

WEST COAST INLAND NAVIGATION DISTRICT
BOARD MEETING
MINUTES OF JULY 23, 1999
SOUTH COUNTY ADMINISTRATION CENTER, VENICE FLORIDA

MINUTES OF JULY 23, 1999:

COMMISSIONERS PRESENT: Ray Judah, Chairman
 Joe McClash, Vice Chairman
 Shannon Staub, Sarasota County Alternate

COMMISSIONERS ABSENT: Donald Coppola, Secretary

STAFF PRESENT: Charles W. Listowski, Executive Director
 Philip E. Perrey, Counsel

Chairman Judah opened the meeting at 10:30 a.m , noting a quorum was present, with Commissioner Donald Coppola being absent. Mr. Listowski reported no deletions or additions to the Agenda.

PUBLIC COMMENT:

Nancy Detert, State Representative; Tom Fields, President of Venice Kiwanis Club; Don Hay, V-P of Venice Chamber of Commerce and a member of the Venice Sertoma Club; Matt DePalma, board member of the Venice Foundation, VABI and Chamber of Commerce; John Davidson, Gasparilla Condo Association; Dean Calamaris, City of Venice Mayor; Laura O'Connor, President of Venice Main Street; and Lynne Lewis, citizen, all spoke in favor of the Linear Park Project.

DEPARTMENT OF ENVIRONMENTAL PROTECTION: No one was present.

U. S. ARMY CORPS OF ENGINEERS – Sharon Conklin, of the real estate office, and Pat Hansen, of the operation and maintenance office, of the Corps of Engineers in Jacksonville were introduced by Chuck Listowski. Mr. Listowski reported on meetings with Commissioner McClash and Don Fore of the Corps of Engineers concerning strategies to be considered in relation to a recent survey submitted by the Corps concerning shoaling along the ICW. Also, the pilot program at Matanzas Pass was supposed to come up this fall, but has been set back due to conflicts with construction contractor of choice. It may come up in December, or as late as January or February, 2000.

Mr. Listowski said the District is working with the ACOE to put together a GIS survey product similar to what FIND has on the east coast. It shows spoil deposition and the entire channel on GIS. We might also include Hillsborough County which was originally in WCIND.

Mr. Listowski asked Ms. Hansen about the inter-agency agreements the Corps has in place which allow the local sponsors to participate more fully and actively in the implementation of project construction specifications. Ms. Hansen said there are a couple of different kinds of agreements,

i.e. such as when the federal regulations require that part of the cost be paid by the local sponsor, when the local sponsor might want additional work performed since the Corps was already working in the area, and when the local sponsor (such as FIND) contributes directly to the Corps for projects that it wants done which should be federally funded but the Corps does not have the funds to do.

Mr. Perrey said a source of concern for him as he has reviewed the agreement between FIND and the ACOE is the indemnification provision which requires FIND to indemnify the ACOE. Usually, one government agency cannot indemnify another government agency. However, he has seen statutory provisions that authorize these kinds of agreements. He will report to the Board next month, and he has talked to the FIND attorney about this matter. Having an agreement in place will certainly speed up the timeline factor when it comes to doing a project.

Commissioner Judah asked about state approval of the spoil site configuration for the Matanzas dredging project. That is being worked on said Ms. Hansen, and design work is being done. What the Corps needs before awarding a contract is water quality from the state.

Commissioner McClash asked how soon we can take a look at the hot spots that are shoaling so we can get them dredged for navigation purposes. Mr. Fore has scheduled some testing. Ms. Hansen said the first thing you need to do is determine the type of material you are going to dredge, i.e. whether it is beach quality or not. Then, you have to ask if you have a place for this material. Commissioner McClash brought up the subject of Corps coordination of effort on the Phillippi Creek dredging project, i.e. using the same dredging contractor. Ms. Hansen said she would be happy to work with the District, but it is difficult to get funding shifted from one project to another.

Mr. Listowski reported on the regional marine law enforcement dock in Venice, a project started 2 ½ years ago. We have been told that it is likely we will get the permit next month.

CONSENT AGENDA – Commissioner Staub moved and Commissioner McClash seconded to move approval of the Consent Agenda. Motion passed unanimously.

ADMINISTRATIVE AGENDA

1. Linear Park in Venice – A lengthy discussion ensued. See “Verbatim Excerpts” attached to the Minutes. Commissioner Staub moved to confirm WCIND’s endorsement of the Venice Linear Park project and to authorize WCIND staff to work with involved parties to assist in the process of design and implementation. Commissioner McClash seconded. Motion passed unanimously.
2. Legislative/Legal Report by Counsel Perrey – Counsel Perrey reported that our legislative proposal did pass, allowing us to make the process of getting permits and exemptions more user-friendly. A significant accomplishment of the new legislation allows us to use state lands without paying fees. It also gets state lands authorization bundled together with our permit for our exemption. Sometimes it is more difficult to obtain an easement vs. a consent of use.

We have 3 out of 4 permits for Phillippi Creek. We have filed an exemption application for the mouth of the creek, which DEP has denied, so the application has been converted into a permit application. Commissioner McClash would like to give Mr. Listowski authorization to go ahead and try to get the maintenance exemption for that portion in front of Phillippi Creek that is in the Intracoastal Waterway. We can make a decision at that time about how much it will cost the District to dredge that portion. Perhaps the Corps can do the dredging, but if it doesn't have the funds, WCIND can consider it as long as the dredging contractor has mobilized his equipment in the area. Mr. Listowski is to report at the September Board Meeting about acquiring the maintenance permit exemption. Commissioner Staub moved for Mr. Listowski to pursue this issue. Commissioner McClash seconded. Motion passed unanimously.

Counsel Perrey said we will approach DEP to start a rule making process to develop for the District a rule authorizing the issuance of general permits. This would be a process whereby if you met all the criteria you would be issued a general permit with no fuss, and it would allow us to do the work on an expedited basis.

We are trying to set up a meeting with Secretary Struhs of the DEP to solicit his blessing to do this rulemaking. Mr. Listowski said we are baffled by Mr. Struhs refusal to return our telephone calls, letters, or personal invitations. A meeting had been set up but the Secretary canceled it. Commissioner Staub offered to try to arrange a day-long meeting with Mr. Struhs to look at the septic tank problem in the Phillippi Creek area for a half-day and then have Mr. Struhs look at WCIND issues for the other half-day with the possibility of the Chamber of Commerce sponsoring a luncheon. Her suggestion was very welcomed.

Counsel Perrey reported that a lawsuit has been filed in Sarasota County Circuit Court involving a death two years ago on the waterway. The District has not been served papers, but we are monitoring the case as necessary.

3. Regional Waterway Management System – Dr. Antonini reported that the north Manatee County study was being completed this month with the submittal of a draft final report. Some 7,000 boats and moorings have been inventoried and evaluated along 153 miles of navigable waterways.

The field crew in Lee County is completing the last leg of a resurvey bathymetry in one area. There have been surveys of 100 miles of navigable waters in Estero Bay including 9,000 boats and moorings in that area. He will be initiating a Pine Island Sound survey this year.

The second edition of the guide to anchorages in southwest Florida has been published, and the information is available on the web. Dr. Antonini reported that he has provided support to various cities through public workshops which provide a forum for facilitating anchorage management for municipalities.

The Blueways initiative is a new result over many years of trying to develop a collaborative working relationship with DEP. The Florida Marine Research Institute is working with us and will provide funds of \$40,000 - \$50,000 and technical support over the coming year to pursue some very creative projects, one of which is the Blueways initiative for the waterways.

He has printed a NOAA prototype photo chart that has been used and evaluated by a test group of area boaters. Preliminary results shows some very good news, i.e. that boaters in southwest Florida are quite aware of what is the right thing to do from an environmental standpoint. Recommendations will be made to NOAA on how to improve the coastal chart to make it a better instrument for safe navigation.

4. Pre-Positioned Debris Removal Contracts – Mr. Listowski went to the National Hurricane Conference and came back disillusioned by the knowledge that we have no ability to readily remove debris from our waters after a hurricane. He would like to get an expert to assess our needs. The counties say they do not have pre-positioned disposal contracts. Mr. Listowski was directed to work with the counties and to find out what is required for documentation in order to be reimbursed from FEMA.
5. Stump Pass Status Report – A letter is going to be sent to the administrator of the Erosion Control Protection funds in order to get cost-sharing. Our budget and the Charlotte County's budgets will both provide for an interim dredge, that is already permitted for Stump Pass, to get us through a five-year cycle until we get to an inlet management plan for a long term approach. The state is appearing reluctant to contribute their cost-share which had been promised to us. Mr. Elliot Kampert from Charlotte County endorsed Mr. Listowski's report and approach.
6. Regional Beach/Inlet Convocation Report – deferred to the September meeting.
7. Presentation of Preliminary 1999/2000 Budget – Mr. Listowski is recommending a millage rate of .04, the same as the current year. Commissioner Staub moved to approve the preliminary budget at .04 mills. Commissioner McClash seconded. Motion approved unanimously.
8. Annual Accomplishments Report – See attached list.

COMMISSIONERS' ITEMS – Commissioner Staub reported that Sarasota County's Coastal Advisory Committee will inform Mr. Listowski of all their meetings so he may attend if he so chooses.

WCIND COUNSEL'S REPORT – Already given.

EXECUTIVE DIRECTOR'S REPORT – Mr. Listowski has requested that we assist Charlotte County in dredging three projects – Ainger, Oyster, and Buck Creeks. They involve dredging as part of the replacement of existing bridges. We have determined that only Ainger and Oyster Creeks would need dredging permits. Our funding would be used only to secure permits, not for construction or dredging, since Charlotte County is tapped out due to the Stump Pass dredging project.

Lee County has requested a \$5,000 appropriation for a feasibility study to examine what it would take to establish a facility to treat injured manatees. This would be conjunction with the Calusa Nature Center and Planetarium. A regional approach involving similar institutions in Manatee and Sarasota Counties would be recommended by staff. Request approved.

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Chairman Judah thanked Commissioner McClash for his dedication and input and thanked Commissioner Staub for her participation at today's Board Meeting.

NEXT MEETING DATES AND TIMES: - Friday, September 10, 1999 at 4:00 followed by the first Public Hearing at 5:01 p.m.

Final Public Hearing – Friday, September 17, 1999 at 5:01 p.m.

ADJOURNMENT – 12:10 P.M.