

**WEST COAST INLAND NAVIGATION DISTRICT
MINUTES OF FEBRUARY 14, 2003 BOARD MEETING
VENICE CITY HALL – COUNCIL CHAMBERS
VENICE, FLORIDA**

Commissioners Present:

Joe McClash, Chairman
Tom D'Aprile, Alternate
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.

DEPARTMENT OF ENVIRONMENT PROTECTION'S COMMENTS – Mr. Listowski reminded the Board of the organization of the state into an FDEP and FWCC. Mr. Kipp Frohlich, from the FWCC, was introduced and addressed the Board about manatee-related issues. Mr. Listowski also informed the Board of a meeting with the FDEP Ft. Myers Regional Director, Mr. Rick Cantrell, recently to discuss the upcoming plan for a Lee County NGP process, and to introduce him to the value of the recently published Vol. II, Historical Geography of Southwest Florida Waterways. Mr. Listowski described this meeting as being positive and productive as far as the formulation of the NGP.

Mr. Frohlich attempted to explain the process and relationship between the FWCC's administration of regulatory zones for boat traffic and the potential for funding of these regulatory zones with navigation district money. Discussion ensued regarding the six recently approved new regulatory zones in Manatee/Sarasota/Charlotte counties. Mr. Frohlich went into some detail explaining the state's strategic program, which in many cases appears to conflict with the recent portrayal of the federal jurisdiction. Although the state and federal jurisdictions sometimes overlap, there are differences in the signage requirements. Commissioner Patterson questioned the funding for signage placement in areas that do not have the benefit of a navigation district to represent them. Mr. Frohlich reported that the state assumes financial responsibility for these areas. Commissioner Patterson intimated that this condition could be viewed as unfair, with the appearance of penalizing an area that is fortunate enough to have navigation district representation. Further discussion ensued regarding funding of manatee signage and relationship to water-borne transportation infrastructure. Counsel Perrey then reminded the Board via a handout of a copy of the statute, which mandates WCIND funding of manatee protection signage. Mr. Frohlich noted the substantial challenges associated with the various issues involving manatee protection, with special note of the legal dilemmas. He announced that there will be a stakeholders meeting on February 21, 2003 in Tallahassee between federal and state agencies, and others associated with the manatee protection issue.

Mr. Listowski posed a question to Mr. Frohlich regarding federal and state posture for monies spent by the navigation district for manatee protection activity and how that money spent is acknowledged by federal and state agencies as being bona fide manatee protection activity. Commissioner Patterson questioned Mr. Frohlich about manatee protection plans and their impact on dock construction permits. Mr. Frohlich explained that dock permitting was outside his agency's jurisdiction and within the USFWS jurisdiction. He further explained his understanding of the importance of the manatee protection plan to the USFWS permit process.

Commissioner Judah requested an update from Counsel Perrey and/or Mr. Listowski concerning the referenced pending legislation regarding use of marine fuel tax to fund manatee signage, instead of navigation district related funding. Counsel Perrey proceeded to handout a document listing the annual initiatives to be conducted by WCIND contracted legal services. This substantial list of activity did not include the initiative to lobby for the fuel tax, as of present time. Counsel Perrey reiterated concerns regarding unfunded statutory mandates, including the manatee sign posting issue, and made some comment about the equity of state funding for other areas out of navigation district jurisdictions.

Board discussion ensued regarding strategies to provide alternatives to funding manatee protection signage and like projects. It was decided that the boat registration fee structure might provide such an alternative funding source if a consumer price index methodology was employed to commensurately raise fees if warranted. Commissioner McClash fostered the idea to the Board that a letter should go to the state legislative delegation requesting such a consumer price index inquiry. Commissioner Patterson made a motion to send a letter with the chair's signature to the state legislative delegation requesting an inquiry of the boat registration fee structure, seconded by Commissioner Judah, and motion passed unanimously.

U. S. ARMY CORPS OF ENGINEERS' COMMENTS – Mr. Don Fore, USACOE, addressed the Board and introduced this particular meeting as his last representing the Jacksonville District, as he is relocated to another USACOE position in Alaska.

Mr. Fore explained the construction aspects of the New Pass dredging project and alluded to the possibility of studying the dredge alignment for subsequent dredging events. He also went into some detail of the "capping" of the dark sand shoreline with whiter sand for the New Pass dredge project beach deposition aspect of the project. During a discussion regarding waterway conditions in the area of Longboat Pass and the need for congressional add funding for improvements, Commissioner McClash mentioned an initiative he undertook with Senator Bob Graham's office to request \$250,000 per year for a four-year period equaling \$1 million from the federal government for dredging improvements to known conditional deficiencies in the waterway. Mr. Listowski added that he had drafted a letter to Congressman Goss' attention regarding deficiencies in the waterway. It was the consensus of the Board that this letter should be addressed to each individual delegate of the Southwest Florida congressional delegation.

Commissioner McClash expressed concern of a safety issue around Jewfish Key. He suggested posting with temporary buoys, or something similar, to warn boaters of channel constrictions in that area.

Mr. Fore reported on an Englewood Town Hall meeting concern remedies for deficiencies in Lemon Bay and in relation to Stump Pass function. Mr. Fore reported that the regional feasibility funding that would apply to the Lemon Bay areas of concern could probably come from a funding source dedicated to the Port Manatee dredging project. Commissioner D'Aprile expressed concern and frustration over the time relative to processes conducted by the Corps of Engineers, especially the feasibility study time and all preliminary studies required prior to actual construction phase of an improvement. Mr. Fore explained that conservative estimates can be pared down and as much as 2 to 3 years can be eliminated from the process, but the process from start to finish would still be in the neighborhood of 6- to 7 years. Commissioner Patterson commented about the chances of the \$100,000 for the feasibility study being available, and she was assured by Mr. Fore that his information from Rep. Harris' office was that there would be a good chance that funding would be available.

Mr. Fore reported on a new Section 1135 in Lee County relative to the restoration of the Caloosahatchee River ox bows, and he also reported on the progress of the Section 1135 project in Sarasota Bay.

Mr. Listowski introduced in general terms, the USACOE new real estate encroachment policy and how it could have impact on some of the WCIND fee simple owned properties.

Members of the Board discussed the fact that Mr. Fore has represented the District in a very commendable fashion and a motion was made to send Mr. Fore an acknowledgment of the Board's appreciation for his service in the form of a resolution and commendation letter. The motion was seconded by Commissioner D'Aprile and motion passed unanimously.

CONSENT AGENDA – Commissioner Judah made the motion to approve the Consent Agenda, and Commissioner Patterson seconded it. Motion was approved unanimously.

ADMINISTRATIVE AGENDA

1. Audit Report by Ed Leonard - Mr. Leonard reported that the audit report is clean and unqualified, the highest level a CPA firm can place on audited financial statements. Total liabilities and fund equity were \$4,814,512 and total revenues were \$28,907 over budget. The WCIND Board received the financial audit by Christopher, Smith, Leonard, Bristow, Stanell & Wells, P.A. for fiscal year 2002.
2. Slate of Officers – Commissioner Judah motioned to nominate Commissioner Patterson as Chair for fiscal year 2003-04, Commissioner D'Aprile seconded motion, and motion passed unanimously. Commissioner McClash motioned to nominate Commissioner Judah as Vice Chair, Commissioner D'Aprile seconded motion, and motion passed unanimously. Commissioner Judah motioned to nominate Commissioner Horton as Secretary, Commissioner Patterson seconded, and motion passed unanimously. Commissioner Patterson nominated Commissioner McClash as Treasurer, seconded by Commissioner Judah, and motion passed unanimously.
3. Palm/Knight Island Temporary Access/Construction Easements – Brief discussion regarding requirement for appraisal of District properties ensued, with the result being acknowledgment by the Board of the cost of said appraisal being covered by suggested license fees. Staff reported that adjustment to fees would be conveyed in formal fashion to licensee.
4. Phillippi Creek Dredge Report – Contract Addendum/Assignment – Commissioner Patterson requested a synopsis of the current status of the Phillippi Creek dredging project from Mr. Listowski. Mr. Listowski suggested that the best strategy at this time would be for District staff to discuss renegotiation of the existing contract with the contractor of record and/or representative of that contractor. Mr. Listowski further reported that the remaining balance in the existing contract is \$135,900, and additionally, funds are available in the Sarasota County project to supplement this to an approximate amount of \$175,000. This amount will not complete the project balance, but will complete a substantial amount of the project volume. Commissioner Patterson then related Sarasota County's position to be desirous of a positive completion of the project with Mr. Listowski negotiating with the contractor for satisfactory completion of the project in a performance-based contract with County concurrence. Motion made by Commissioner McClash, seconded by Commissioner D'Aprile. Further discussion amongst the Board provided clarification to staff regarding future requirements for Sarasota County approval of amendments to the contract. It was decided to proceed with the existing contract funding balance while pursuing adequate contract amendments to complete the project, as needed. Motion passed unanimously.

Chair Patterson then allowed Mr. Jon Brown, a resident along Phillippi Cove in Sarasota County, to address the Board regarding deteriorated conditions and access to the Cove. Mr. Brown expressed his

frustration with the length of time of the process to improve the entrance to Phillippi Cove. Mr. Listowski informed him that if the previously directed renegotiation of the existing contract went smoothly regarding the County concurrence, Phillippi Cove entrance dredging could be complete by the end of May 2003.

5. Request for Proposals – Environmental and Project Management Consultants – Mr. Listowski reported to the Board on the progress of a master contract for environmental services/project management activities. The first draft of this professional services contract is near completion and will be ready for advertisement in approximately 30 to 60 days. Motion by Commissioner McClash to move forward on the process of advertising for professional services for environmental and project management. Motion was seconded by Commissioner D'Aprile and passed unanimously.
6. A Historical Geography of Southwest Florida Waterways - Vol. II – Comments – Mr. Listowski introduced Dr. Gustavo Antonini, principal author of Vols. I and II – Historical Geography of Southwest Florida Waterways. Dr. Antonini briefed the Board on the essential ingredients of Vol. II and was met with enthusiastic response by the Board. One of the primary focuses of Vol. II was the Caloosahatchee River/Okeechobee Waterway, which is under some scrutiny and possible funding from Section 1135 program through the federal government, and also for two main constriction areas, which restrict navigation at certain times of the year between the Atlantic Ocean and the Gulf.
7. Meeting Reports – Mr. Listowski reported to the Board staff's level of attendance in committee meetings and special interest groups, in order to give the Board an understanding of some of the planning initiatives in the region.
 - a. Regional Beach & Inlet Management -
 - b. Regional Marine Advisory Committee
 - c. FWCC Strategic Enforcement Meeting
 - d. 2003 University of Florida Extension Review
 - e. Regional Waterway Management Meeting – Manatee County Staff

EXECUTIVE DIRECTOR'S REPORT – Mr. Listowski reintroduced to the Board Mr. Bill McFetteridge from Taylor Engineering who provided visual graphics and posters with aerial photos used for property inventory purposes. He also provided a new document with accompanying CD to discuss WCIND properties and right-of-ways. Commissioner McClash requested clarification on the content of the report and it was explained that the essence of the current report includes properties that are most usable by the District at the present time.

GENERAL COUNSEL'S REPORT – Counsel Perrey reported on correspondence from Mr. John Konecnik, Fisherman's Wharf in Venice. Mr. Konecnik is of the opinion that the District owned property adjacent to his property is inaccessible unless he assesses the District fees and charges associated with access. District staff strongly disagrees and Counsel Perrey has conveyed this to Mr. Konecnik.

The meeting was adjourned at 12:30 p.m.