

WEST COAST INLAND NAVIGATION DISTRICT
BOARD MEETING
MINUTES OF MARCH 17, 2000
VENICE COMMUNITY CENTER, VENICE, FL

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COMMISSIONERS PRESENT: Ray Judah, Chairman
 Joe McClash, Vice-Chairman
 Donald Coppola, Secretary
 Nora Patterson, Treasurer

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

Chairman Judah opened the meeting at 2:00 p.m. Commissioner Coppola was absent but arrived shortly after the start of the meeting. Mr. Listowski asked to move item #7 under Administrative Agenda to #1. Commissioner Patterson moved and Commissioner McClash seconded the request. Motion passed unanimously.

PUBLIC COMMENT

Mr. Listowski said there were a lot of people in the audience to offer support for the District's participation in a program with the State of Florida's Department of Environmental Protection regarding cost-sharing for an erosion control assistance program project that has been referred to as a feasibility study. There has been some sentiment expressed that it may be premature to do that in light of the following factors: 1) Commissioner Patterson and Mr. Listowski would like to meet with the ACOE before the District's May meeting to discuss all federal options for Stump Pass, and 2) Staff wants to meet with DEP about rulemaking, especially regarding the role of navigation in inlet and beach management. Commissioner Patterson does not want to go ahead with a feasibility study not knowing if the residents on Manasota Key want a beach renourishment program. Also, she wants more time for Sarasota County to do its homework if this program is going to develop into a multi-million dollar project.

Mr. Bruce McLean of Englewood represents the Beaches and Shores Advisory Committee of Charlotte County. The statement he read said that this committee strongly encourages and supports the active participation by WCIND to fund a regional feasibility study for beach management. WCIND is the appropriate entity to sponsor the study as it will address the removal of navigational hazards from Stump Pass by identifying them as sand sources for beach management, and shared state funding will be directed away from navigation and toward beach management.

Assistant Charlotte County Administrator Pam Brangaccio will address the several issues linked to Stump Pass at a later time during the meeting. Commissioner Patterson asked where the spoil will be placed during the scheduled dredging of Stump Pass in November. Ms. Brangaccio said the spoil will be placed on the beach areas on the immediate south side of the pass.

Charlotte County Commissioner Mac Horton spoke about the spirit of cooperation and understanding generated by the March 8 site visit with DEP. He feels that navigation issues and beach renourishment issues really go together. Another meeting is scheduled for May 9th, but they really need the sand source study.

Mr. John Davison, an Englewood resident of Sarasota County, urged the need to do the study without too much delay. Without the study nothing will be done.

DEPARTMENT OF ENVIRONMENTAL PROTECTION'S COMMENTS – No one was present. Mr. Listowski said that DEP spent three days with us at the end of February doing site visits and expanding the multi-site application for a permit from 19 water bodies to 21. DEP representatives were involved in the March 8 meeting referred to by Commissioner Horton in land and water site visits, including Stump Pass. On March 15 Mr. Listowski met with Rick Cantrell in his office about a permit application in Lee County.

U. S. ARMY CORPS OF ENGINEER'S COMMENTS – Mr. Don Fore said that the hydrocyclone project will not be done until after turtle nesting season in the fall. Regarding New Pass and Longboat Pass, CP&E are the consulting engineers designing the project, and dredging should take place in late fall. Commissioner McClash said that New Pass should be dredged first as the shoaling is very bad in that area. Commissioner McClash advised holding a public forum so citizens could have an input on the alignment of New Pass.

Mr. Fore said the Corps is taking a lot of samples for the dredged material management plan that covers some 160 miles, and additional samples in the Venice area and Honeymoon Island below Pinellas County. Those appear to be the two worst shoal areas. They should have enough samples to move on to plan specifications and permits. Commissioner Patterson would like to not have dredging around the clock. Mr. Fore said that would make the job considerably more expensive. After the meeting he will be inspecting the bulkheads in the Venice inlet area.

CONSENT AGENDA – Commissioner McClash moved and Commissioner Patterson seconded to approve items 1-5 on the Consent Agenda. Motion passed unanimously.

ADMINISTRATIVE AGENDA

1. Stump Pass – Ms. Brangaccio said that one of the conditions for approval of a five-year interim maintenance permit for navigation improvements to Stump Pass was to complete and offer recommendations for long-term maintenance of the pass. WCIND is funding 50% of this plan and DEP the other 50%. In May of 1998 the two counties, with WCIND's assistance, moved forward with dredging 70,000 cu. yds. of material, knowing that there would have to have additional maintenance dredging at a later date. In the fall of 1999 when the county asked DEP if there were any available navigation funds, DEP directed it to the \$30 million available annually for beach renourishment tied in to navigation improvements. However, DEP made it clear that the county would not qualify for any DEP state funding for any implementation of the Stump Pass Inlet Management Plan unless beach renourishment was considered within the adjacent areas.

Since 1997 WCIND has worked with the two counties on two separate applications for state cost-sharing beach renourishment studies. In November of 1999 another application was submitted, and the answer that came back in January said that DEP would agree to \$300,000, about 50% of the feasibility study. Ms. Brangaccio has also had talks with Venice City Manager, George Hunt, in an effort to coordinate with a new Venice project on the horizon for 2004. She acknowledged that some of the beaches being talked about are in private hands and will require an assessment of property owners. Commissioner McClash suggested that Sarasota County and Charlotte County share the cost of the local portion of the study. Ms. Brangaccio said that initially the talks revolved around Manasota Key only. She acknowledged that including the Venice area would increase the scope of the project and the price tag. Mr. Listowski said the current cost-sharing on the table was orchestrated through Charlotte County's efforts. Commissioner Patterson asked that when this issue comes up again she be given some explanation of how the current price tag was arrived at because it is considerably more than the \$50,000 originally requested by Sarasota County. Commissioner Coppola wondered about the \$600,000 price tag also. Ms. Brangaccio offered to come to the WCIND Board Meeting to give a preliminary report on the inlet management plan.

Palm Island Transit – Mr. Listowski asked the Board to review the draft Palm Island Transit letter that he read into the record. Counsel Perrey said we have a license agreement with Palm Island Transit. Commissioner McClash wondered if the Coast Guard should be notified about the potential safety hazards in the area. Counsel Perrey suggested the letter be amended to include a sentence saying that a copy of the letter has been forwarded to the Coast Guard.

2. Boundary Line Agreement – It has been discovered recently that two certified surveys do not agree on property lines located on the island of Venice, surrounded by two of the District-owned properties with Bellagio in the middle. Counsel Perrey showed a picture outlining all the properties. The proposed agreement settles the issue without giving up our property rights. Commissioner McClash moved and Commissioner Patterson seconded to accept the agreement. Motion approved unanimously.

3. U.S. Fish & Wildlife Service - We received a copy of a USFWS letter to the Corps about a property in south Venice that our Board is aware of as it involves the issue of scrub jays. The USFWS has not approved our plan to remove the exotic vegetation, but the Corps will pursue the issue and work it out.

4. Blackburn Point R.O.W. Settlement – Counsel Perrey said by the next meeting he hopes to be able to report on a final settlement. Mr. Listowski said he is reluctant to take a position on the replacement of the Blackburn Bridge. Commissioner Patterson described the archaic bridge, on which Sarasota County has not taken a stand regarding replacement. Mr. Listowski said the channel should be 100 feet wide, but in the area of the bridge it is only about 50 feet wide. He was directed to write a letter back to the Coast Guard saying we really have no position on the issue as we are not aware of any navigation complaints.

5. The Lawsuit re: Vessel Accident in Venice - Counsel Perrey spoke about the wrongful death complaint. The District has been dismissed as a party to this lawsuit. The case was dismissed without prejudice.

6. Legislative Initiatives Report – Counsel Perrey reported on the Consent vs. Easement issue. Every time we go for a permit we need permission to use sovereign state lands, which can come in one of two forms, i.e. consent of use or an easement. An easement is expensive and time-consuming. A consent of use is basically saying, you have our permission to use the property. We have been trying to get the state to agree that every time we dredge an access channel, all we really need is its consent and we do not have to go to the extra time and expense of getting an easement. The DEP's interpretation of the applicable rule would require an easement, even though we have gotten a consent to use on a couple of recent permits. A developer challenged this interpretation, and DEP changed its course. At the Cabinet meeting earlier this week, the Cabinet approved some rulemaking to amend the rule and to make it clear that when you are dredging an access channel all you need is a consent, which has been WCIND's position for two years. This is a great advance for all.

House Bill 1005 has been amended in its entirety to include the language that we want that would solve a lot of our problems, such as those we have been talking about in regard to Stump Pass. It says you can have a beach management project that has an inlet component and it includes all the language the District wanted. It would be a good idea to lobby our area legislators for passage of this bill. A meeting with Senator McKay went very well and he has offered support for passage of H.B. 1005.

7. Multi-Site Permit Application – The February and March meetings, already commented upon, went very well. A better working relationship/partnership is developing.

8. Section 1135 Program Update – This habitat restoration funding program is moving forward by the ACOE with the District as a 50% local sponsor or perhaps less in some cases. Another public meeting has been scheduled for May 17 in Osprey, and, hopefully, a final plan will be presented at that time.

COMMISSIONERS' ITEMS - none

WCIND COUNSEL'S REPORT – nothing further

EXECUTIVE DIRECTOR'S REPORT – Mr. Listowski said there has been a solicitation for Erosion Control Assistance Program funding with a May 1 deadline. He asked the Board if it had any items they wanted him to submit. Stump Pass renourishment project that's limited to the sand that comes out of Stump Pass was one suggestion. Other suggestions include Blind Pass and Matanzas Pass and possibly some others. Mr. Listowski will come up with a list to be submitted. Each proposal will be listed separately.

The first pre-construction meeting on Phillippi Creek will be held on March 20th. Sarasota County has requested that WCIND perform the dredging operations on behalf of the county.

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The Commissioners were directed to our newly-designed web pages and encouraged to take them back to their offices.

Counsel Perrey said when he reviewed the \$30 million beach management legislation, it seemed that the best opportunity for us was going to be in the inlets.

NEXT MEETING DATE AND TIME: - Friday, May 26, 2000 in Venice, FL at 10:30 a.m.

ADJOURNMENT – 3:45 p.m.