

**WEST COAST INLAND NAVIGATION DISTRICT**  
**BOARD MEETING**  
**MINUTES OF MARCH 26, 1999**  
**SOUTH COUNTY ADMINISTRATION CENTER, VENICE FLORIDA**

**MINUTES OF MARCH 26, 1999:**

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 10:30 a.m. Mr. Listowski called the roll. He noted that the only change to the Agenda was that item no. 5 under the Consent Agenda was actually a discussion item and had been added as part of item No. 1 under the Administrative Agenda.

**PUBLIC COMMENT**

Mr. Robert Mastrippolito, Harbor Master of Longboat Key Moorings Marina, expressed concern by himself and many boaters about the depth of the channel. Mr. Lou Fusilli appeared to advance more interest in getting New Pass more navigable and to share citizen support on the issue. Mr. Fusilli submitted a small poster, a copy of which had been left at key points in the boating area and had a citizens survey attached. He had obtained over 350 signatures supporting improvement of the navigational status of New Pass. Mr. Fusilli also submitted a letter from the Sarasota Bay Boaters Association urging WCIND to address this issue and pledging their support.

Commissioner Patterson commented that as a former City of Sarasota Commissioner and now a County Commissioner she is against decommissioning New Pass and having the federal designation to be Big Pass. She feels that the City of Sarasota and the Town of Longboat Key should have been consulted beforehand. The city wants New Pass to remain open, but the town voted to decommission New Pass. She is uncertain of the position of the county commission. Mr. Listowski suggested sending a resolution to all appropriate government entities which says that WCIND will assist Sarasota County and other governmental entities in efforts to stabilize the navigation function of New Pass. Commissioner McClash provided a historical perspective by saying that the reason Commissioner O'Neil wanted to change the designation was that Big Pass has not been shoaling in as fast as New Pass, and boaters need to be able to rely on at least one pass. New Pass is already shoaling in after being dredged last year. "It doesn't make any sense to continually dredge this pass." He suggested forming a task force to work with the Corps on this issue. Mr. Listowski thought a resolution could incorporate several features, i.e. signage, alignment, and funding.

Commissioner Patterson spoke about the complexities of the issues. The history of New Pass has been a constant argument between Longboat Key and the City of Sarasota as to where the dredging should occur. She feels her county commission would resist giving over the

determination of Big Pass to a task force which would not consider the preservation of the beaches and their economic impact.

Commissioner McClash felt that a task force could take all these concerns into account as well as partner with other groups. He will not support another dredging of New Pass unless we can figure out what will work as it is a waste of taxpayers' money.

Commissioner McClash moved to establish a regional task force regarding New Pass and Big Pass. Commissioner Patterson said that these two passes have not been discussed at her county commission's meeting and she would vote against the motion for this reason. The motion was withdrawn. Mr. Listowski said that Sarasota County is involved right now in a regional Beach and Inlet Convocation. Perhaps a subcommittee of that group could put together a task force from the existing committee. The issue was dropped as Commissioner Patterson felt the initiative should come from Sarasota County.

Mr. Listowski said that the issue of the water depths in the canal systems on Longboat Key could be addressed after Dr. Antonini's final report which should be ready in April.

Commissioner McClash wanted Mr. Listowski to be aware he had the Board's consensus to inform the Coast Guard of the shoaling in New Pass and the necessity for some kind of signage.

DEPARTMENT OF ENVIRONMENTAL PROTECTION – Mr. Phil Flood will be at our next meeting. He is the new environmental administrator of the Erosion Control Systems program.

U. S. ARMY CORPS OF ENGINEERS – No one was present.

CONSENT AGENDA – Commissioner McClash moved and Commissioner Coppola seconded to approve items 1 – 4 on the Consent Agenda. Motion approved unanimously.

#### ADMINISTRATIVE AGENDA

1. Stump Pass Update and Maintenance Dredge Proposal – Last May and June the emergency dredging of Stump Pass took place. A survey document has indicated that Manasota Key is migrating south into the pass. A recent meeting between the county, state, and a private resort in the area has resulted in an agreement to collaborate on a funding solution for an interim maintenance dredging project. WCIND is being asked to contribute approximately \$88,000. Mr. Listowski recommended we approve this project contingent upon state participation and funding. Commissioner Coppola moved that we agree to this proposal and Commissioner Patterson seconded. Motion passed unanimously.

2. Regional Waterway Management Program – Counsel Perrey gave a report on the permit status of various projects. Gottfried Creek is done. Dredging will begin on July 1, 1999 for Shakett Creek. There are four separate permits to be obtained on Phillippi Creek. It is a more difficult process and is taking more time than originally thought, but steady progress is being made.

A master permit application for 10 waterbodies in Manatee and Sarasota Counties will be submitted in about 30 days. Mr. Listowski interjected with a request for county staffs to become involved in the administration of these multiple projects, including input for permit applications and strategies for implementation. At the request of Commissioners McClash and Patterson,

Mr. Listowski agreed to submit to them a list of these Sarasota/Manatee County projects with a description of each.

Counsel Perrey reported on the status of negotiations with FDEP on a Memorandum of Agreement - an overall relationship building-type agreement that would cover many project aspects involving both agencies. That initiative is not going well even though we are still working on getting it approved. In addition to the MOA, Counsel Perrey said that in talking with FDEP staff he believes they are willing to enter into one or more general permits with WCIND. He explained that a general permit is like a rule making process where as long as you fit all the criteria required you will receive the permit upon request.

3. Legislative/Legal Issues - Counsel Perrey reported on WCIND's legislative proposal to improve the statutory exemption for maintenance dredging. We are trying to obtain authorization to use state lands at the same time we obtain the approval for exemption making a two-step process into a one-step process. The amendment is in the process of being added to bills in the House and Senate.

4. San Carlos Island Industrial – Mr. Listowski reported on the commercial fishing study done at San Carlos Island and asked that the Board give him authority to have the same type study done in Manatee County at Cortez so that the economic benefits of our waterways could be evaluated. This information can then be presented to the federal government with a request to provide assistance because we have certain commercial economy being generated. Commissioner McClash made the motion to proceed with the study in Manatee County. Seconded by Commissioner Coppola. Motion passed unanimously.

5. ACOE/FIND Agreement – Mr. Listowski introduced the agreement between ACOE and FIND having to do with project management, including funding. Counsel Perrey reported on his meetings with the FIND attorney in determining how we can obtain the same type of agreement. The agreement allows the FIND to contribute funds to the ACOE to do maintenance dredging that the ACOE is supposed to do and pay for. When FIND has a priority project but the ACOE funding is limited, FIND provides the funds to the ACOE to get the project accomplished. A provision that bothers our attorney is one which says that FIND holds the United States free from all damages arising from construction, operation, and maintenance. A state statute says that state governmental agencies can't indemnify another one. Mr. Perrey feels that this is an unenforceable provision, but the U. S. government insisted upon it.

Commissioner McClash pointed out his concerns, i.e. that the federal government is avoiding and evading its responsibility to maintain these navigable channels and that there should be a uniform method of seeking reimbursement for work we do but which the CORPS should have done. He thinks it is better that we contract directly with a contractor to do the dredging rather than hand over the money to the CORPS. He doesn't see the need for a similar agreement in our area.

Mr. Listowski said that Don Fore is encouraging us to submit a list of projects that we would like to have the CORPS fund through its operation and maintenance budget for the Jacksonville District. Mr. Listowski asked the Board for permission to develop a resolution requesting funding for a list of projects. The resolution could also address the reimbursement issue. A MOA might also be needed as we cannot continue to operate the way we have been recently where it takes years and years to do a project. Commissioner Patterson moved and

Commissioner McClash seconded to incorporate all these ideas into a resolution. Motion approved unanimously.

Commissioner McClash asked for the recent ACOE survey and the costs associated with dredging the shoaled spots. Mr. Listowski said the final draft is being prepared and will be available soon. Commissioner McClash wants all this information at the next Board Meeting – survey, projects and costs.

6. Florida Blueways – This is an initiative by the DEP’s scientific arm in St. Petersburg, the FMRI, and they needed to incorporate “human use data”. A letter from this group indicates this desire, and a meeting has been scheduled in Gainesville on April 12, 1999 to try to figure out how to incorporate our work into the DEP document. We have been struggling to get our work done through the University legitimized so that it would become a tool of the DEP.

7. FDOT Bridge Openings – There is a current meeting in Jacksonville relative to the FDOT bridge requirements as to the openings between the pilings which support the bridge structure. When a bridge is rebuilt, there is a concern that the federal channel requirements have not always been adhered to. The Blackburn Point Bridge is a very unique swing bridge which keeps getting fixed. However, when it is rebuilt someday, the concern is that the opening between the bridge supports needs to be consistent with the federal channel which is 100 feet. This is important in that there will be fuel transported from Tampa Bay down to Fort Myers, even though in two years the local FPL power plant is switching to natural gas. There will still be a need during peak times to move oil products through the waterway on a smaller barge. Mr. Listowski thinks WCIND should do a resolution supporting when a bridge is rebuilt it be built with the alignment that FDOT is suggesting which is consistent with our dredged width specification.

Commissioner McClash cautioned against making broad statements and not taking into account local historical significance of certain bridges. We would not want to become embroiled in a neighborhood dispute. Commissioner Patterson, speaking of the Blackburn Bridge, concurred. Mr. Perrey said that WCIND has statutory authority to pay the cost to replace bridges over the ICW where the bridge constitutes an impediment to navigation. This was done in the case of the Boca Grande railroad bridge. There was no further discussion on this issue at this time.

8. Regional Beach and Inlet Management – We have applied for funding through the Beach Erosion Control Program to do projects on Manasota Key and on Little Gasparilla Island. Projects might start this summer. The District’s cost share for the Manasota Key Beach Renourishment Feasibility Study would be \$470,000 and the same for the state. The cost share for each on Little Gasparilla Island would be \$50,000. The role of the District as a regional entity has been looked at by the state for many years as a possible fit for dealing with projects. Our legislation allows us to deal with beach renourishment projects if there is an impact associated with navigation. This is an ongoing project, and if Board members have projects they wish us to pursue they can advise the District.

Commissioner McClash asked Mr. Listowski to bring back some information on other cities’ plans and how that may affect the passes. Mr. Listowski has been working with Sarasota County staff, and staff expressed some surprise about how active WCIND could be as a coordinating agency in a regional way.

COMMISSIONERS’ ITEMS – None

WCIND COUNSEL'S REPORT – Mr. Perrey reported that the Venice Marine Park is almost complete and will be ready to open soon. Staff was directed to approach Sarasota County Parks and Recreation Dept. and enter into an agreement with them to manage the park. Meetings and phone calls have been held, but the talks are at an impasse. Counsel felt that Commissioner Patterson's help was needed. At first the department was resisting the idea of the need for an agreement, but we finally convinced them that since WCIND owns the property, the existing interlocal agreement between the city and the county did not apply. Commission Patterson said this was a new issue for her. Mr. Listowski said that since the county contributed \$142,500 from its FBIP funds to this project, it might want to take some interest in maintaining it. However, it could be a matter of operation and maintenance funds not being available in the Parks and Recreation budget. This will be a labor-intensive project once it is opened to the public. Commissioner Patterson volunteered to bring this matter to the attention of her commission if she has the details. Another matter is a funding issue. Park impact fees, which were generated for Venice but are administered by the county, have not been forthcoming because of a legal dilemma. This amounts to \$150,000 promised to us by the City of Venice but being held up by the county. Apparently, the funds did not get into the capital improvement budget. Commissioner Patterson offered to meet with Mr. Listowski and county staff.

Commissioner McClash explained that Sarasota County did not seem to want to manage their own projects as the other three counties have been doing. Consequently, Mr. Listowski has been asked to take on these tasks, such as Phillippi Creek and Shakett Creek, but these projects have consumed a disproportionate amount of the staff's and counsel's time. Normally, the counties would be the ones to get permits, but that has not been happening in Sarasota County. Commissioner McClash explained the essence of Dr. Antonini's work and how beneficial it can be.

Counsel Perrey displayed a map showing the Vogel property in south Venice. We own two parcels in this area, which is now being developed into a project called Laguna Veneta. The City of Venice will be doing the permitting. The District has an historical access to one of the parcels which is the old Tamiami Trail right-of-way, but access is needed to get from the road to our two pieces of property. A long-standing agreement with the prior owner indicated that when the property was ready for development, we would relocate our easements. Mr. Listowski has used an engineer to help us tell the developers what is needed in order to have use of our property for heavy equipment to maintain the waterway. We are in the process of negotiating an agreement to relocate the easements and to establish the boundary lines between the developers' property and the District's property. Counsel feels the Board should authorize staff to complete this transaction. Commissioner McClash moved and Commissioner Coppola seconded to move ahead with this agreement. Motion approved unanimously.

EXECUTIVE DIRECTOR'S REPORT – Our comprehensive plan requires that we develop a plan for debris management in the event of a storm. Mr. Listowski will be attending a National Hurricane Conference in Orlando next week, where one issue to be discussed will be debris management.

NEXT MEETING DATE AND TIME: Friday, May 28, 1999 at 10:30 a.m. in Venice

ADJOURNMENT: 12:05 p.m.

