

The February meeting of the Board of Commissioners, WEST COAST INLAND NAVIGATION DISTRICT, was held February 24, 1975, in Sarasota County Administration Building, Sarasota, Florida.

Present were: Dan P. McClure, Chairman, Manatee County
Dorothy R. Flowers, Vice Chairman, Charlotte County
Elizabeth B. Castor, Secretary, Hillsborough County
Larry Rhodes, Treasurer, Sarasota County
George A. Goldtrap, Jr., Lee County

Charles E. Furbee, Executive Director
Dale L. Price, Associate Counsel

Absent: Don Jones, Pinellas County
Dewey A. Dye, Jr., Counsel

ADMINISTRATION

The meeting convened at 10:40 a.m.

Minutes of December 16, 1974 regular board meeting were approved as presented. The January, 1975 meeting was canceled.

The Treasurer's Report for December, 1974, and for January, 1975, were approved as presented.

Vouchers #01 through #28 for January, 1975; and Vouchers #29 through #56 for February, 1975, were approved for payment.

The Director reported that the Treasurer's Report for January 1975, reflects the purchase of an additional certificate of deposit, \$100,000 Manasota Bank, Sarasota County. The projected expenditures were noted for the various Counties' projects which reflect the authorized amounts to be contributed by WCIND.

ACTIVITIES REPORT

Sarasota County

WCIND Agreement with City of Venice - MSA S-32 spoil area was recently visited by Sarasota County representative, Mr. Ralph Davis, for inspection of this site of WCIND permit to Sarasota County for placing dredged material temporarily. It was determined that this material must be hauled from the area - across the road from Fisherman's Wharf restaurant property, because the area has developed vegetation growth. The material was dredged from Hatchett Creek nearby by the City of Venice. This problem may also be one for the WCIND with its 177 spoil areas in the IWW since with the mangrove overgrowth the Corps of Engineers will not be able to make use of such areas.

Sarasota County/WCIND Contract for Spoil Material, MSA S3-4 - The Director has requested a current report of Sarasota County's requirements for purchase of material contracted for. The report will be submitted to WCIND next week. The trip-load report on the designated location will enable the Director to reconcile the total amount purchased by Sarasota County.

North Venice Jetty Maintenance Access - Request - This area is in public use. The Corps of Engineers requires a maintenance easement for the Jetty location. Commr. Saba, Sarasota County Commissioner, reported that Sarasota County is claiming prescriptive rights first, and will authorize the C.E. to use the access. Commr. Rhodes reported that this statement was for the purpose to present the facts for any legal use by Sarasota County. Commr. Rhodes moved that the board instruct WCIND Counsel to assist in determining the C.E. and the Sarasota County's prescriptive rights; the motion was seconded and carried.

Venice Marine Center - Request - The WCIND permit previously requested by the party to cut through the bank and have access to the IWW was reviewed by the Director. At that time plans contained a request for a 500-foot wood dock; this was disapproved by WCIND on one basis that WCIND could not participate with an agency having goods there for sale at the dock location. Now a new request contains plans for a 300-foot dock and extends out over the bank and uses up the width of R/W. WCIND has 200 feet of water space here; also at the bridge location there are State signs for "no wake", and it is a congested area. Commr. Rhodes stated the basic conditions are still there which were previously disapproved. The Director requested that the board consider whether or not to make a recommendation since the requesting party is expected to be here in attendance. The board decided to defer consideration of the request until the end of the day's agenda. (The requesting party did not show for this board meeting.)

Dr. H. W. Lovall and Mr. Sou Chan - Request to WCIND - During construction of the IWW in the Casey Key area, these two property owners: a 850-900 foot strip of land was designated for the placement of dredged material and WCIND is reported to have promised "to level this property." They now request removal of the dredged material from their land. The Director, along with Sarasota County Navigation Control Authority representative, has made two inspections of the site; also, the Director has tried to obtain a cost-price for the work. One quote was \$40,000 which would include the destruction of Australian pine trees grown throughout the area. A full-blown job cost would be \$60,000. WCIND Counsel has raised the question of lapse of time - 1961 to 1975, re 1) statute of limitation and 2) why this request is received so late. The Director and WCIND Counsel recommend to deny the request. Commr. Rhodes moved that the Director and WCIND Counsel notify Dr. Lovall and Mr. Sou Chan that at this date, it is impossible for WCIND to fulfill the agreement made in 1961. The Director informed the Board that the agreement was via a letter having been written by WCIND R/W Agent, Mr. John Van Norman; record files will be researched to determine if this letter had WCIND ratification. The motion was seconded and carried, pending the Attorney's opinion on board ratification of promise. Following Commr. Goldtrap's question of any agreement on record, this motion was withdrawn. Commr. Rhodes then moved that the Board instruct Counsel to research the history and present his recommendation to the board at the next board meeting; the motion was seconded and carried.

Florida Power & Light Company - Easement Use Request - This is for an easement on top of an easement where WCIND has an easement at City of Venice where WCIND allows City of Venice to drill three water wells. The Director reported he is in contact with Mr. Paul Youngberg, City Administrator. Commr. Rhodes suggested that the board hold up its decision pending the Director's contact report from City of Venice. The board concurred.

Manatee County

Spoil Island, MSA-16 Use Request - Director reported on a party's request to use this area for a place of residence. He was advised that this is U.S. Corps of Engineers property. The Director reviewed the F.I.N.D.'s problems with people making use of lands over on the east coast of Florida. These islands in the IWW are 1,000' square. One area in the Manatee County location was discovered to harbor the large number of black-widow spiders. Commr. Castor moved to deny this request; the motion was seconded and carried pending the receipt of official position as stated by the Corps of Engineers who actually own the land.

Pinellas County

Dock Permit, Kenneth W. Miller's Request - This is a request for a dock 3 feet wide and 23 feet long, and the lot in question is in Boca Ciega Bay, 150 feet from IWW centerline. The Director has received the drawing for the proposed dock. The Chairman questioned the possibility of infringement. Commr. Goldtrap moved that the party be instructed to first go through the Corps of Engineers channel; the motion was seconded and carried.

Seminole Boat Ramp - WCIND R/W - Proposed dredging, Clearwater. Chairman suggested that this request be postponed until Pinellas County Commr. Jones reviews the proposal and that the Director contact the requesting party as well as Commr. Jones so that he may be apprised. Commr. Castor moved to defer the question until a recommendation is received from Commr. Jones; the motion was seconded and carried.

St. Joseph Sound Dredging Project - In the absence of Mr. Dye, Counsel, the Director reported on their attendance in Federal Court, Tampa, re the trial taking place this month for the Save Crystal Beach Association vs. Corps of Engineers and WCIND. A decision was hoped for at the end of the summation; this was not received and is being anticipated at an early date. Both the Corps of Engineers Counsel and WCIND Counsel are optimistic as to the outcome; however, whoever wins the case, it is believed there will be an appeal. If the plaintiff appeals, an additional bond will be required. The Director reported that WCIND Counsel challenged the State Attorney General's position in this case during the summation; the State rebutted that it was in accordance with previous cases, "people's cause." The Judge had asked the question of why the State is involved. Also, it was determined - and denied to come to the Court - that another property owner had participated in obtaining bond money, \$25,000 of the \$50,000 bond; this owner was the Honeymoon Island owner. The Chairman then stated that the Judge will rule to grant or not for a full environmental impact statement. The Corps of Engineers holds that this is not sufficient grounds for an impact statement. \$301,000 WCIND funds were

paid to the Corps of Engineers a year ago as an IWW requirement. The Director will advise board members on the Case judgment as soon as it is announced. The Corps of Engineers now is considering the Ocean Dumping rules and as yet this is not approved by the Government Control; until that time, upland use is necessary.

The ACTIVITIES REPORT was accepted as presented.

ANNOUNCEMENTS

Seminar on Coastal Engineering, University of Florida, February 27-28. None of those present at this meeting are planning to attend the Seminar.

Public Meeting on Clearwater Pass, March 19, 1975 - The chairman has requested the Director to contact Commr. Don Jones for his attendance at this meeting to represent WCIND.

Annual Waterway Inspection Trip - The Director reported that he has requested information from the Corps of Engineers as to a recommendation for a scheduled inspection of the IWW, Fort Myers to Tarpon Springs. Members concurred in the plan to have the trip take place on a Thursday and Friday. Commr. Rhodes suggested that the Director contact Commr. Jones and advise him that he is requested to act as Pinellas County host at terminus of the trip.

NEXT MEETING DATE - March 17, 1975, was the recommended and potential date for the March meeting to be held in Sarasota County Courthouse as agreed by the board.

The meeting adjourned at 11:30 a.m.


Chairman


Asst. Secretary