

**WEST COAST INLAND NAVIGATION DISTRICT**  
**BOARD MEETING**  
**MINUTES OF MARCH 27, 1998**  
**SOUTH COUNTY ADMINISTRATION CENTER, VENICE, FLORIDA**

**MINUTES OF MARCH 27, 1998**

COMMISSIONERS PRESENT:

Joe McClash, Chairman  
Jack O'Neil, Secretary  
Ray Judah, Treasurer

COMMISSIONERS ABSENT:

Adam Cummings, Vice-Chairman

STAFF PRESENT:

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

**ADMINISTRATION:**

Chairman McClash opened the meeting at 10:40 a.m. Mr. Listowski called the roll. Commissioner Cummings was absent. Commissioner Judah moved to approve the Minutes of January 23, 1998, the invoices paid for January and February, 1998, and the treasurer's reports for December, 1997, and January, 1998. Commissioner O'Neil seconded. Motion approved unanimously. There were no additions or deletions to the Agenda.

**PUBLIC COMMENT:** Mr. John Davison wanted to speak about #7 under Old Business (Dredging Projects). Mr. Listowski was asked to give the staff report first.

Mr. Listowski said a presentation was made to the Office of General Counsel in Tallahassee, and we achieved a stipulation on Gottfried Creek which provides us with an exemption from the routine dredging process for a state permit. However, now we are encountering some problems from lower level staff permit reviewers. There are some things they would like to see, i.e. endangered species reports and surveys. Mr. Sam Johnston of Ed Barber & Associates was asked to address the issues regarding Gottfried, Shakett, and Phillippi Creeks. He said that the DEP in a recent letter had questions about the easement in the constricted area of Gottfried Creek as well as some environmental and survey needs. In speaking to one of our attorneys, Steve Lewis, some of these items may not be totally required. Mr. Johnston spoke to the A.C.O.E. yesterday, and the Corps would be requiring from the U. S. Fish & Wildlife Service a scrub jay survey and a wading bird survey.

Counsel Perrey said that we have good cooperation from the DEP administrative staff in Tallahassee, but we encounter problems in dealing with line level permitting staff in District offices. He would recommend that we amend our petition for an administrative hearing because we feel that the exemption should have carried along with it the "programmatic" permit based on an agreement between the state and the Corps. Basically, if it meets the state requirements for an

exemption, it should also meet the requirements for a Corps permit. We were given the exemption but not given the Corps permit or permission to use state sovereign lands. In effect, they have given us one out of three things we need to have and loaded us up with requests for additional information that leads us to suspect that we may never get one or both of the additional things we need. Mr. Lewis has filed an amendment to the sovereign lands statute in Chapter 402 which would say that if you receive an exemption, you would receive the sovereign lands permission. Counsel Perrey recommended that each Commissioner work with a friendly legislator in their county to get this thing turned around.

Mr. Listowski reminded the Board that we have not benefited totally from the meeting in Tallahassee where we executed a Memorandum of Agreement. One of the things that was promised to us was a planning-oriented person on DEP staff who would work with us on a mutually supportive basis and who would champion what we are trying to do. We need to revisit this issue with Pam McVety and Kirby Green, possibly in another meeting preceded by a letter from Counsel Perrey or Commissioner O'Neil who was at the previous meeting. Commissioner McClash suggested that perhaps we can meet Mr. Green when he is visiting at the Tampa office of DEP. Mr. Listowski was asked to coordinate schedules with Dr. Garrity at an upcoming meeting on April 7, 1998. Our Board preferred to meet in Tampa rather than in Tallahassee.

Mr. Davison praised the WCIND Board for its efforts on dredging Gottfried Creek. It is a necessary project.

U. S. ARMY CORPS OF ENGINEERS' COMMENTS: Mr. Don Fore said the Corps is trying to clarify its setback policy with a series of four public meetings on the east coast in May and probably one or two meetings on the west coast afterward. The main thing is to come up with a set of standards that agrees with the land use of the area. The Corps will probably begin work on the Boca Grande Channel by the end of August. There is \$2 million to do this work, but they need \$5 million to do the channel. The dredged sand will go on Gasparilla Island where it is needed. Florida Power & Light is considering repowering its plant with natural gas. Commissioner O'Neil asked for a report on shoaling in the New Pass area at the next Board Meeting. Mr. Listowski asked if Mr. Fore wanted a show of support from WCIND regarding the \$5 million needed for Boca Grande. Commissioner O'Neil moved to have Mr. Listowski draft a resolution of support. Commissioner Judah seconded. Motion approved unanimously.

Mr. Fore said they just finished a survey of Fort Myers Beach including samples sent out for analysis. They should know soon about the quantity of material and the character of the material. Then they can come up with a scope of work and ask for funding. There is some support for a pilot program. The Commissioner wanted to know if the Corps prioritizes projects based on local matches. Mr. Fore said he would get into that later.

Commissioner Judah moved and Commissioner O'Neil seconded to draft a resolution supporting beach renourishment for Fort Myers Beach. Motion approved unanimously.

Commissioner Judah asked Mr. Fore about the promised reimbursement for last year's Fort Myers Beach emergency dredging. The bottom line is that the Corps has asked for \$375,000, and the matter rests with Corps headquarters.

Regarding survey issues, Mr. Fore said his budget is \$127,000, and he is working on a complete survey of the waterway which will be completed soon. This will be the first step of a long-term dredge management plan. He conceded that there was a lot of shoaling in the waterway and that it had not been maintained. Mr. Listowski said we need to address this issue in our next budget cycle. The Corps has a Memorandum of Agreement with FIND whereby FIND gives the Corps money for dredging in its district. It allows them to design and dredge the project properly and with comprehensive results. The Corps has a \$36 million budget in this state for all the waterways and passes. Mr. Listowski said we need to get the federal government to recognize that while we do not have large commercial industries on our coast, our essential industry is tourism.

The federal budget prospective is not good. Mr. Fore suspects that the focus will be on commercial deep draft projects which will get all the funding. FIND has provided the Corps with \$2.8 million this year, and next year they will contribute about \$8.5 million to dredge parts of their waterway that otherwise would not be dredged.

Mr. Fore is interceding on our behalf on two projects: the regional law enforcement dock in Venice and the Gottfried Creek project, particularly comments by the U. S. Fish and Wildlife Service. Mr. Fore said that the Corps would be providing a consent to easement to the Harbor Lights mobile homes and to WCIND. If the homes should be sold, they must be moved off the property. It was decided to wait until the next meeting to discuss whether WCIND should continue negotiating a license agreement and whether or not to charge a fee. Mr. Fore said the Corps would be charging \$750 for the consent fee plus \$135 for a processing fee, per mobile home. The Corps is also trying to schedule a waterway inspection trip.

Commissioner O'Neil said his county will be writing letters supporting the changing of a federally designated pass from New Pass to Big Sarasota Pass. New Pass is already shoaling in after being dredged just seven months ago.

## OLD BUSINESS

1. Stump Pass - The consultant on this project is still attempting to get permission from DEP and all the other agencies to do the project this year prior to turtle nesting season. If they don't get the permits within the next couple of weeks, it will have to be put off until October.
2. Venice Marine Park Boat Ramp - Construction is underway. Commissioner Judah moved and Commissioner O'Neil moved to approve a funding agreement between Sarasota County and WCIND to utilize \$142,500 in FBIP funds for this project. Motion approved unanimously. The project should be completed in June, and at our next meeting we can discuss what we need in terms of interlocal agreements for operation and maintenance.

3. Regional Marine Enforcement Facility - We have a refurbished dock facility in Venice that needs two boat davits installed. Mr. Fore will intercede on our behalf to secure those permits. Then the City of Venice Police Department will begin using the facility and will bring in a portable building. It would be constructive to have a joint dedication ceremony at both sites since they are very close to each other.
4. Regional Waterway Management Project (Manatee County) - Dr. Antonini is ill and not at the Board Meeting. Mr. Jim Engelhardt reported that the agreement between Manatee County and the University of Florida is in the final stages of approval after revisions by attorneys representing both sides.
5. Legislation Report - Counsel Perrey talked with Terry Lewis this morning, and everything is progressing well. Our general legislation is ahead of the codification bill which was held up in the bill drafting department, but we are now making good progress on both. They should both pass.
6. Dredging Projects - Mr. Listowski will be attending a meeting in Sarasota County on April 2<sup>nd</sup> with the county administrator and stormwater personnel regarding their assistance on some of these projects.

#### NEW BUSINESS

1. Discuss Next Meeting Date - We will try to meet on June 12, 1998.
2. Request for License to Use Agreement for a Dock Structure - The homeowner was challenged by all the problems associated with the contractor for the Venice Beach renourishment under the Corps' auspices. His yard was blown out by a tug boat, and he had to pay for some of the damages out of his own funds. He wants to put in a small dock structure within our right-of-way and stabilize that shore line. We really have no jurisdiction and therefore do not need to discuss it further.
3. Resolution Supporting House and Senate Bills Establishing Beach Preservation Funding - Commissioner Judah moved and Commissioner O'Neil seconded to draft a resolution in support of these bills. Motion approved unanimously.
4. Report on Historical Permit Research Project - Mr. Listowski said that we have discovered the mother lode of historical dredge and fill permits going back to the mid 1940's. They are mostly on microfiche. Mr. Sam Johnston of Ed Barber & Associates will address these findings. We do have a bunch of Gottfried Creek historical permits that could be revitalized into a current active permit. These permits can facilitate the exemption process for maintenance dredging of Gottfried Creek. If the exemption criteria are met, that may also exempt some of this process from the A.C.O.E. There is now a new State Programmatic General Permit program now in place. One of the categories that is identified is maintenance dredging exemption. If that meets the criteria for the state, then the Corps may not be involved with the permit. The exemption language in the statute is fairly clear. Some of the requisites are: You have to have a self-contained upland spoil site, no return of waters to waters of the state, the depth needs to be

limited to minus five feet mean low water, and you need to meet water quality criteria. Commissioner McClash wanted this information to be shared with the counties. Mr. Listowski said that the liaisons were made aware of this at a recent meeting. Next we will be putting this information on a spread sheet so the counties may readily identify and follow up on the areas of specific concern to them. Prior permit information has been found on Phillippi Creek immediately upstream from the U. S. 41 bridge.

5. Project Extension Requests - Commissioner Judah moved and Commissioner O'Neil seconded to approve project extension requests for Sarasota County's CIP-17, 18, 19, and 20. Very little of this money has been used, and the projects are now going into their final year. Commissioner O'Neil asked that Mr. Listowski fax him the details of these projects. Motion passed unanimously.

6. Suncoast Media (Gondolier) License Agreement - Commissioner Judah moved and Commissioner O'Neil seconded to renew the license agreement for three years at \$100 per year. Motion passed unanimously.

There being no further business, the meeting was adjourned at 11:55 a.m.