

The monthly meeting of the WEST COAST INLAND NAVIGATION DISTRICT COMMISSIONERS was held at the Manatee County Office Building in Bradenton, Florida, December 18, 1961, one week later than customary.

Present were:

Ellsworth G. Simmons, Chairman, Hillsborough County
H.H. Anger, Vice-chairman, Charlotte County
Boyd R. Gernhard, Secretary, Sarasota County
L. Elmer Bustle, Treasurer, Manatee County
Mack H. Jones, Lee County
A.L. Anderson, Pinellas County

George Kumpe, Executive Director
J. Hardin Peterson, Sr., Special Counsel
Dewey A. Dye, Jr., General Counsel
Joe K. Merrin, Engineer

ADMINISTRATION

The Chairman called the meeting to order at 2:10 P.M. Minutes of the 13 November 1961 meeting were approved as presented. The Treasurer's report was read by Mr. Bustle and approved as read. Vouchers #2888 through #2922 covering November bills were approved for payment.

Commissioner Gernhard stated that he had been replaced, by the Sarasota Board of County Commissioners, as WCIND representative by Honorable Warren Henderson, Chairman of the Sarasota Board; and that he therefore resigned as Secretary of the Navigation District Board. He expressed pleasure in working with the Board and pledged as a Commissioner of Sarasota County to work with the Navigation District for the general good of the Project. Chairman Simmons responded, expressing the Board's pleasure in having him on the Board and welcomed him back to future meetings as a citizen or a Board member of Sarasota County. He then welcomed Mr. Henderson,

the eleventh Sarasota County Commissioner to sit on the Navigation District Board. The Oath of Office was administered by J. Hardin Peterson, Sr. Chairman Simmons directed the Staff of the Navigation District to give Mr. Henderson all the information and the type of information he wants to acquaint him with the work and the problems of the project.

Commissioner Bustle read a resolution on Mr. Gernhard's services on the Board and it was adopted, copies to be sent to Mr. Gernhard and to the Sarasota Board of County Commissioners.
(annex to WC 12d minutes Page 31)

Commissioner Henderson was nominated for the office of secretary of the District Board but declined "until such time as he could get his feet on the ground". Commissioner A.L. Anderson was elected secretary.

There were no individuals at the meeting wishing to be heard.

PROGRESS REPORT

Construction - The Director reported that the dredge working from the north end of Section 5 had dug 8,498 cu. yds. of material and advanced 1806 linear feet during the period November 28-30. As of December 1st the contract was 15% complete.

There was discussion on procedures for accepting contributed funds for additional pumping costs. The Staff was directed to amend proposed procedures to include a statement of policy on handling competing requests for the same spoil. Revised draft will be presented to the Commissioners at the January meeting for their consideration.

The Director reported on a problem with respect to beach spoil areas. The Corps of Engineers has found it desirable on the

East Coast to place spoil upland of the high water mark at elevation +6 and the same method will be followed on the West Coast. The attorney stated this procedure would create a burdensome problem for the District as six or eight signed pipeline easements have been received for access to the Gulf on the basis of the original intent of the Corps that spoil would be deposited at or below low water. Motion was made that the Board would follow the instructions of the Corps of Engineers in the future but that a request be made to the District Engineer that work done up to this time in acquiring beach spoil areas not be disregarded and that he honor previous guidance for easements already acquired.

Lands - Charlotte County - The Director stated that a proposal to eliminate one spoil area by paying extra pumping costs had been received. This matter had been approved by Commissioner Anger. The Corps of Engineers estimated that a contribution of \$10,800 would be required to move the 66,000 cu. yds. of material involved. The estimate has been furnished the proponent and his decision is being awaited.

Sarasota and Manatee Counties - Chairman Simmons reported that Mr. Koperski of the Corps of Engineers had called him twice in the last week stating that placement of Section 4 under contract would be jeopardy unless spoil areas and right-of-way were made available immediately. The Attorney stated that all right-of-way in Manatee County had been conveyed and that right-of-way in Sarasota County was being conveyed on December 18. All Manatee County spoil areas are available except one and it presents no difficulty. The District is being delayed in acquiring spoil areas

in Sarasota County. The Board of County Commissioners has taken on a heavy schedule of hearings on purchase applications and on dredge and fill applications in Sections 2 and 4. He hoped that their actions on these matters during the remainder of December would be favorable to the Navigation District.

Mr. Henderson referred to the statement by the Corps of Engineers that construction would not be initiated in jobs 2 or 3 until satisfactory arrangements for the remaining requirements of local cooperation for this reach have been made by local interests. He asked if the Navigation District had received a copy of the resolution recently passed by the Board of County Commissioners of Sarasota County asking that construction in Section 2 be initiated without reference to Section 3. The Director answered that the Navigation District had not received a copy, the staff was aware of its existence from newspaper reports. Mr. Peterson noted that progress on satisfying local interest requirements in Section 3 would be questioned by the Corps of Engineers in the near future in the preparation of testimony for appropriations for the federal fiscal year starting July 1962. Mr. Henderson stated that in his opinion the Sarasota Board of County Commissioners would agree to participate in the cost of the Manasota Bridge when it was shown that the Venice "problem" had been completely resolved. After a discussion of what information would be necessary to prove such solution Mr. Henderson concluded that a letter from the United States Senator on this subject might be sufficient. Mr. Gernhard commented that action on the Albee bridge had been promoted by

the establishment of a firm deadline by the Corps of Engineers. He felt that a similar deadline for the Manasota bridge coupled with the letter mentioned previously would expedite solution of the Manasota bridge problem. - - Regarding the resolution passed by the Board of County Commissioners the question was asked whether or not it covered a possible opening from the head of Lemon Bay into the Gulf. Mr. Henderson answered that it did not.

Pinellas County - Commissioner Anderson stated that he had had numerous conversations with Mr. Leonard L. Minthorne regarding spoil areas at the south end of the Narrows. According to Mr. Minthorne, at the time the W.R.A. Boben spoil area was obtained the engineer for the Navigation District was in the employ of Mr. Boben; further that at the time the contract was awarded there was an agreement that the spoil would not be awarded to any other owners, that Boben would get it, and that the contractor has refused to negotiate with Mr. Minthorne. Mr. Anderson referred to a letter from the District Engineer of Dec. 6, 1961. Mr. Anderson stated, "As I was not on the Board at the time of these matters, I move and request that the Board make a complete and thorough investigation of this matter, necessary expenses to be borne by WCIND." The motion was passed and a committee composed of J. Hardin Peterson, Chairman, Mr. Bustle and Mr. Anger was appointed.

Bridges - The Chairman referred to a letter of Nov. 10, 1961 from Mr. Draper, Revenue Project Division of the State Road Department, which stated that a revenue project of \$325,000 covering

50% of the costs of the Albee bridge had been received from the Board of County Commissioners of Sarasota County, and asked that WCIND furnish them the name of governmental agency from which other 50% must be obtained. Mr. Gernhard stated that the 7 instruments required for the bridge right-of-way still outstanding are in the process of acquisition and will be settled in a week or ten days with no problems foreseen. Mr. Gernhard later reported from the audience that condemnation of right-of-way may be necessary. Chairman Simmons asked Mr. Henderson to convey this information to the Road Board. Mr. Simmons asked Board members if they would agree to transferring to the road department \$800,000 with the understanding that as soon as Sarasota County's funds became available the amount pledged by the County for the Albee Bridge would be repaid to WCIND. This would enable the Road Department to certify that they have the funds available and to proceed at an early date. This matter was discussed in detail. Commissioners Anger, Anderson, Jones and Bustle expressed opinions that the agreement should be ironclad and that they would not agree to it until given a chance to study it. Commissioner Anger added that part of the agreement should be that all Sarasota problems would be cleared up. Agreement was given for Chairman Simmons, Mr. Dye the Road Department and Sarasota County to prepare a proposal for consideration of the WCIND Board. Mr. Henderson indicated that the cost of the bridge might be less than the estimate of \$650,000. He stated that it was the intent of Sarasota County to bear half of the actual cost of the bridge.

Administration - Regarding the public hearings scheduled by the Corps of Engineers Feb. 27, 1962 related to the Intra-coastal Waterway, Anclote-St. Marks and to Johns Pass at Pass-a-Grille the Director was authorized to appear at the hearings and to state, for the Anclote-St. Marks project, that the Board of Commissioners favored the extension and completion of the Gulf Intracoastal Waterway. For the Johns Pass project, the Board favors the construction of all channels connecting to the West Coast Waterway that are found to be feasible economically, to the end that maximum benefits will accrue from the West Coast Waterway.

Mr. Anderson referred to the Sunshine Skyway Borrow Channel and asked that the position of the Board of Commissioners be restated to the District Engineer, favoring the incorporation of the channel into the West Coast Waterway as an alternate route. Discussion of the matter included the fact that while the Board of Commissioners favored the proposal they had not asked that the necessary study be authorized. The Director was instructed to inform the District Engineer of the views expressed by Mr. Anderson.

The Progress Report was accepted.

The meeting adjourned at 4:05 P.M.


Secretary


Chairman

PROGRESS REPORT

13 November-18 December 1961

CONSTRUCTION

Progress Section 5 - The Gahagan Dredging Corporation started operations with its dredge GAHAGAN PUERTO RICO on November 28, working from the north end of the section to the south. By December 1 the dredge had dug 8,498 cu. yds. and advanced 1806 linear feet. The contract was 15% complete on November 30, 1961.

The District Engineer has received blanket authority to receive contributed funds to defray additional pumping costs. When contribution is based upon a fixed estimated cost a check for the full amount must accompany the formal WCIND request for acceptance of contribution. When contribution is based upon alternate bid item, the proponent must accept the alternate item and furnish necessary funds not later than five days after bid opening.

LANDS

Lee County - The Board of County Commissioners were provided information on the location of spoil areas east of Gasparilla Island for consideration in possible request for spoil from the construction in Section 2.

Charlotte County - On 14 November the Board of County Commissioners approved dredge and fill permits for Section 2.

Honorable David A. Hill, Representative from Charlotte County, asked how Little Gasparilla Pass could be improved during the construction of the Waterway. Answer from the District Engineer was returned to Mr. Hill stating that federal funds were not available as the desired work was not in the federal project. If progress of the contract is satisfactory, however, the contractor might be permitted to do additional work at the expense of local interests when the dredge is in the vicinity, thus eliminating mobilization and demobilization costs.

Mr. J.W. Landis, President of Lemon Bay Estates, wrote asking the contribution which would be required if spoil area C-31 were eliminated by placing that spoil on spoil area C-30. The District Engineer was asked to make the necessary estimate.

Sarasota County - The Board of County Commissioners furnished to the Navigation District and to the Corps of Engineers a statement of the priority they desire in the placing of spoil. None of these priorities specifically enumerated composite spoil areas. The District Engineer acknowledged the communication and advised that the priorities would be observed when not in conflict with federal criteria already furnished the Board of County Commissioners.

All legal advertisements for remaining land problems in Sections 2 and 4 have been published and will be heard during December. The Navigation District assisted the County Clerk in mailing legal advertisements to property owners.

Judge Harry F. Russell visited the District office as the buyer of a tract included in spoil area S-6. He executed a new spoil easement and made arrangement for the purchase request.

Mr. John K. Maddin, President of the North Manasota Key Association, informed the Director on December 5th that his Association would not willingly grant to Sarasota County a 66' road right-of-way on the east side of their property, but they would consider a lesser width. This decision was taken even though it may lead to unfavorable action by the Board of County Commissioners on bulkhead line changes for spoil areas S-11 A, B and C. Mr. Maddin also stated that the Association would oppose reconstruction of the Manasota bridge at any site other than its present location. On December 8th Mr. Maddin advised the Director that his organization would recommend to members that they not grant a 66' road easement north of the Manasota bridge; that they consider granting a 30' easement if they receive, if Manasota Bridge remain at its present site and if the owners retain their riparian rights on Lemon Bay; and that they not grant pipeline easements for beach spoil areas.

Colonel C.C. Moomaw wrote to the District Engineer protesting island spoil area 24-C alternate, one of the islands to be requested from the Trustees to permit advertisement. The District Engineer informed Colonel Moomaw that the acquisition of areas was the responsibility of the Navigation District. Mrs. Moomaw sent a similar complaint to Governor Bryant who acknowledged the communication and suggested that the matter be taken up with the Board of County Commissioners as it related to bulkhead line modifications.

Mrs. F.B. Borough communicated that she would grant a pipeline easement across Casey Key which should eliminate the need for spoil area 24-C alternate.

Mr. R. Stafford Edwards, Casey Key land owner, suggested a possible encroachment of canal right-of-way upon his property. He was advised this condition apparently did not exist.

Mr. John J. Deane, writing for owners on Casey Key for approximately 1 1/2 miles north from Blackburn Point, asked how spoil might be obtained upon their submerged lands in Little Sarasota Bay. The deeds of these owners prohibit filling. Mr. Dean was advised his first action would be to determine the attitude of the Trustees on this matter.

Mr. Dye discussed with attorneys for the three owners of spoil area S-31 possible contribution by these owners for additional pumping costs.

Investigation of uplands owned by Mr. DeFrances in the vicinity of spoil area S-34 indicates that the uplands are insufficient to accommodate all the spoil without an appreciable bulkhead line extension.

Manatee County - At the November 20 meeting of the Board of County Commissioners the Director discussed proposed spoil area locations. Previously the Manatee County Conservation Alliance had been given a set of prints showing the locations. After the meeting the Alliance wrote they believed the Navigation District was attempting to locate spoil areas to the best public interest.

On November 20 the easements from the Trustees of the Internal Improvement Fund for spoil areas were received. They have been conveyed to the federal government.

Pinellas County - On November 13 Mr. Seligman of the Belleair Beach Property Owners Association called to determine whether any of the island spoil areas within the Town limits could be eliminated. The Gahagan Dredging Corporation informed the District Engineer on November 30, 1961 that the use of only two areas had appeared feasible, S/A P-41 on the Belleair Causeway and a small area on a finger of fill between S/A's 43 and 44. The first site is infeasible, however, due to legal restrictions on the area which may be filled; the owner of the second area desires only a small quantity of fill.

Mr. Leonard L. Minthorne wrote to the Corps of Engineers and to the Navigation District alleging that an island in the Narrows which belonged to him was being destroyed by the contractor. He asked that work stop and that he be reimbursed for damages. Investigation by the Corps of Engineers and the Navigation District indicated that no claim is justified. Mr. Minthorne wrote the District Engineer on December 4 repeating his request and to the Director on December 8th. The matter is under further investigation.

Venice - On November 27 the Sarasota County Information Forum held a meeting on the subject of the routes of the Waterway through Venice. Mr. Finn Caspersen and Commissioner Fred Haigh participated and each concluded his remarks by opposing Route C-1. As requested, the Director addressed his remarks to responsibilities of various governmental agencies.

Resolutions supporting the immediate construction of Route C-1 were sent to Governor Bryant from the Naples, Sarasota, Bradenton Yacht Clubs, from the Field Club of Sarasota, and from the West Coast Yacht Council. A similar resolution was also sent by the Board of County Commissioners of Sarasota County. The Tampa City Council passed a resolution on December 8 opposing resurvey of the canal route through Venice.

The Board of County Commissioners of Sarasota County sent to Governor Bryant a resolution requesting that Section 2 be built without reference to Section 3 so that time would be available for a study of the Venice route. Governor Bryant answered on November 29 with the comment that any question on rerouting of the Waterway was a Congressional matter and that the delegation in Congress had been advised of the resolution. The District Engineer commented to Senator Holland on the proposal, confirming that construction cannot start on Section 2 until a route through Venice is firmly assured.

On November 29 Mr. E.H. Price Sr. sent a paper to the Chairman on right-of-way and canal routing in the Venice area.

On December 11 the District received from the Venice Tax-payers League a "fact sheet" on the Waterway route in the vicinity of Venice.

ADMINISTRATION

The Annual Report was distributed to Boards of County Commissioners in the District and members of the Congressional delegation.

Legal advertisements of the annual financial statement were run in county newspapers.

As directed at the November meeting, procedures for accepting contributed funds for additional pumping costs were prepared and distributed to Commissioners.

The Attorney and the Director met with Senator Hodges, Director of the State Board of Conservation, on November 15.

The Corps of Engineers asked for an indication of whether or not the Navigation District would make a contribution of approximately \$8,000 as representing the local interests share of benefits for recreational purposes if the Sunshine Skyway borrow channel became a federal project. The message was answered that the Navigation District could participate only if the Sunshine Skyway channel became part of the West Coast Waterway; that the Navigation District was financially able to make such contribution and apparently could do so legally but that an Attorney General's decision would be obtained; and finally, that the contribution must be authorized by the Board of Commissioners in office at the time the funds were required.

The Corps of Engineers requested the Greater Tampa Chamber of Commerce to arrange for a Corps of Engineers public hearing on the Intracoastal Waterway from St. Marks to Anclote Keys. The hearing will take place on the morning of February 27, 1962. The Chamber of Commerce was asked to coordinate the activities of the Hillsborough County Port Authority and the Navigation District in this matter.

The Director spoke at the Sarasota County Information Forum on November 27 and before the Church of the Redeemer Mens Club in Sarasota on December 6.