

**WEST COAST INLAND NAVIGATION DISTRICT
BOARD MEETING
MINUTES OF DECEMBER 13, 2001
SARASOTA COUNTY COMMISSION CHAMBER**

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Commissioners Present:

Joe McClash, Chairman
Mac Horton, Vice-Chairman
Nora Patterson, Treasurer
Ray Judah, Secretary

Staff Present:

Charles W. Listowski, Executive Director
Philip E. Perrey, Counsel

Chairman Joe McClash opened the meeting at 10:30 a.m. at Commission Chamber, 1660 Ringling Boulevard, Sarasota, FL. Mr. Listowski called the roll and determined that a quorum was present.

PUBLIC COMMENT – none

DEPARTMENT OF ENVIRONMENTAL PROTECTION – A spokesperson from DEP will comment on a specific project during the Administrative Agenda.

U. S. ARMY CORPS OF ENGINEERS – Mr. Don Fore from the Jacksonville District office addressed the Board. New Pass and Gordons Pass in Naples received funding. New Pass will probably be done in July and Gordons Pass in September. The money was added by Congress outside of the regular budgeting process - \$1.8 for New Pass and \$1 million for Gordons Pass. Chairman McClash said the previous New Pass dredging project lasted only a few months and he has concerns about the realignment of the channel. It appears to be more of a beach renourishment project, than a navigation improvement project. He does not support the existing alignment, and wants the WCIND Board to be aware of the possible liabilities that could occur.

Commissioner Patterson said we owe a debt of gratitude to Representative Miller for securing the funds. She said it is a federally-maintained pass, and although she does not necessarily support the alignment, she acknowledges Commissioner McClash's point as potentially valid. Sarasota County is looking to the ACOE to do a study that would provide the substantial data on what path would be most effective, without damaging Lido Key.

Mr. Fore acknowledged a problem with the current alignment. The Corps has talked about doing a better job of monitoring the work. In response to a question from Commissioner Patterson, Mr. Fore said his recommendation would be to do the scientific studies that would better predict where to put this channel without damaging property. The construction division has looked at other inlets, and this pass should be studied, as it is one of the most unstable within the District.

Mr. Fore said that if the Corps dredges New Pass any further to the south, the City of Sarasota will really complain on behalf of Lido Key. Chairman McClash said he wants to go on record as opposing the current alignment. This is being done more for beach renourishment than for navigation, and it is not a new concern. Commissioner McClash advised that lawsuits have been filed in other parts of the country because people have died or been injured in passes they thought were safe for navigation, and agencies like WCIND were held responsible.

Mr. Listowski asked if it was appropriate to ask for a formal clarification of the funding source for this project. Mr. Listowski reminded the Board that New Pass is a federally-authorized project and that is why a clarification might be in order. Mr. Fore said the federal administration does not support the dredging of shallow draft projects. Therefore, the Corps did put in a dredging package for New Pass, and it was rejected originally. However, Congressman Miller did get a congressional add-on to do the project. Commissioner McClash said that what Mr. Listowski is saying is that let's make sure the efforts are really for navigation if that is the intention, but if the first priority is for beach renourishment, let's call it that.

Mr. Fore said that a study to determine the best navigation alignment would cost about \$125,000. The Chairman asked Mr. Listowski to bring back a cost estimate of a study to determine the issue and address the Board's concerns. Commissioner Patterson thought Congressman Miller could find the funds for this study.

Commissioner Patterson asked where the Corps would maintain passes on the west coast of Florida. The answer was Egmont Pass going into Tampa Bay. Mr. Listowski said WCIND considered last year approaching the Corps with a regional analysis/study of several issues, i.e. Lemon Bay, Stump Pass, Midnight Pass, Fort Myers Beach, Anna Maria, Passage Key, and Miserable Mile in Lee County. Even if this study by the Corps takes three years, it might produce some very valuable answers. He recommends that the Board direct him to work with Mr. Fore to put together a resolution asking for that kind of a study. Maybe the congressional delegation would be amenable to that. Commissioner Judah moved and Commissioner Horton seconded. Mr. Fore offered to check on the funding source to see if the Corps' priorities would include New Pass along with its first two priorities, which are St. John's River and Fernandina Harbor.

The motion passed unanimously.

Mr. Fore said two other navigation projects which will put sand on the beach are Longboat Pass and the Venice Inlet. Both areas have some hot spots due to erosion. The material has been sampled, and it is of beach quality. Because the Corps won't do any shallow draft projects, he said he would give the information to Sarasota County so it could lobby their congressional delegation. The Corps can get the permits and the WCIND can draft a letter of support to the congress. The Fort Myers Beach project should be deepened and relocated slightly to make it last longer. Mr. Listowski said another problem in the area is a segment called the "miserable mile", the entrance to the Caloosahatchee River, which is likely to shoal quite soon without the FPL barge traffic any longer. Perhaps that can be coupled with the Fort Myers Beach project. Mr. Fore said money is available for studies, but not for much else. Mr. Listowski was asked to draft a letter for the Chairman to sign regarding Fort Myers Beach.

Within two weeks, the Corps will probably approve the report regarding section 1135 funding. There is funding for plans and specs, but there needs to be a sponsor to cost share. Mr. Listowski suggested that perhaps Sarasota County and WCIND have differing concerns. WCIND is still the local sponsor of record, and it hasn't been assumed by the county. WCIND has a different priority list. Snake Island could be a problem. Skier's Island, owned by WCIND, is heavily used for recreation purposes. WCIND agrees with the county on Bird Colony Island. There was some confusion whether or not Sarasota County has submitted a formal prioritized list of support.

Chairman McClash would like to have a resolution that the county would assume responsibility for Snake Island in the future. These issues have been talked about for many years. Commissioner Patterson said the county has not been particularly interested in taking over Snake Island. The county's priority is to go to the southern end of Siesta Key for a couple of projects.

Mr. Listowski said that the county needs to submit a resolution agreeing to be the local sponsor instead of WCIND. Commissioner Patterson thought a letter had been sent from the county agreeing to be the local sponsor if the county could line up the sources of funding from which the local share would be paid. Sarasota County might be working on getting some grant money. In the meantime, the Corps has committed up to \$5 million for the project. Mr. Fore said that plans and specs do require a local match.

Mr. Laird Wreford, with Sarasota County Natural Resources, addressed the Board and clarified that the county's prioritized list included Palmer Point Park, Jim Neville Preserve, and Bird Colony Island. A community trust fund grant has been applied for. Since the county and WCIND agree on the priority of Bird Colony Island, the \$300,000 line item in the budget for state/federal match could be used toward that island. Mr. Fore has brought the cooperative agreement document with him. Counsel Perrey will take a look at it. Commissioner Patterson moved to commit a portion of the \$300,000 for plans and specs for Bird Colony Island, subject to the document being reviewed by counsel. Seconded by Commissioner Judah. Motion approved unanimously.

Commissioner McClash asked that Skiers Island and Snake Island be brought up again at the next meeting, taking into account the respective positions of the county and the District. Commissioner Patterson said that some boaters are very protective of their recreational interests at the other islands. Mr. Listowski said tropical storm Gabrielle created a nightmare at Snake Island regarding downed Australian pines in the water, but, fortunately, AmeriCorps was under contract and did a great job cleaning up. A boat was borrowed from Lee County to help with removal of debris from the island. Commissioner McClash directed that a breakdown of costs and plans be presented at the next meeting for all the islands.

Commissioner Horton said the state and county have some funds for dredging navigation projects. Instead of Stump Pass filling in again within a few months, the county told the state it wants to dredge according to the 1980 alignment. DEP wants to know where the sand is to be put before agreeing to the dredging. A report should be finished in April or May. Commissioner Horton needs help from the Corps and the District to look behind the scene for suggestions.

Possibly the dredging could be done in the fall of 2002. The county is looking at a possible four-tier source of funding. Permitting is the immediate concern right now.

Commissioner McClash directed Mr. Listowski to get together with Sarasota County's emergency response people and submit a request to FEMA for reimbursement for cleaning up after tropical storm Gabrielle.

Commissioner Patterson asked what specifically can be lobbied for to get the larger feasibility study off the ground. Mr. Fore talked with an aide to Representative Miller, and that did not come up before Congress.

Commissioner McClash asked Mr. Listowski to develop a legislative platform for specific lobbying efforts to present to our congressmen. He is to bring back the exact cost associated with that request. Mr. Fore said small funding might be available by a resolution.

CONSENT AGENDA

Commissioner Judah moved the Consent Agenda. Commissioner Horton seconded it. Motion passed unanimously.

ADIMINSTRATIVE AGENDA

1. New Investment Policy per Section 218.415 Florida Statutes – Counsel Perry. There has been a change of the Florida Statute that governs Investments by governmental bodies. Counsel Perrey and Ed Leonard have collaborated on a revised investment policy that brings us into compliance with current statutes. A copy is included in the Commissioner's notebooks. Staff recommends approval so WCIND can continue to invest in federal agencies and instrumentalities. There is a new requirement that Mr. Listowski or one of his staff get eight hours of continuing education every year in investment practices and policies. That's part of the new policy and it is a statutory mandate. Commissioner Judah moved to adopt the new investment policy and Commissioner Horton seconded to adopt the new policy. Motion passed unanimously.
2. Spoil Island Recreation – Dale Adams – DEP. Mr. Listowski said that WCIND has vested interest in several islands via fee simple ownership or perpetual easement instruments. He introduced Mr. Dale Adams from the DEP who had contracted us regarding the creation of a program that might formalize the public recreational use of spoil islands. Mr. Adams stated that there have been numerous complaints about how the spoil islands are being used. These islands are being used by recreation boaters on weekends, but the problem is that we have little or no basic care taker activities. Ideally, since these are mostly state islands, the state should be taking care of them but that is not going to happen due to current budget restraints. The state will have to look elsewhere for management of these islands. Ideally, there could be a chain of islands thru this district that have been identified as boater recreational areas. These are ideal places for the public to stop and picnic and rest. The main problem is the need for someone to oversee and provide the caretaker activities of the islands. Mr. Adams passed around some pictures to show how the islands have been misused. Again, he repeated

that there would be no help from Tallahassee. He stated that the districts hold title to some of these islands. Since the state does not have the ability to manage these islands, it would be the state's response to put up "No trespassing" signs. This is not really addressing the problem, but just pushing it somewhere else. There is a current request by a private group in Lee County to lease one of these islands. Some of these islands are state-owned and some are owned by WCIND, but even on the state-owned islands WCIND holds a spoil easement.

Mr. Adams was hoping to see what level of interest WCIND has on these spoil islands and perhaps seek direction from staff to come back with more data and information as to whether WCIND would like to be involved with these islands as waterway parks. On the East Coast, FIND has developed a program in the Indian River lagoon area for managing spoil islands as waterway parks. The improvements have mainly been installing picnic tables and grills.

Commissioner McClash would like Counsel Perrey to investigate the legal and liability issues involved and report back at a future meeting. Commissioner Patterson inquired about possible funding for these islands. Mr. Adams said a possibility might be Section 1135 funding from the Corps. Another possibility would be for the WCIND to apply for funding of the FRDAP monies.

Commissioner McClash restated his concerns about liability issues but at the same time trying to keep the islands available to recreation boaters. Mr. Listowski wanted the issue of exclusivity addressed where by the public at large would be prevented from using the island. Commissioner Judah complimented Mr. Adams on his intent to enhance public access to the islands, but he stated his concerns about the liability issues and that WINCD needs to re-evaluate its priorities with regards to the misuse and management of their own islands. Mr. Listowski stated that WCIND is in the process of identifying what spoil islands WCIND owns and does not own.

Commissioner McClash thanked Mr. Adams on his presentation. Due to a lack of timing, others in the audience who wanted to voice their concerns regarding the spoil islands were asked to come back when this issue is next discussed at a future meeting date.

3. State of Florida Boating Advisory Council. A statute referred to membership of the BAC which is a governor appointed body includes navigation districts under membership. For many years FIND has been in a position of being the only navigation district represented. Staff recommends trying to obtain membership on this council. Commissioner McClash suggested that there be a cooperative arrangement to where we could share representation. Commission Judah moved to pursue shared representation in the BAC membership and Commissioner Patterson seconded. Motion passed unanimously.
4. State of Florida DOT – Strategic Intermodal System Planning. Mr. Listowski has stated that staff has had limited, but productive dialogue, with FDOT staff charged with the development of a strategic management plan for an intermodal system of transportation. An FDOT survey document serves to outline the existing initiative. Staff recommends submittal of a resolution supporting the FDOT initiative, inclusive of a stronger link to waterborne transportation within the WCIND regional jurisdiction. A notion was made by

Commissioner Judah and seconded by Commissioner Horton directing Mr. Listowski to pursue representation on the Steering committee for the SIS.

5. Venetian Waterway Park – “Consent to Use” Request. Staff has received a comprehensive request for a future extension of Linear Park, referred to as segment “5A Airport.” As in the previous four segments, issues relative to the use of easement documents, that may not include language for formal/promoted recreational facilities, need clarification. Legal review and comments/approval by the USACOE have been the critical elements of formal approval by the USACOE. Staff sees no fatal flaws in the project design and recommends Board direction to do a legal analysis of the referenced perpetual canal easement and associated parcels and language regarding easement “purposes.” Commissioner McClash asked that they perform a legal review and report back to the Board. Commissioner Patterson moved and Commissioner Judah seconded that a legal review of the City’s request take place and report back. Motion passed unanimously.
6. Notice General Permit Update. Staff has met several times with FDEP staff attempting to acclimate planning and permit review staff with the regional waterway management system database. A final “wrap-up” meeting has been scheduled for January 15, 2002. Staff understands this to be the last meeting prior to the rule-making process completion.
7. Phillippi Creek Dredge Project. Moving forward fairly well with only small problems. We have already moved 20,000 yards of material to the old Bee Ridge landfill. The county recently approved a contract amendment in the amount of \$427,000 for the expansion of the dredging. Estimated completion date is March 2002. Commissioner Patterson voiced her concern that some of the fill has sat on the roots of old oak trees long enough to cause deterioration of the trees. Mr. Listowski said that the trees have been looked at and it has been determined that the trees are in severe distress and we’re going to try and stimulate their growth with fertilizer and fresh water. Commissioner Patterson asked Mr. Listowski to try and move some of the fill back in order to save the beautiful 100-year-old oak trees. Mr. Listowski said it would be looked into.
8. District Permit/Construction Activities. Staff is presently engaged in the following:
 - Sarasota County:
 - Phillippi Creek dredge and permit acquisition for Phillippi Cove and America Drive.
 - Multi-Site Permit Application – Whitaker Bayou permit approved and other sites under review.
 - Lee County
 - Permit for Broadway/Hogue channel imminent with construction planned for January-March timeframe.
 - Manatee County
 - Emerson Point dock, Crosley Estates channel dredge permit, and Cortez commercial channel dredge permit application in progress.

Regarding the Crosley Estate Channel dredge permit, Commissioner McClash said that the dredging has to go to the seven to eight feet level due to the size of the vessels that will be utilizing the channel. He asked Mr. Listowski to check with Larry White at the Convention Business Bureau.

- Multi-Site Application.

COMMISSIONERS' ITEMS

Commissioner Patterson pointed out that the next meeting is scheduled for Venice City hall but the facilities do not allow for taping the meetings. The meetings can be taped at the downtown Sarasota complex and at the South County Administration Center where we were meeting previously. It was decided to keep the next meeting date and site as February 1, 2002 at Venice City Hall.

Commissioner McClash represented WCIND at the legislative delegation at Manatee County concerning some changes in the statute that Phil is urging us to make regards to exempting WCIND from the fees charged for spoil material and return water into the state's waterways. Counsel Perrey distributed information on the subject.

EXECUTIVE DIRECTOR'S REPORT

Mr. Listowski will jot down some notes on various meetings and send them to the commissioners.

NEXT MEETING DATE AND TIME

February 1, 2002 at 10:30 a.m. at Venice City Hall.

ADJOURNMENT: 12:05 p.m.