

**WEST COAST INLAND NAVIGATION DISTRICT  
MINUTES OF JULY 25, 2003 BOARD MEETING  
VENICE CITY HALL – COUNCIL CHAMBERS  
VENICE, FLORIDA**

Commissioners Present:

Nora Patterson, Chair  
Ray Judah, Vice Chair  
Joe McClash, Treasurer  
Tom D'Aprile, Alternate

Staff Present:

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

Chair Nora Patterson 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.

PUBLIC COMMENT – None.

U. S. ARMY CORPS OF ENGINEERS' COMMENTS – Mr. Listowski suggested that item 5 on the Administrative Agenda be consolidated into this section of the agenda within Mr. McMillen's report and comments to the Board.

Mr. McMillen reported progress associated with the Section 1135 projects in Lee County along the Okeechobee Waterway/Caloosahatchee River, and the island restoration project in Sarasota Bay, Sarasota County. The Caloosahatchee oxbow project is moving towards a PRP phase, and the Sarasota Bay restoration project is in the plans and specs development phase. Planned construction for the Sarasota Bay project to commence is spring/summer 2005.

Mr. McMillen also reported on the completion of the New Pass dredging project and also on the congressional request for funds to be transferred from the Manatee Harbor improvement project to a Sarasota Bay water quality/feasibility project. Mr. McMillen explained the process the Corps is presently implementing to complete projects and stay within available funding guidelines, by slowing down the projects in regards to payment procedures and close-out documents. Commissioner McClash added clarification to the issue by indicating his understanding of this process to be a cash flow manipulation versus a lack of funding appropriations for projects.

Commissioner Patterson inquired as to the applicability of the "contributed funds agreement" to issues of funding availability, etc. This item is #1 on the Administrative Agenda. Mr. McMillen responded to Commissioner Patterson affirmatively that the contributed funds agreement process would enable the District to address areas of concern and deficiencies within the regional waterway system in a more imminent fashion compared to the Corps when federal funding is not available. Mr. McMillen explained further that the Corps is not presently viewing the GIWW as a priority for funding. Mr. McMillen explained that the contributed funds agreement enables the WCIND and the Corps to integrate funding in such a manner as to address a project budget that is unaddressable for either individual entity. Further discussion by the Board involved clarification on reimbursements from the Corps on money spent by the District and how the contributed funds agreement would have no stipulations for reimbursement by the federal government.

Other issues mentioned by Commissioner McClash involved the ability to coordinate maintenance of the Intracoastal Waterway with minimal mobilization/demobilization costs if a dredging contractor was doing work nearby. Commissioner McClash also considered the contributed funds agreement to be only one aspect of a comprehensive strategy to address waterway maintenance, including pursuit of federal support to supplement District efforts.

Mr. Listowski asked Mr. McMillen about the current status of a Corps post-construction survey on the recently dredged New Pass channel. Discussion ensued by the Board relative to potential funding from the Corps to do such a "study" to determine rate of accelerated shoaling into the dredged cut and also potential for a realignment of the maintained channel to enhance longevity of the navigable conditions of the Pass. Commissioner McClash explained to Mr. McMillen that Mr. Don Fore, his predecessor, indicated that there might be funding available to do such an independent study to determine a better alignment of the Pass. Mr. McMillen seemed to indicate that the Corps commitment to maintenance of New Pass was reaching a conclusion. Mr. McMillen advised the Board that he would return to Headquarters to determine any potential funding categories that could be applied to further review the New Pass condition.

Mr. Listowski introduced comment regarding the 2003 South Atlantic Division Civil Works Conference by the Corps. His report included an overview of the Commanding General's comments regarding worldwide Corps project involvement with specific emphasis on the countries of Afghanistan and Iraq. The most notable project planned by the Corps in Iraq is the restoration of the area referenced in the Bible, called the "Garden on Eden." Mr. Listowski also reported on the work sessions associated with the conference that dealt with the Corps regulatory and planning processes. Mr. McMillen added that the Corps presence in Iraq is substantive and probably will be long standing, due to the kinds of projects in which they are involved, such as cleanup of destroyed portions of major cities and restoration of power and infrastructure to major cities.

Counsel Perrey stated further the importance of the conference to WCIND staff in regards to networking with critical Corps staff, such as legal counsel representatives of the federal government, etc. Counsel Perrey went into some detail regarding the deficiencies of the Corps process for gaining authorization to do a project and how comments were registered from various stakeholders, such as WCIND, relative to this process. He also explained the relationships and challenges associated with other federal government entities that have a vested interest in decision making regarding projects. The essence of the meeting could then be described as a forum for customers of the Corps and how processes could be made better for the public benefit.

Commissioner Judah thanked Mr. McMillen for all his efforts regarding the Section 1135 in Lee County and for his general efforts on behalf of the WCIND. Commissioner D'Aprile asked Mr. McMillen for his opinion regarding the possibility of a positive economic impact from the Middle East war on the U.S. economy. Mr. McMillen responded that the government initiatives and cash flow conditions that we have experienced in the last 10 years are largely due to Administration policies, so it is difficult to answer the question simply regarding any positive outcomes for our economy from the Middle East war.

Mr. McMillen closed with the announcement for the next Civil Works Conference for July of 2004 and how his observation is that these conferences are very valuable and important to all entities that interact with the federal government.

CONSENT AGENDA – Commissioner Judah made a motion to approve the consent agenda, seconded by Commissioner D'Aprile, and the motion passed unanimously.

ADMINISTRATIVE AGENDA

1. USACOE Draft Contributed Funds Agreement – Counsel Perrey – Discussion by Commissioner Patterson included a request to make a minor modification to the document, but clarified that the suggested amendment was not critical to the final approval by the WCIND Board and was meant to be further protective language for the District. The motion was made by Commissioner Judah, seconded by Commissioner McClash with emphasis on amended language not being required for WCND approval relative to item 11, page 5 of the draft contributed funds agreement. Motion passed unanimously.
  
2. Charlotte County Manatee Protection Speed Zones – Report – Mr. Listowski introduced a request for assistance from Charlotte County in dealing with manatee protection signage as outlined by the FWCC. Commissioner Patterson likened this situation to a recent dilemma in Sarasota County whereby federal markers in Big Pass were “decommissioned.” Commissioner McClash also suggested that WCIND had discussed the issue of speed zone signage and other markers outside of the federal waterway system being a primary responsibility of the member county. This Charlotte County issue appears to be outside of the District’s primary purview and, therefore, should not be a primary activity by District staff at this time. Commissioner D’Aprile discussed the negotiations between the county and the state regarding Shell Creek. Commissioner McClash made the motion to establish a formal position that the WCIND regional funding be used for improvements and/or maintenance to the Intracoastal Waterway channel and that secondary channels located in member county’s jurisdictions should be addressed by county dollars allocated through WCIND for such improvements. Additionally, to this motion, Commissioner McClash suggested that a letter be sent to the U.S. Coast Guard requesting that the remaining markers in the New Pass channel system (interchannel) continue to be maintained by the federal government. Commissioner Judah requested clarification that the stated county funds utilized for county channel maintenance should come from dedicated funds found within the county’s WCIND budgets. Commissioner Judah seconded the motion and motion passed unanimously. Commissioner McClash formalized the previous thought regarding New Pass markers into a motion to send a letter with the Chair’s signature to the U.S. Coast Guard requesting continual maintenance of markers 9 through 19 in the Sarasota Pass channel, seconded by Commissioner Judah, and motion passed unanimously.
  - a. County Request for District Assistance in Establishing Shell Creek and Lemon Bay Channel Markers – Mr. Listowski requested the Board’s approval to assist Charlotte County staff with the development of a marker system in Shell Creek and an anticipated marker system to be announced in Lemon Bay. Commissioner D’Aprile made a motion to direct WCIND staff to assist Charlotte County in developing the Shell Creek channel marker system using Charlotte County funding resources for this establishment. Commissioner Judah seconded the motion, and motion passed unanimously.
  
3. Middle Spoil Island Rehabilitation Project – Caloosahatchee River, Lee County – Mr. Listowski explained that the request from Lee County for funding through Lee County CNIF for exotic removal of Australian pines from an established spoil island adjacent to the Intracoastal Waterway was an appropriate project and a similar project was funded in FY94. Commissioner Judah made a motion to allow approval for this project, seconded by Commissioner McClash. Commissioner Judah further stated the importance of this project to the boaters in this region due to the location. Motion passed unanimously.

4. ICW Shoal Report and Improvement Strategy – Mr. Listowski reported to the Board a strategy and cost estimate for preparation of a request to the congressional delegation for “add” funding to remove restrictive shoals from the Intracoastal Waterway in areas of Longboat Pass, Venice Inlet, and the “Miserable Mile” located near the mouth of the Caloosahatchee River. Commissioner McClash indicated that he had recently taken a District-wide boat trip, which gave him an opportunity to inspect navigability of the ICW. Commissioner McClash commented that the area indicated as being problematic in the bay system near Longboat Pass might have changed since the last Corps survey. Commissioner McClash asked for clarification on restrictions that he experienced in the area of Venice referred to as Venice Inlet/Snake Island area. After some discussion about the reliability of the Corps shoaling study data, Commissioner McClash made a motion to have staff conduct a field survey of the areas in question to determine most current and accurate conditions of shoaling. Motion seconded by Commissioner Judah, motion approved unanimously.
5. USACOE Civil Works Annual Meeting – Report – This was reported during Mr. McMillen’s section of the agenda.
6. District Projects/Permitting Initiatives/Property Management Report – Mr. Listowski reported on projects being conducted by the District including projects in Sarasota County involving District property and wildlife issues. He reported on upcoming avian surveys on certain properties in Sarasota County to be conducted in the next few months. Commissioner Patterson reminded Mr. Listowski that he was to forward copies of other conducted wildlife surveys to Sarasota County Natural Resources staff for their review. Commissioner Patterson also mentioned the need to complete a spoil management plan relative to wildlife for county staff to review and submit to Sarasota County for collaboration. Commissioner McClash suggested relative to the report on the Crosley Estate channel and associated seagrass relocation that the consultant for Port Manatee possibly provide assistance to this effort. Staff is involved with FDEP and county/FSG staff to develop an NGP for Lee County waterways with 65 waterbodies under consideration. In a meeting with Charlotte County administrative staff, there was a desire to explore the development of a countywide regional waterway management database.
7. WCIND Preliminary Budget for FY 2003-2004 – Mr. Listowski reflected on the requirements to advertise a FY03/04 millage and a need for Board direction. Mr. Listowski suggests .04 as a millage rate that would allow satisfaction of all county funding requests and maintenance of the District programs and initiatives at current levels. Motion was made by Commissioner McClash to advertise .04 as millage rate for FY03/04. Seconded by Commissioner Judah, and motion passes unanimously.

COMMISSIONERS’ ITEMS – Commissioner McClash requested clarification about the update revisions for the waterway guide map, and offered his assistance in the formulation of a new version. There was some discussion about the upcoming public hearings schedule on September 5 and September 12 at 5:01 p.m.

The meeting adjourned at 11:30 a.m.