

**WEST COAST INLAND NAVIGATION DISTRICT
MINUTES OF FEBRUARY 1, 2002 BOARD MEETING
VENICE CITY HALL – COUNCIL CHAMBERS
VENICE, FLORIDA**

MINUTES OF FEBRUARY 1, 2002

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 Council Chambers – Venice City Hall, Venice, FL. Mr. Listowski called the roll and determined that a quorum was present. Commissioner Judah arrived a few minutes after the meeting began.

PUBLIC COMMENT – Patrick McCarthy asked to talk about Snake Island. He represents the Snake Island Republic, a group of recreational boaters that enjoy using Snake Island on a regular basis. Snake Island is eroding at an accelerated rate due to the closure of Midnight Pass. The 1135 Restoration Study is flawed for several reasons. WCIND does not agree with the prioritization of the islands in Little Sarasota Bay by the Sarasota County Board of County Commissioners. He says that his research has shown that the other spoil islands owned by WCIND are full of trash and litter. His group keeps Snake Island clean on a weekly basis. It also agrees with the phased removal of exotics in conjunction with revegetation with sea grapes or other appropriate ground cover. The removal of Australian pines is not acceptable. The Snake Island Republic wishes to work together with WCIND in an open and public manner. He also asked what is going on with the seawall at the Venice jetties, which is in very poor shape.

Commissioner McClash said that at the last meeting the issue of Snake Island was sent back to Sarasota County for review and comment. Mr. Listowski reminded the Board that the Chairman signed a series of letters and Resolution 2002-01 which were sent to the congressional delegation requesting a general investigation study of the entire waterway. These documents specifically include the conditions at the Venice jetties. The Corps is being asked to look at that and to develop a maintenance plan.

Commissioner Patterson said the county's main priorities remain the Jim Neville Preserve and Palmer Point. The county has no real interest in transferring ownership of Snake Island from WCIND to Sarasota County. Mr. Listowski assured Commissioner Patterson that the only Australian pines that were taken down at Snake Island were those damaged by tropical storm Gabrielle. Chairman McClash suggested working with this local group to stabilize the island. Mr. Listowski should notify Board if he devises a revegetation plan and wants to implement it prior to the next Board Meeting.

DEPARTMENT OF ENVIRONMENTAL PROTECTION –No one was present.

U. S. ARMY CORPS OF ENGINEERS – Mr. Don Fore from the Corps’ Jacksonville office gave a report. The Corps still does not support shallow draft dredging. Asked to define what is a fundable project, Mr. Fore said greater than 16 feet, which excludes the Atlantic Intracoastal Waterway also. Dredging of New Pass and Gordon Pass will take place and bids will be advertised jointly. Mr. Fore brought a sample of a hydrographic model (shoaling analysis) of the St. Mary’s entrance channel. A discussion ensued about what direction the dredging should take and where the sand will be taken from and where it will be placed. Mr. Fore said the Corps is working closely with Dennis Daughters of the City of Sarasota. He will keep the Board informed about the progress of the dredging and will bring preliminary plans to the next meeting.

Mr. Fore and Mr. Listowski reported on a letter to LTG Robert B. Flowers, Commander, U. S. Army Corps of Engineers, on U. S. Senate stationary and signed by seven east coast senators from five states asking provocative questions about the condition of the AIWW. Mr. Listowski said that the Gulf ICW and the Okeechobee Waterway segment are not viewed in the same vein as the rest of the system. These two segments are not covered by funding associated with the Inland Waterway Trust Fund but by the Harbor Maintenance Trust Fund. Mr. Fore said the Corps is preparing a response. He said that the funds deposited in the Inland Waterways Navigation Trust Fund are essentially being gobbled up by the Mississippi River projects. Mr. Listowski reported on the AIWW conference he attended recently in Jacksonville. For this fiscal year \$139 million is allocated for an infrastructure security plan called “Operation Eagle”.

Chairman McClash asked that the Corps share its plans with WCIND. He needs something concrete from the Corps if he is going to ask a congressman for help. Mr. Fore will submit some dredging projects for inclusion in his budget in case something opens up and funding becomes available.

Mr. Fore said the Section 1135 report is still being studied and reviewed. Mr. Listowski will be attending a workshop in Jacksonville toward the end of the month regarding cooperative agreements. It could be a means for us to use Corps’ authorization, even though it does not have funding, by coming up with our own funding. It is something to think about with federal funds shrinking for shallow draft dredging projects. The Chairman reported on shallow spots, missing markers , and navigation dangers from his recent trip on the ICW.

CONSENT AGENDA – Commissioner Judah moved and Commissioner Horton seconded to approve the 3 items on the Consent Agenda. Motion approved unanimously.

ADMINISTRATIVE AGENDA

1. Audit Report by Ed Leonard - Mr. Leonard says the audit report is a clean and unqualified one, the highest level a CPA firm can place on audited financial statements. Commissioners had received copies of the audit on their pre-meeting package. Total Liabilities and Fund Equity is \$4,557,614. Total Revenues were \$56,151 over budget, and taxes collected amounted to just slightly less than budget. Total Expenditures were well under budget because we have so many multi-year projects that get carried over into the second and third years. The Capital Project Expenditures figures, both budget and actual, include waterway development projects and

carryover/match projects. The WCIND Board accepted the financial audit by Christopher, Smith, Leonard, Bristow, Stanell & Wells, P.A. for fiscal year 2001. Mr. Leonard was thanked for his presentation.

2. Slate of Officers – Commissioner Horton moved and Commissioner Patterson seconded to keep the same slate of officers for another year. Motion passed unanimously. Commissioner Patterson feels that the chair should be rotated the following year. The Chairman will remain Joe McClash, Vice-Chair: Mac Horton, Treasurer: Nora Patterson, and Secretary: Ray Judah.

3. District Legislative Initiative – Counsel Perrey reported on a bill to amend Chapter 189 of F. S., which would allow the dissolution of an independent special district via electorate review. He has been following this bill and believes it will be amended to require a recodification of our enabling legislation every ten years. We last recodified in 1998. Another initiative involved a letter from the WCIND Chairman to Senator John McKay, which reflects our effort to make the statutory maintenance dredging exemption more friendly and useful to us. Counsel Perrey was asked to look into whether or not it makes a difference if a county is a charter county or not regarding special acts of the legislature.

4. Report on NGP Permit Initiative – Counsel Perrey reported on a 7-hour long conference call/meeting with DEP staff recently regarding the Notice General Permit. We have 51 traffic sheds in Manatee and Sarasota Counties that could be dredged under this general permit once it became effective. One or two drafts have been reworked since this meeting.

5. Lawsuit Injury at Venice Marine Park Boat Ramp – Counsel Perrey said the District has been served with a lawsuit. We are covered by insurance, and the case has been referred to our insurance company who has retained counsel. Counsel Perrey is coordinating with them. The District has filed a Motion to Dismiss the lawsuit. The City of Venice and Sarasota County are also named in the suit.

6. Multi-Site Permit Initiative – Mr. Listowski said that we have received another permit in Sarasota County for a project called Turtle Beach Channel Dredging. Whittaker Bayou dredging has already been permitted and Phillippi Creek dredging project is more than 50% complete. Other permit activities being conducted by the District include Emerson Point, Crosley Estates, Aqualane Estates, and the recent receipt of the Broadway Hogue Channel Dredging Project in Lee County. The bid process has been completed for Broadway-Hogue, and the county is now in the selection process for a contractor. The project will be done in two months.

7. Florida Sea Grant Progress Report - Dr. Gustavo Antonini, recently retired from the University of Florida, was asked to present a progress report on Volume II of the Historical Geography of SW Florida Navigation. He is in the final phase of the Regional Waterway Management Project in Lee County. The final report should be in Mr. Listowski's hands by the end of March. That will set the stage for the second phase of the General Permit. Sea Grant now has a capable extension agent in Lee County in the person of Bob Wasno. He can be very helpful in strengthening the bonds between Sea Grant, WCIND, and the aquatic preserve people as many of the trafficsheds go through aquatic preserves. Volume II should be published in September, 2002 and will cover from the south end of Lemon Bay down to Cape Romano. This

area includes about 17 passes and 825 miles of boating waterways. In the process of his work he has come across valuable historic material (aerial photographs, maps, charts), which can be useful as the basis for permits.

8. Boating Law and Waterway Law Seminar (January 25, 2002) – WCIND co-sponsored this seminar in Fort Myers designed to look at all marine law issues as they affect and impact the Intracoastal Waterway and other county navigation issues. This was the first time this type of seminar was conducted and it results in a new appreciation of the importance of legal issues when approaching the state and federal government within the realm of permitting, funding, and long-term planning for public use of waterways in our region.

9. Atlantic Intracoastal Waterway Annual Meeting – Mr. Listowski attended a two-day meeting in Jacksonville relative to issues concerning the AIWW. Funding and long-range planning issues, including the federal government's focus on waterway safety and the national crisis involving terrorist activities was discussed. Issues of funding resulted in staff recommendation to the WCIND Board at this time to support the AIWW's request for assistance from Congress in the form of funding to facilitate projects to preserve and improve the Intracoastal Waterway. Staff also recommends a separate request for assistance via resolution and/or letter to Congress advising them of similar concerns on the Gulf Intracoastal Waterway side of the state of Florida. Staff also recommends a formal request to Congress regarding the use of the Harbor Maintenance Trust Fund for the GIWW segment of the intracoastal system. Staff also attended an Okeechobee Waterway Workshop on January 18th in Fort Myers. The issue of local sponsorship involving the Okeechobee Waterway, or lack thereof, was discussed. Suggestions were made that possibly WCIND could share responsibilities for local sponsorship with FIND pertinent to geographical limits. A newly organized consortium including 7 counties has been formed regarding the Okeechobee Waterway. The local sponsor, however, is the water management district with the specific focus of flood control. There are two major constriction areas in the Okeechobee Waterway. Water levels range from depths of 3-6 feet depending on the elevation of the lake.

Mr. Listowski said there are a lot of rhetorical comments about the value of the navigation district in helping to alleviate some of the challenges people are having regarding navigation issues on this waterway. Commissioner Judah moved and Commissioner Horton seconded to direct Mr. Listowski to draft an analysis of the issues regarding the Okeechobee Waterway. Motion approved unanimously.

COMMISSIONERS' ITEMS

1. Commissioner Patterson reported that Sarasota County wishes to pursue the reopening of Midnight Pass with DEP staff: what further data would be needed and what issues would have to be dealt with if the county wants to apply for a permit. She requested the assistance of Mr. Listowski and his attendance at a forthcoming meeting in Tallahassee. Commissioner Judah moved and Commissioner Horton seconded to send Mr. Listowski and Counsel Perrey, if necessary, to the meeting in Tallahassee. Motion approved unanimously.

2. Commissioner Horton reported that all parties are being extremely cooperative in pre-application meetings regarding Stump Pass. The project could start in December. Offers of

support through the counties' lobbyists already in Tallahassee for the legislative session were forthcoming.

WCIND COUNSEL'S REPORT – Counsel Perrey has nothing further to report. He offered to call Terry Lewis about Stump Pass on behalf of Charlotte County.

EXECUTIVE DIRECTOR'S REPORT – At the last meeting the issue of Boating Advisory Council representation was brought up. Mr. Listowski reported that a letter was received from FIND indicating that WCIND's request has been approved, and we will begin serving on that council as of January 1, 2003. The best representative would be a county commissioner. FIND does it that way with the Executive Director as an alternate.

We have been noticed by the National Waterways Conference and requested to participate more strongly in this organization. This is a national lobbying group for funding.

NEXT MEETING DATE AND TIME:- The next scheduled meeting date of April 5, 2002 will be changed to Friday, April 26, 2002 at 10:30 at Venice City Hall.

ADJOURNMENT: The meeting was adjourned at 12:20 p.m.