part of the trip. Samples were provided to the WCIND. Analysis will be furnished by the Corps of Engineers at a later date.

Shoal - Midnight Pass Area - WCIND received official notification of a shoal in the Waterway in the vicinity of Midnight Pass and issued a warning notice to the press. With the assistance of the North Casey Key Beach Reclamation District, negotiations for a temporary beach spoil area were successfully concluded with Mr. T. H. Burkhardt. Mr. Van Norman did survey work required to correct previous survey. WCIND received notice that bids for the excavation of 44,000 cubic yards will be opened on 1 May, 1968. Plans and specifications are available.

Pinellas County Spoil Areas - During the visit to the Corps of Engineers in Jacksonville on March 27, Pinellas County spoil areas were discussed. Two staff planning conferences were held. Plans and estimates are being prepared.

Charlotte County Spoil Areas - During the visit to Corps of Engineers, adjustments to bay spoil areas were discussed. Studies of proposed additions to present spoil areas were requested from U.S. Fish and Wildlife Service.

Siesta Key Encroachments - The Corps of Engineers approved the WCIND recommendation that the right of way be reduced in the vicinity of Siesta Key to eliminate certain encroachments. West right-of-way line on Cut S-35 will be 140' from center line.

Dredge at Stickney Point - Received complaints concerning dredging in vicinity of Stickney Point. Investigation revealed that the dredge is providing fill for approach to new Stickney Point Bridge under contract to State Road Department. The WCIND is not involved.

Sabal Palms Lake Drainage (re S/A S-35-1) - The Attorney studied the record, inspected the site with the Director, conferred with County Engineer, and prepared an opinion.

Financial - A \$50,000 time deposit in the Manatee National Bank was extended for eight months at 5 per cent. \$50,000 was deposited in the Bank of Palmetto for seven months at 5 per cent and a deposit for a similar amount was extended for nine months at 5 per cent. The Inter City National Bank deposited \$50,000 Fulton County, Georgia, School District Bonds as security. Mr. Robert Austin, state auditor, stated that these are acceptable if rated in the top four categories and this

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rating is stated on the face of the receipt. The receipt has been amended to show the Standard and Poor's "A" rating.

CRUISE TIPS - The WCIND received additional copies of CRUISE TIPS on March 28 and resumed distribution, including a notice of the Waterway shoal near Midnight Pass.

Water to Manasota Key - Information has been received that the contract with the Englewood Water District will be signed in the next few days. Trustees have been appointed and an escrow account has been established in the Englewood Bank. Deposits are being accepted. The WCIND deposit check will be made out when terms of agreement have been reviewed.

Office Location - On March 25 the WCIND office was moved to: Room 262, Manatee County Courthouse.

LITIGATION

Hearing set on order of taking for WCIND vs. Walrath and WCIND vs. Florida Bridge Co. Walter Gault parcel in Walrath case was settled in accordance with WCIND Board approval and order of dismissal prepared.

Conferences were held with witnesses and co-counsel in Venice vs. Norfolk Dredging Company, Inc., and preparation made of answers to interrogatories.