

WEST COAST INLAND NAVIGATION DISTRICT
BOARD MEETING
MINUTES OF JULY 21, 2000
ROBERT L. ANDERSON ADMINISTRATION CENTER, VENICE, FLORIDA

COMMISSIONERS PRESENT: Ray Judah, Chairman
 Joe McClash, Vice-Chairman
 Nora Patterson. Treasurer
 Adam Cummings, Charlotte County Alternate

COMMISSIONERS ABSENT: Donald Coppola, Secretary

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

Chairman Judah opened the meeting at 10:30 a.m. and noted that a quorum was present. Item No. 5 on the Consent Agenda was pulled for later discussion.

PUBLIC COMMENT – Mr. Donald D. Platt spoke about Lemon Bay and Stump Pass from his own experience. He favors the dredging of Stump Pass, but the project must be tied in to the entire length of Lemon Bay. Mr. Larry Evans, a resident of the Sarasota County portion of Englewood, wants to keep Stump Pass open, through dredging, until such time as the flow of water in Lemon Bay can be reversed to where the pass will hydrologically dredge itself on every tide.

DEPARTMENT OF ENVIRONMENTAL PROTECTION – Mr. Phil Flood from the office of Beaches and Coastal Systems also works with local governments on the beach erosion control program. This program is geared toward restoring the beach and dune system. It is not a navigation program, but his office does incorporate navigation projects into the beach projects. He was asked to fund a pilot project that would take advantage of Stump Pass as a source of material for a beach project and make this the model for the state. He doesn't have an interest in doing that. That model is already in place on both coasts. He has been working with Sarasota and Charlotte Counties to develop a feasibility study that will look at the beaches from Siesta Key south through Little Gasparilla Island. The study will come up with a cost-effective and environmentally sound shore protection projects to protect upland properties. It would particularly zero in on the Stump Pass area to see if we can utilize the navigation improvements that WCIND wants to make by maintenance dredging and fold that into the DEP's beach projects. Navigation projects alone will not score high on the list for possible funding (\$40 million this year). There must be a beach restoration project also. Further discussion ensued as the WCIND Board tried to understand the philosophy and mechanics of the state's funding program. Commissioner Cummings said that if the county comes up with a beach renourishment project outside the scope of WCIND, then WCIND could come forward and try to match WCIND's navigation project to the state's pre-established beach project. Mr. Flood agreed with this interpretation.

U. S. ARMY CORPS OF ENGINEERS – Mr. Fore could not attend the meeting, but he faxed information to Mr. Listowski. Longboat and New Pass maintenance dredging, including FEMA money for the Town of Longboat Key, will be advertised on September 21 and open bids on November 7th. At Fort Myers Beach, the Corps should get the necessary sediment data back today, and dredging should begin sometime after November. Sediment data on the ICW should be completed in about a month. Regarding Midnight Pass, Mr. Fore said that the Corps owes both Charlotte and Sarasota Counties a response to a request for assistance from the continuing authorities funding that has been exhausted for this year. The Section 22 program that Sarasota County is asking for to analyze the report should be available again in November – December 2000. Stump Pass money will probably be available in November – December for the Section 111 program. Overall, future funding for south Florida will be tied up under the tremendous influence of the Everglades project. Mr. Perrey and Mr. Listowski will become more familiar with all possible sources of the Corps’ funding programs. Lemon Bay will be at the top of the list for Section 111 funding as soon as it becomes available.

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

Maintenance Agreement with Sarasota County re Columbine Stormwater Conveyance – Counsel Perrey explained that a few meetings ago, the Board approved the idea of transferring the maintenance responsibility of a drainage ditch on Columbine Road in south Venice to Sarasota County. The county would like a “permanent drainage easement” and has submitted a preferred form. Counsel Perrey is recommending a “drainage easement”, with a five-year prescriptive term. The only difference in the two documents is that Mr. Perrey’s proposal would give WCIND an exit option in case the county did not fulfill the maintenance obligation. We could terminate the easement. Commissioner McClash moved to submit Mr. Perrey’s “drainage easement”. Commissioner Cummings seconded. Motion passed unanimously.

ADMINISTRATIVE AGENDA

1. Stump Pass Update - Mr. Listowski said that the project extends approximately 20.3 miles, 7.6 miles of which are in Sarasota County and 12.7 miles in Charlotte County. The total length of the beach fill locations (critically eroded miles) is 8.1 miles with 2.9 miles in Sarasota County and 5.2 miles in Charlotte County. The preliminary beach fill sand quantity for the 8.1 miles would be 42,750 feet x 56 cu. yds. per foot would be 2.4 million cu. yds. The average cost per cu. yd. is approximately \$6, so multiplying 2.4 million x \$6 equals \$14.4 million. Commissioner McClash thanked the Executive Director for the detailed report but cautioned that with engineering costs, easements, and surveying, the total cost could rise to nearly \$20 million. Mr. Listowski said that a lot of sand has collected within the project area of the 1980 alignment.

Commissioner Cummings said Charlotte County is working on three main areas: the feasibility study, the interim dredge project, and the full implementation plan. Charlotte County might facilitate the linkage between the beach renourishment program and WCIND by dealing with the local match for the feasibility study internally and taking that totally out of WCIND’s arena. By reviewing WCIND’s previous budgets, the county found \$570,000 in FY1998-99 and \$180,000 in FY1999/2000 dedicated to state/federal required match projects, specifically, the FDEP’s Erosion Control Assistance Program. Commissioner Cummings said that since there isn’t a state/federal match for the interim dredge project, he thought the most appropriate thing to

facilitate this project would be to dedicate that previously-set aside money toward the implementation plan rather than the interim dredge. That fits with the needs of the beach renourishment and the needs of WCIND. That would put the program back on track.

Commissioner Cummings moved to formally dedicate the state/federal required match projects funding for FDEP Beach Erosion Control Assistance at a total amount of \$750,000 as described in the current WCIND Budget to address navigation and coastal management aspects of a coastline area inclusive of Stump Pass and the implementation of an approved inlet management plan within a geographical area starting from the southern terminus of the federally-authorized Venice Beach Project south to Gasparilla Pass. The motion was not seconded, but a discussion ensued.

Commissioner Patterson asked questions regarding the source of the money. The 1998/1999 budget set aside \$570,000 for the FDEP Erosion Control Assistance Program for North Little Gasparilla and Manasota Key. The match never materialized. Commissioner McClash said there have always been Board concerns about spending such large sums of money on one area, i.e. Stump Pass. Commissioners did not know this money was still available.

Mr. Listowski said that WCIND does not have a specific project earmarked for this funding. The Commissioners had concerns about this becoming a recurring request for money for Stump Pass. Commissioner Cummings said this would be a one-time request and that the county is working on plans to do the work locally, such as committing half of the county's WCIND funding on a regular basis to Stump Pass.

Commissioner Judah suggested that the discussion be continued when the entire budget is being discussed. Commissioner Cummings wanted to deal with the issue today because he was specifically sent to the WCIND Board Meeting to discuss the funding for Stump Pass. He might not be at the September meeting.

Commissioner Patterson moved that funding in the FDEP Erosion Control Assistance line in the Budget be reallocated with \$450,000 being put into WCIND general reserves and \$300,000 being dedicated toward Stump Pass dredging and maintenance, subject to all WCIND rules and regulations. Commissioner Cummings seconded. Motion passed unanimously.

Commissioner Judah apologized for having to leave early. Commissioner McClash moved into the Chairman's position.

2. Legislative Report – Counsel Perrey reported that we have made some progress, trying to work with DEP and trying to marry navigation projects and beach renourishment projects.

3. Manatee Protection – Counsel Perrey said there are two pending lawsuits in federal court, one in Washington, D. C. and one in Tallahassee. Nineteen environmental agencies and wildlife protection agencies have filed suit against the ACOE and Florida Fish & Wildlife Conservation Commission trying to get them to do more to protect manatees. This has already had an impact on permitting activities, and it could affect some of our initiatives currently underway.

Mr. Listowski asked Ken Stead, executive director of the Southwest Florida Marine Trades Association, which has been part of a negotiating effort regarding this lawsuit, to address the

Board on the current status of the issue. He gave an example of a project being affected by the suit as a road-widening project in Lee County that is being held up as a result of concern for manatees. The state lawsuit is going nowhere at this time, and a meeting will be held to discuss settlement terms or initiatives. The state has no legal obligation to comply with anything under the Endangered Species Act or the Marine Mammal Protection Act. The only initiative WCIND is legally obligated to follow is state mandates under the Manatee Sanctuary Act, which is a state law. Charlotte, Sarasota, and Manatee Counties are not included in that. Only 13 key counties in the state are included. Removing the manatee from the Marine Mammal Protection Act is probably impossible. Who is going to fund any increased protection, and where are the decisions going to be made? It will come down to a political decision. A moratorium on marine and dock construction could be in place for a few years in Lee and Charlotte Counties. Mr. Listowski thanked Mr. Stead for the update.

4. Regional Beach/Inlet Convocation Report/Conceptual Southwest Florida Regional Sediment Management Plan – Mr. Listowski said there was a conceptual plan for the northeast part of the state presented by the Corps of Engineers which they would like to replicate for Southwest Florida. This would involve the development of a strategic plan to move and place material derived from necessary dredging activities. The Regional Sediment Management Plan would be a cooperative partnership between the state and the Corps. Phil Flood said the state is looking at opportunities to do a better job of regionalizing and managing our sediment, particularly around inlets. He offered to do a workshop in our area.

5. Preliminary Approval of FY1000/2001 Budget – Mr. Listowski cautioned that the “District Operating Reserve” figure on the Budget Summary will change in light of the earlier motion on Stump Pass. He was asked about the relationship between what the counties asked for in project funding and the amount of taxes they contributed. Where are the additional funds in the budget and do they come back to the counties? Mr. Listowski pointed out the line item for the State/Federal Required Match Program and the Cooperative Assistance Program. He was asked to provide more information at the next meeting.

Commissioner Patterson wondered if WCIND should have a policy to manage the District’s reserves. Mr. Listowski read the description of that particular category and explained how it has been used and could be used in the future. Sudden, unanticipated projects could be funded from reserves, either state/federal match projects or a loan to a county with an approved payback schedule.

Commissioner Cummings moved and Commissioner Patterson seconded to advertise a millage rate of .04. Motion approved unanimously.

Commissioner Patterson said that the ACOE is working on a Sarasota County project that will ultimately require a 25% match. That is the various spoil island restoration projects. Mr. Listowski pointed out the \$300,000 in the budget for ACOE Section 1135 projects on the State/Federal Required Match Projects page is dedicated to the Sarasota County project. None of that money has been touched. Mr. Listowski mentioned finding another source of funding and the meetings he will be having in August with this agency. Due to the many diverse issues facing the District that might involve a funding element, the Chairman suggested that Mr. Listowski work on developing a five-year plan covering all of the present and anticipated project needs that coincide with the District’s enabling legislation.

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Commissioner Patterson questioned the “Venice Marine/Special Enforcement” for \$40,000 under the Cooperative Assistance Program. Mr. Listowski explained that we have been funding this program for a number of years since it involves a patrolling and policing large upland spoil areas through the Venice jurisdiction. Commissioner Patterson questioned why it was outside the Sarasota County’s allocation.

COMMISSIONERS’ ITEMS – Commissioner Cummings said he hoped to be back for the September meetings.

WCIND COUNSEL’S REPORT – Mr. Perrey reported that: a death occurred on the waterway in Venice on July 8, 2000; he has reviewed a document called the Draft Statewide Mutual Aid Agreement between municipalities, counties, and special districts; and he has a boundary line agreement with the owners of Bellagio which is ready for signing.

Commissioner Patterson questioned the clean-up operation behind Darby Buick in Venice where we have been working with the City of Venice regarding the Linear Park. She was visited by a member of the Audubon Society and is concerned about the scrub jays and gopher tortoises that might be in the area. She asked about the wildlife management plan WCIND submitted to the state. Mr. Listowski said he had never been notified about the rejection of that plan, and it was being followed. We are in the process of providing a vegetation buffer between Bellagio and our property. The gopher tortoise burrows and scrub jay nests were identified before we did work in the area. They were not impacted at all by the work, which involved removing exotics or dead trees.

Commissioner McClash questioned the whole concept of property management. Mr. Listowski asked for a policy decision from the Board as to whether they want him to do property management. What he has done are simple activities meant to protect the interests of the District from liability issues. Commissioner McClash suggested giving the Board a report before any property clearing or planting was done to see if it was agreeable to the county involved. Commissioner Patterson suggested contacting an environmental group before doing work of this kind.

Mr. Listowski asked for permission to go ahead with the vegetation buffer. It was denied, but he was told to clean up the trash. Commissioner Patterson told him to bring back a plan for the planting and a price tag. She asked for a landscape plan to be faxed to her. Commissioner McClash recommended getting together beforehand with the commissioner of the subject county when a landscape, clearing, clean up project is being proposed.

NEXT MEETING DATE AND TIME: September 8, 2000 at 4:00 p.m. for a Board Meeting followed by the First Public Hearing at 5:01 p.m. Final Public Hearing at 5:01 p.m. on September 15, 2000.

MEETING ADJOURNED at 12:50 p.m.