

**WEST COAST INLAND NAVIGATION DISTRICT**  
**BOARD MEETING**  
**MINUTES OF FRIDAY, MAY 24, 1996**  
**SOUTH COUNTY ADMINISTRATION CENTER, VENICE, FLORIDA**

MINUTES OF MAY 24, 1996

A regular meeting of the West Coast Inland Navigation District was held on Friday, May 24, 1996, at 10:30 a.m. at the South County Administration Center, Room 228, Venice, Florida.

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

**ADMINISTRATION**

Commissioner McClash called the meeting to order. Mr. Listowski called the roll. Commissioner Cummings was not present at roll call but arrived at 10:50. Commissioner Judah moved to approve items 2-5 on the Agenda (Minutes of March 22, 1996, Invoices Paid for March and April, Treasurer's Reports for February and March, and changes to the Agenda). Commissioner O'Neil seconded. Motion approved unanimously.

**PUBLIC COMMENT**

Mr. Listowski suggested showing a video on Midnight Pass since the comment cards indicated that the public wished to address this issue. The Board agreed, and a 15 minute video was shown.

Ms. Jeanne McElmurray, representing Save Our Bays of Sarasota County, spoke first. Approximately one-half of a million dollars has already been spent on Midnight Pass. No more money should be spent on a project which would be detrimental to north Casey Key and would only lead to costly litigation. The National Estuary Program has never recommended that the pass be opened. Recently-held forums are not binding. She feels the Board should respect the findings of the official administrative hearings held in Sarasota in October, 1990. Every environmental organization in Sarasota County opposes the reopening of the pass. She was the only county commissioner (Sarasota County) to vote not to close the pass. In 1985 the U.S. Corps of Engineers wrote that the corps had studied the feasibility of designating Midnight Pass as a federally-maintained navigational project but determined that the navigation improvements were not feasible. The corps found that Midnight Pass would be difficult and expensive to

maintain. Ms. McElmurray believes there is no sound environmental reason to reopen Midnight Pass, but there would be considerable ecological damage to the estuarine system that now exists.

Commissioner Judah questioned Mrs. McElmurray as to why the Sarasota County Commission did not require the two property owners on Siesta Key, who were allowed to close the pass in its open location, to reopen the pass in the original location after failure to relocate the pass. She could not recall the Sarasota County Commission action.

In response to Commissioner McClash's question about why this issue was on the agenda, Mr. Listowski said he had been to meetings recently where the A.C.O.E.'s section 1135 program was discussed. This program was designed to restore areas that may have been inadvertently damaged by the construction of the Intracoastal Waterway. Mr. Listowski indicated that the agenda item was to be for discussion only and was not intended as a public hearing.

Mr. Bob Roembke, an active member of Save Our Bays Association for many years, spoke next. In place of Midnight Pass there is now a solid beach area and an ecosystem that has flourished along with marine life of all kinds. Do not disturb "mother nature". The first priority for restoring water quality in the bay must be the control of stormwater runoff pollution. When this is completed, then Sarasota Bay will return to quality bay water.

Mr. Bruce Pitzer spoke on behalf of Manasota 88. The hearing officer said in 1991 that the county has not demonstrated that any of the positive consequences would balance or outweigh the negative impacts which were reasonably expected. There is less of a case today than there was five years ago. There is no consensus to open the pass. The film showed many reasons not to dredge and reopen the pass.

Mr. Jon Thaxton spoke on behalf of the Sarasota Audubon Society, Inc. Mr. Thaxton states that natural management is not always possible due to indelible manmade changes to the environment. The area in question is no longer impacted by red tide outbreaks because the tidal flush cannot get to it in a timely manner. As a result the fisheries are protected and well-sheltered. Consult with the U.S. Fish & Wildlife Service and the Department of Environmental Protection before going any further to see if they will give the necessary permits. He feels the impacts to endangered species with an open pass will be nothing less than catastrophic. This is the major reason why the previous effort was denied.

Mr. Charles Telfair believes government should tax its citizens at the lowest appropriate level. The Charlotte County projects which WCIND funded this year should be funded directly by Charlotte County, not WCIND.

Mr. John Reed Buckley said not to interfere with nature. Let it take its own course.

Mr. James Herbert of the Midnight Pass Society said mother nature will reopen the pass someday. Why wait for this to happen? We should control where and when this will happen. This is not an environmental issue now. It's an engineering issue. Can it be done and can it be done well?

Mr. Robert Waechter of the Midnight Pass Society said we are talking about righting a wrong. The pass should never have been tampered with in the first place. It is a WCIND problem because the A.C.O.E. brought some of its dredge equipment in through Midnight Pass and used the south channel to deposit dredge spoil from the I.C.W., which eventually blocked the north channel. They threw the whole pass out of balance.

Commissioner McClash said that Sarasota County could apply to the Corps for section 1135 funds since this issue is essentially a local matter. Commissioner O'Neil was not aware that 1 ¼ hours would be devoted to Midnight Pass testimony this morning. Commissioner McClash moved and Commissioner Judah seconded to send a letter to Sarasota County telling them to apply to the Corps for section 1135 funds if they so choose. Motion carried unanimously.

### **OLD BUSINESS**

Matanzas Emergency Dredge - Ms. Pat Hanson of the Corps reported to Mr. Listowski that there are two ways to get reimbursement for this dredging: through Congressional authorization or through a section 215 (flood emergency). The Congressional authorization process has started. Ms. Hanson has applied for the full amount - over \$800,000. We have already committed \$675,000 to the project. The project is complete and took only five months - record time.

There may be some new questions about water quality certification regarding New Pass and Longboat Pass. The project is in an 8A contract review. Dredging around Snake Island in Venice is under review. Commissioner Judah is in contact with Congressman Goss' office to see that WCIND is reimbursed.

Regarding the "repayment" to contingency reserves, Commissioner Judah moved and Commissioner O'Neil seconded the payback policy as follows: three years time to pay back, the cap would be \$1.5 million which would be available for emergency use, and the payback percentage would be whatever is necessary to repay in three years. However, certain circumstances would be taken into account. Motion carried unanimously.

Stickney Point Bridge - Counsel Perrey said a settlement proposal has been received from Landings Marina Inc. - refund of prepaid license fees (\$7,490) and refund of appraisal fees (\$1,200). Staff recommends approval. Commissioner Judah moved and Commissioner Cummings seconded approval of the above settlement. Motion carried unanimously.

Minutes of May 24, 1996

Page 4.

Waterway Management System Project - Mr. Listowski met recently with Mr. Jeremy Craft of D.E.P. and his staff to discuss the study work that is being done by Florida Sea Grant to analyze our waterways and determine what kind of channel dredging we will need and give us a better opportunity to get permitting for a blanket approach to comprehensive waterway management. He asked for and got from D.E.P. their enthusiastic support in order to make a recommendation to extend the study for the remainder of Sarasota County. The county has approved and is today asking for more than \$142,500 from their existing C.I.P. budget for this study. A Memorandum of Agreement has been drawn up to solidify that support from D.E.P. Commissioner Judah moved and Commissioner Cummings seconded that we sign this Memorandum after D.E.P. approval. Motion carried unanimously.

Regional Harbor Board Report - This group has been meeting regularly, and a management approach has been developing. We want to be involved in substantive projects, and we are moving in a more positive direction on this project.

### **NEW BUSINESS**

Preliminary Review of County Project Priority Lists for FY96/97 - Each county has developed a project priority list, which, to date is as follows: Sarasota County - \$370,000, Lee County - \$390,000, Charlotte County - \$125,000, and Manatee County - \$176,796. These estimates are based on the current millage rate. We have reduced the millage rate in the last five years. Commissioner McClash suggested having a workshop before the next Board Meeting to discuss where we are heading with funding and what our real mission should be. Commissioner O'Neil was not happy with the list of projects proposed by Sarasota County. The workshop will be held at 9:00 before the next Board Meeting on July 26, 1996. Commissioner Cummings wished to include a separate workshop for Charlotte County. Commissioner O'Neil moved and Commissioner Cummings seconded having the above workshops. Motion approved unanimously.

Commissioner Judah made his apologies for having to leave the meeting at this time.

Manatee County Funding Request for Greer Island - The county is asking for \$45,000 for the Greer Island Spit Dredging project, but the project has been around since FY1988. Media reports indicate much higher and conflicting total project costs.

Cliff Truitt, consultant to the Town of Longboat Key, which requested this project, spoke to the Board. The \$45,000 will be used for some of the mitigation work and preparation for construction work, but not for dredging. The Board would like to see the projected presented in

Minutes of May 24, 1996

Page 5.

its entirety at one time, even if some funds came from C.I.P. funding and others came from the WWDP. The issue will be taken up in July.

Sarasota County Funding Request/Waterway Management System Project Phase II - Commissioner O'Neil moved and Commissioner Cummings seconded to approve phase II of this CIP project for \$142,145 which will extend the study area south to the county line. In connection with this request the county requests reapplication of \$10,000 which was approved for four flotillas in Sarasota for FY96/97. These funds will now be used to purchase a boat, motor and trailer at a cost not to exceed \$10,000. The vessel will be assigned to the waterway management (canal dredging) project. Motion approved unanimously.

Shakett Creek Improvements Project - Commissioner O'Neil moved and Commissioner Cummings seconded approving a feasibility study for dredging portions of Shakett Creek at a cost not to exceed \$10,000, from Sarasota County's C.I.P. funding. Mr. Listowski is working with Mr. Gary Comp to develop an appropriate scope of work.

Blue Seas Lease Agreement - Mr. Listowski explained that WCIND has a long-standing lease agreement for a charter fishing boat company on property we own on the ICW. The Blue Seas Company pays us \$1,348.20 (incl. tax) per month. Because of poor weather, red tide, and diminishing fish stocks, Mr. Doug Bowers is unable to continue making payments at the agreed-upon amount. He proposes to pay \$856 until the end of the lease, March of 1997. Commissioner O'Neil moved and Commissioner Cummings seconded to approve the reduction in terms of payments provided Counsel Perrey, after having examined the lease documents, finds there is no legal impediment. Motion carried unanimously.

Charlotte Harbor N.E.P. - The E.P.A. has streamlined the approach, and now the Charlotte Harbor N.E.P. is considered a tier 5 N.E.P. The budget for the first three years is \$533,333 each year.

Draft of Waterway Guide - Mr. Listowski said we have not received a draft from the printers but he would work with Chairman McClash to make any recommended adjustments or changes. He hopes to have a draft to present at the July 26<sup>th</sup> Board Meeting.

City of Venice and the Senior Friendship Center - We have received a letter from the City of Venice indicating a desire to impose the reverter clause of an existing contract. Counsel Perrey said he had not received a reply from the city's attorney to the counsel's letter saying the reverter clause was no longer enforceable. The District is still using the property, and we are waiting further communication from the city.

Minutes of May 24, 1996

Page 6.

Manatee County - Manatee County wishes to expand the project scope for M-48 (Channel Markers and Buoys) to allow the purchase of specialized equipment for project M-62, contingent upon approval of a project agreement amendment by the Manatee Board of County Commissioners at their June, 1996 meeting. Commissioner Cummings moved and Commissioner O'Neil seconded to approve the request. Motion approved unanimously.

Adjournment - 12:40 p.m.