

**WEST COAST INLAND NAVIGATION DISTRICT  
MINUTES OF JULY 31, 2002 BOARD MEETING  
VENICE CITY HALL – COUNCIL CHAMBERS  
VENICE, FLORIDA**

Commissioners Present:

Joe McClash, Chairman  
Mac Horton, Vice-Chairman  
Nora Patterson, Treasurer  
Bob Janes, Alternate

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.

PUBLIC COMMENT – Mr. Listowski requested that comments received from Mr. Patrick McCarthy via email be included in the record. The following are highlights from Mr. McCarthy's email:

- In regards to Snake Island, it is hoped that a revegetation program will take place before any more cutting is done.
- There is concern about the condition of the Venice jetty's seawall. One more storm and the parking lot and inlet will be lost. This should be a top priority for WCIND, ACOE, and Sarasota County.
- Regarding the By-Pass Park issue (agenda item #8), Mr. McCarthy sees the "Boys & Girls Club," "Special Olympics", etc. as the user and hopes that the Board considers the importance of these services in the community.

DEPARTMENT OF ENVIRONMENTAL PROTECTION'S COMMENTS – None

U.S. ARMY CORPS OF ENGINEERS' COMMENTS – Mr. Listowski reported on comments received via email from Don Fore, USACOE:

- The Section 1135 Environmental Restoration Report is supposed to be mailed out to the South Atlantic Division on July 30, and hopefully will receive their approval within a month, so the USACOE can proceed with the P&S (Project Cooperation Agreements and Scope). Mr. Fore will send Mr. Listowski and Mr. Laird Wreford a copy of the approved ERR, and then follow up to determine the scope based on available funding and desires of the respective sponsors. Mr. Fore would like to settle on the scope of work by September 30 (if ERR approval is received on or around September 1). Tentative sponsorship:
  - WCIND – Skiers and Snake Island
  - Sarasota County – Jim Neville, Palmer Point, and Bird Colony
- New Pass/Gordon Pass Dredging: Present schedule calls for bid opening on August 15, but this will probably change to August 25 due to lack of Water Quality Certification from the State. The Notice of Intent will be published July 29 leading to the WQC being issued around August 13-15.
- Regarding the local study to determine best alignment and minimum dredging requirements for the GIWW, they are now moving on it. When there is no funding for a project and limited resources to do the work, it makes for a tough situation. WES is prepared to move out on the New Pass analysis, and hopefully a little money can be found to study the best dredging

alignment. The Regional Feasibility study for the GIWW is still awaiting an amended resolution to change the Midnight Pass study resolution to make it regional, or at least expand it to cover Lemon Bay and Stump Pass. The other study resolution (for the OWW) is still waiting for a Congressional resolution.

Commissioner Patterson inquired about the current status of the Section 1135 ACOE program involving Sarasota Bay islands. Some discussion ensued regarding the complexity of this continuing authorities program and the relationships involving Sarasota County's project priority list and the prospect of having two local sponsors for this project, which includes District-owned island properties. Commissioner McClash suggested that Mr. Don Fore address the Board at the next meeting about the advantages and/or disadvantages of different approaches to project sponsorship.

Mr. Listowski reported to the Board that Mr. Fore suggested that it would be appropriate for WCIND to suggest improvements be made in four areas, three of those areas are within WCIND jurisdiction. The areas of Longboat Key, the Venice Inlet, and the Manatee/Hillsborough bay system area could be approached via a congressional ad process initiated by WCIND. Commissioner McClash concurred with this thinking, but requested that cost estimates for the work precede the request for a congressional ad. Mr. Listowski also reported that in the area of the Venice Inlet, staff has submitted a request for funding from the State Erosion Control Assistance Program to improve federal waterway conditions around the throat of the inlet. Commissioner McClash reiterated that activities regarding channel improvements involve the assessment of moving channel markers when appropriate, instead of dredging. The fourth area is the northern Pinellas County ICW and involves a substantial volume of material. Commissioner McClash directed staff to bring back these issues for further review at the September 6 Board meeting, with Mr. Fore in attendance. Commissioner McClash also requested staff explore the potential for funding requests to the State involving improvements to the Intracoastal Waterway, as appropriate.

Commissioner Patterson questioned the references within Mr. Don Fore's information memo regarding resolutions requesting assistance from the federal government on certain elements of the federal waterway. After some discussion regarding submitted resolutions from the Sarasota County Commission and the WCIND Board, it was decided to request clarification from Mr. Fore at the September 6 Board meeting.

#### CONSENT AGENDA

Commissioner Bob Janes made the motion to approve the Consent Agenda, and it was seconded by Commissioner Horton. Motion was approved unanimously.

#### ADMINISTRATIVE AGENDA

1. Presentation of WCIND Preliminary Budget – Mr. Listowski presented the preliminary budget millage required to support the current level of District activity, including the County's requests for project funding for fiscal year 2002-2003. Staff recommended maintaining the current millage rate of .04 for the coming fiscal year. Commissioner McClash requested that the suggested millage rate be presented on the first page of the budget document. Commissioner Janes made the motion to approve the staff recommendation, seconded by Commissioner Horton, and motion was approved unanimously.
2. ACOE Civil Works Service Delivery Conference – Report – Mr. Listowski reported on his attendance at the annual ACOE Service Delivery Project Conference. The focus of the conference was on ACOE "reform." The ACOE, under the current administration, is dedicating approximately 50% of

the entire South Atlantic Division budget for the Florida Everglades Restoration Project (CERP). With these funding constrictions, operation and maintenance activities of existing waterway infrastructure will be minimized, and again the need to submit funding requests through the "congressional ad" process becomes the most effective avenue for receiving federal support.

3. NGP Initiative for Sarasota/Manatee Counties - Mr. Listowski reported to the Board that the effective date of the general permit is August 4, 2002 with 51 water bodies being permitted by the State. Additionally, Mr. Listowski reported the passing of HB 1285 regarding the ability of certain public entities to return water generated by dredging activities. These two rule-making type actions by the State are the result of several years of work by the District involving data collection and negotiations with various State departments, and will make waterway improvement projects occur in a more timely and cost-effective manner. Counsel Perrey clarified important aspects of the benefits of the District general permit regarding timeliness and cost effectiveness. Commissioner McClash commented that the final version of the general permit included language regarding canals. This language could be very important in increasing flexibility involving permitting for certain aspects of improvements to connected water bodies.

Commissioner McClash initiated discussion regarding the implementation of the general permit in terms of strategic procurement. The issue of a cost-effective bidding process and annual contract for dredging activity was discussed. Commissioner Patterson commented that this might be a good approach. Commissioner McClash suggested that Mr. Listowski explore the possibility of acquiring cost estimates on project groupings, and that staff meet with Sarasota and Manatee county staffs to clarify implementation issues relevant to the general permit. Commissioner Patterson inquired whether Matheny Creek was part of the general permit list of water bodies. After a brief discussion, it was clarified that Matheny Creek is addressed in the general permit under the name of Coral Cove. Commissioner McClash suggested that staff develop a competitive negotiation process for certain professional services that have become somewhat routine and linked to project permitting and management.

4. Okeechobee Waterway Initiative – Mr. Listowski reported on the request for assistance from Lee County to the congressional delegation relative to the functional aspects of the Okeechobee Waterway, with special emphasis on Lake Okeechobee and the Caloosahatchee River. After some discussion, it was suggested by Commissioner Janes that a letter of support from WCIND for Lee County's initiative would be helpful. Commissioner Patterson made a motion to approve a letter of support to be drafted for the Chair's signature regarding the Lee County resolution. Commissioner Janes seconded, and motion was approved unanimously. Further discussion ensued regarding additional strategies and how the WCIND could assist Lee County and other affected counties through clarification of Okeechobee Waterway issues/problems. Consensus seemed to be that legislative oriented solutions would be most effective.
5. Palm/Knight Island R.O.W. Use Request to USACOE – Mr. Listowski reported that a Charlotte County request for assistance regarding pedestrian right of way to the Palm/Knight Island Beach was approved with conditions by the USACOE. The conditions to be spelled out in the form of a Consent to Use Agreement that could then be used as the basis for a similar USACOE Use Agreement. This action appears to pave the way for Charlotte County receiving additional cost sharing for beach restoration from the State. Counsel Perrey suggested that license agreements could be forthcoming very quickly depending on Charlotte County's readiness to use them. Commissioner Horton commented that with WCIND assistance, the project is on track to move forward and the request for license agreement formulation would be in the near future.

6. FIND/WCIND "Letter of Understanding" – Mr. Listowski recommended to the Board that he be given authorization to formulate a letter of understanding involving the cooperative efforts between the Florida Inland Navigation District and the West Coast Inland Navigation District. Commissioner McClash suggested that Mr. Listowski work closer with the FIND Executive Director by meeting on a suggested bi-annual basis to formulate strategies and develop support mechanisms that would make both navigation districts more effective when dealing with issues in Tallahassee and/or Washington, DC.
7. Phillippi Creek/Broadway-Hogue Status – Mr. Listowski reported on the current status of the Broadway/Hogue Channel dredging in Lee County, which is complete, and the Phillippi Creek dredging project in Sarasota County, which is 75% complete. Plans call for dredging to resume on the Phillippi Creek project after November 1, 2002.
8. By-Pass Park Issues (Sarasota County) – Mr. Listowski reported receipt of two letter requests from Sarasota County Parks & Recreation Department. The first letter request involves retroactive approval for a structure placed on the District property, contrary to a 1997 license agreement, which prohibited structures not approved by the WCIND Board. The second letter request involved the approval of another larger building to facilitate the needs of the Boys & Girls Club of Sarasota County. At this time, staff recommends that the first request be retroactively approved for the existing building, and that the second request be introduced to the USACOE Real Estate & Legal staff for approval.

Mr. John Cox, representing both the Special Olympics program and the Boys & Girls Club building proposal, addressed the Board and requested that the submittal to the USACOE for approval be presented in a most positive light, in consideration of the "relocatable" nature of the building. Mr. Cox also requested that the WCIND submittal to the USACOE reflect no objection by the WCIND for the project.

Commissioner Patterson made a motion to draft a letter to the USACOE requesting permission to build another relocatable structure on referenced WCIND lands. Commissioner Horton requested clarification on the issue of the first structure presently on the property, and the USACOE approval of that building. Discussion ensued regarding the fact that the USACOE has no formal knowledge of the existence of the first building, only an agreement for passive use of the lands. Commissioner Patterson then amended her motion to include consideration of both buildings, built and proposed, by the USACOE. Commissioner Janes seconded the motion by Commissioner Patterson to request approval by the ACOE for two structures on WCIND property, and the motion approved unanimously.

Mr. Jack Colligan, from Sarasota County Parks & Recreation, made himself available to the Board for any questions about the project. Commissioner Patterson added that the letter to the USACOE should include reference to one acre, as being the size of the land area to be utilized for the Boys & Girls Club building, and that if an acre of land becomes necessary for USACOE activities in the future, that Sarasota County would provide such land from adjacent park property.

COMMISSIONERS' ITEMS – Commissioner McClash reviewed the previously presented Strategic Management Plan and had additional comments regarding relocation of the "Public Benefits" section from the rear of the document to the front. He also commented that a detailed description of relocation of channel markers as a means to improve a channel, if possible, prior to dredging should be the goal of the District and the USACOE. Commissioner Patterson added that she provided input on language changes to the document. Commissioner Patterson reiterated the need to address the Boys & Girls Club issues in an expeditious manner with the USACOE.

EXECUTIVE DIRECTOR'S REPORT – Mr. Listowski reported a request for assistance from Manatee County on permitting the entrance channel and turning basin for the Crosley Museum.

Mr. Listowski also recommended approval for a fundamental agreement regarding site inspection of bird habitat on a WCIND maintenance spoil area property in Venice with the Venice Audubon Society. This agreement was developed and fostered by Commissioner Patterson and essentially requires authorized visitation to the particular site via a 48-hour notice and arrangements with the Venice Police Department for entrance to the property, by a specified list of authorized monitors. A motion was made by Commissioner Janes to have staff develop an agreement with stipulations. This motion was seconded by Commissioner Patterson and was approved unanimously.

NEXT MEETING DATE AND TIME – September 6 at 10:30 a.m. at the Venice City Hall.

ADJOURNMENT – The meeting was adjourned at 11:50 p.m.