

**WEST COAST INLAND NAVIGATION DISTRICT**  
**BOARD MEETING**  
**MINUTES OF JUNE 12, 1998**  
**SOUTH COUNTY ADMINISTRATION CENTER, VENICE, FLORIDA**

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COMMISSIONERS PRESENT:

Joe McClash, Chairman  
Adam Cummings - Vice-Chairman  
Jack O'Neil, Secretary  
Ray Judah, Treasurer

STAFF PRESENT:

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

Chairman McClash opened the meeting at 10:30 a.m. Mr. Listowski called the roll. Commissioner Judah moved and Commissioner O'Neil seconded to approve the Minutes of March 27, 1998, the invoices paid for the months of March, April, and May 1998, and the treasurer's reports for February, March, and April, 1998. Motion approved unanimously.

There were no deletions or additions to the Agenda except that Counsel Perrey was asked about the agreement with Seminole Gulf Railroad, an item on the Consent Agenda. He replied that he would like to negotiate some of the terms in the proposed agreement. Commissioner Judah offered to help as he has a good working arrangement with the chief operating officer of the railroad.

CONSENT AGENDA - Commissioner Judah moved and Commissioner Cummings seconded to approve items 1 - 6 on the Consent Agenda. Motion approved unanimously.

PUBLIC COMMENT - none

DEPARTMENT OF ENVIRONMENTAL PROTECTION - Mr. Listowski said that a repeal of a 1996 statute means that we no longer have to submit our annual budget or work plan to the Secretary of DEP. We seem to be free from scrutiny. Counsel Perrey said we appear to have better dealings with the DEP staff in Tallahassee than we do with regional offices. Everyone agreed.

U. S. ARMY CORPS OF ENGINEERS - Mr. Don Fore addressed the Board. The Corps is about to reimburse Lee County \$375,000 for the emergency dredging of Fort Myers Beach. The Colonel hosted a public setback meeting in Venice recently, and division staff was present. This is the process of identifying a setback requirement from the edge of channel for navigation projects and shallow draft waterway projects. The Corps would like to have 100 feet from the edge of channel, and if that if not possible, they will allow 62.5 feet. However, if an individual cannot meet that, the Corps will allow a marginal wharf at 40 feet (or less) running parallel to the

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shoreline. The Colonel looked at our marine dock facility, and it will probably be accommodated. If variances are needed for davits, they will probably be forthcoming. Mr. Listowski thanked Mr. Fore for his assistance, and that of the Colonel also.

Mr. Listowski asked about Harbor Lights. Mr. Fore said their real estate department is looking at this situation, and more than likely, the response will be that this is a Corps easement and the homes should be removed upon a change of ownership. At the public setback meeting, the problem of Harbor Lights took up at least half of the meeting. It was emphasized that this is a Corps problem, not a District problem, but we are standing firm behind the Corps' position. Mr. Listowski said that he discussed having the Corps' real estate attorney, Sharon Conklin, come for a visit with our attorney and executive director in September to discuss Snake Island and pipeline easements on Casey Key. Typically, the Corps does not release pipeline easements. Nor does it permit physical structures to be placed on them.

Mr. Fore said that waterway inspection trip will probably be scheduled October 19-20 before the FSBPA Conference at South Seas Plantation later in the week. The Corps has a 65 foot air conditioned boat for this purpose.

The centerline survey for the ICW is out with the contractor and should be delivered within three months. After receiving it, the Corps will visit with the Executive Director to discuss where to go from there. The Corps would like to turn the survey into a long-term dredge management plan for the waterway. Mr. Fore reminded the Board that the Corps' available funds have been cut over the years. FIND on the east coast has contributed about \$2.7 million this year, and next year it will be about \$10 million.

Mr. Listowski asked Mr. Fore to comment on hydrocyclonic technology. He said it is nothing more than a static hydraulic centrifuge that separates the sand and the silts. Fort Myers Beach would be a good place to use this process. Congressman Goss is sponsoring a \$1 million add for dredging Fort Myers Beach Channel next year and a \$5 million add for dredging Boca Grande Pass. Mr. Listowski said it was refreshing to see the partnership that is developing between WCIND and the Corps.

## ADMINISTRATIVE AGENDA

1. Report on County Funding Requests - Requests from the counties total over \$1.5 million. Last year they totaled just under \$900,000. The District has been involved in some regional initiatives, and Mr. Listowski felt it might be appropriate to modify the counties' requests so we may continue to do so. The counties' liaisons were amenable to that idea as long as they could continue to draw upon the regional initiatives as resources. Mr. Listowski estimated that the counties might get just over \$1 million for their projects. At some time we might want to consider raising the millage to take advantage of the Corps' willingness to work with us in partnership. Chairman McClash didn't think it appropriate to take money away from the counties at this stage since they had already gone to a lot of trouble to structure projects that met our criteria and their needs. The consensus of the Board was to leave the counties' requests as submitted. Our investment income will no longer cover administration costs.

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Perhaps next winter the Board should discuss regional initiatives and then notify the counties that there would be less money available for county projects. When the Corps' finishes its survey of the waterway, there will definitely be some identifiable trouble spots that will have to be dealt with. Commissioner O'Neil complimented Mr. Listowski for his Stump Pass presentation before the Sarasota County Board of County Commissioners. This secured an additional \$100,000 for widening the dredged area.

2. District Legislation - Our legislation was passed in May, and we got everything we wanted.
3. CERB/FSBPA Meetings - CERB stands for the Coastal Engineers Research Board which met in Fort Lauderdale. Mr. Listowski attended with seven generals and the leading coastal experts in the world. We need to look at the bay systems and the coastal systems in a holistic way. They are definitely linked scientifically. Our legislation is very important because we have to deal with coastal issues collaboratively with inland waterway issues. The FSBPA meeting was very interesting, but Mr. Listowski had to meet with the Colonel and could not attend all the sessions. There are people making a case for suing local governments and even the federal government for their rights to have sand in front of their homes. This means we have to be vigilant. When asked about a constitutional right to sand, Mr. Listowski said it goes back to English and Spanish law and the vested rights associated with shorelines.
4. FDEP Permit Process - We have submitted another waiver until June 18, 1998 to DEP on Shakett Creek to clarify legal issues. The draft permit we received has so many conditions attached to it that it amounts to overkill. Phil Perrey, Steve Lewis, and Sam Johnston will be developing a response to it. If we do not receive an equitable permit, staff feels that we should file a petition for an administrative hearing. We have the stipulation permit via the exemption process on Gottfried Creek, but there are some other issues to contend with.
5. Property Issues - Already discussed. Mr. Listowski will meet with Sharon Conklin in September.

## COMMISSIONER ITEMS

1. Commissioner McClash is going to an intermodal conference the Governor has convened, and he thinks the District should send a letter to the Governor saying WCIND would like to be included in some of the funding opportunities that may come out of this group which includes port directors and MPO representatives.
2. Commissioner Judah said that there has been shoaling in the New Pass/Big Hickory Pass area and there should be a comprehensive analysis to justify the need for some maintenance dredging in an area where we have already done some projects. Commissioner O'Neil moved to fund the study not to exceed \$20,000. Commissioner Cummings seconded. Motion approved unanimously.

DISTRICT ATTORNEY REPORT - Counsel Perrey said that when the District was strictly a funding mechanism for county projects, there was less work for the WCIND attorney. Now that

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we are involved in regional activities, including securing permits, the counsel is sensitive to our budget for legal fees. Next year our legal fees should be cut in half, hopefully.

EXECUTIVE DIRECTOR - The new Agenda format was well-received. Add the approval of Minutes, Invoices Paid, and Treasurer's Report to the Consent Agenda.

**NEXT MEETING DATE AND TIME: Friday, July 10, 1998 at 2:00 in Venice, FL**