

**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM
SELECTION & MANAGEMENT COMMITTEE (SMC)**

**July 7, 2003
Attendance List**

SELECTION & MANAGEMENT COMMITTEE MEMBERS

Mark Bush
Ron Hight
Ross Hinkle
Paul Schmalzer
Kim Zarillo

EEL PROGRAM STAFF

Anne Birch
Laura Clark
William Hausmann, EEL Intern
Mike Knight
Nicole Leotaud, EEL Intern
Zachary Prusak

THE NATURE CONSERVANCY

Angela Klug

GUESTS

Dan Click, Brevard County, Parks and Recreation Construction
Jeff Crow, BRPH Architectural & Engineering, Inc.
Bruce Elliott, BRPH Architectural & Engineering, Inc.
Henry Evans, Melbourne Resident
Edward Fleis, Fleis & Bennett Engineering, Inc.
Ford Garvin, Melbourne Resident
Steve McLeod, FIT Student
Ed McMahon, Resident Indian River Colony Club
Jane McMahon, Resident Indian River Colony Club
Jim Noble, Brevard Hardwoods
Linda Noble, Brevard Hardwoods
Donna Oddy, Brevard County, Natural Resources Management Office
Brian Toland, Toland Environmental
Carlos Zarate, Brevard County, Parks and Recreation Construction

*July 7, 2003
Approved August 18, 2003*

**ENVIRONMENTALLY ENDANGERED LANDS PROGRAM
SELECTION AND MANAGEMENT COMMITTEE
July 7, 2003
Meeting Minutes**

CALL TO ORDER:

Ross Hinkle called the meeting to order at 1:05 p.m. and asked everyone to introduce themselves. Ross asked the group if a change in the order of the agenda items would be of concern to allow for the Brevard Hardwoods item to be heard first. There were no objections.

MINUTES:

The April 22, May 27, and June 2 joint SMC/PC (Selection and Management Committee/Procedures Committee) minutes are pending approval. The April 22, 2003 minutes were presented for review. Ross asked for comments to the April minutes.

MOTION ONE:

Paul Schmalzer moved to approve the April 22, 2003 minutes, as written.
Mark Bush seconded the motion.
The motion carried unanimously.

ADMINISTRATIVE REVIEW:

The Administrative Review was reviewed. A copy is included with these minutes.

Pine Island Conservation Area (PICA)

Anne Birch informed the group that due to State budget cuts, the grant from the Division of Historical Resources has been reduced from the original amount of \$50,00.00 to \$27,360.00.

THE NATURE CONSERVANCY:

Angela Klug from The Nature Conservancy (TNC) informed the group that in June, the State's Acquisition & Restoration Council unanimously voted to maintain the Brevard Coastal Scrub Ecosystem (BCSE) and Blueways projects in the Group A ranking.

OLD BUSINESS:

Brevard Hardwoods – Structural Analysis Report & SMC recommendation regarding acquisition

Anne introduced Jim and Linda Noble, owners of Brevard Hardwoods, Jeff Crow and Bruce Elliott from BRPH Architectural & Engineering (A&E), and Dan Click and Carlos Zarate from Brevard County Parks & Recreation (P&R) Construction. Anne advised the group that she contacted the County Attorney's Office to obtain direction on whether the EEL Program could use its funds to acquire a site with an historical building. The County Attorney's office stated that as long as the site meets the land acquisition criteria of the EEL Program, EEL funds can be spent to purchase the land and for subsequent restoration of the building.

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Anne suggested the next step in considering the Brevard Hardwoods site for acquisition would be to ensure the site met EEL Program land acquisition criteria. Also, representatives from the firm PRPH Architectural & Engineering and P&R Construction were available to answer questions regarding their reports.

Ross stated that the main interest in the site had been that the land was contiguous with the Malabar Scrub Sanctuary and included a building that had the possibility of being renovated as a Management and Education Center and field office for the South Area Land Manager. He asked the members of the SMC to express their opinions on the matter.

Kim Zarillo expressed her thoughts that the site seemed attractive as an addition to the Malabar Scrub Sanctuary and felt it met the EEL Program's land acquisition criteria. She expressed her concern related to the building structure and costs associated with renovation.

Ron Hight expressed concern that lead and asbestos assessments were not available and stated the relatively flat roof was an issue. Site drainage, the need for new windows, a septic tank, and new wiring, in addition to the costs of meeting the American Disabilities Act (ADA) requirements added additional unknown costs to the renovation effort.

Paul echoed the other member's feelings and stated that the building was of substantial historical interest. He stated that the County Attorney's opinion on appropriate funds raised questions, as most of the land surrounding the building has been cleared. Paul stated that full restoration of the facility would require significant expense at a time when funding was limited.

Mark stated that while renovation of the building was a worthy project, the cost estimates in the current plan for a South Region Management and Education Center should be used as a guideline during the decision making process.

Ross reminded the group that the current plan included a facility similar to the building at Erna Nixon Park. He asked if an estimate of total costs for renovation of the Brevard Hardwoods building was available. Anne stated she and Mike Knight recently met with P&R Construction to review the A&E report, and costs for Phase 1 (partial restoration to provide a land manager office) and Phase 2 (restoration of the entire building) have increased. Based on additional necessary items, the revised cost estimate for a Phase 1 restoration is \$456,724.00. Phase 2 was estimated at \$712,167.00 (Phase I costs included in this amount). Anne provided clarification that these figures represent renovation costs only and do not include the purchase price of the property.

Dan advised the group that the building was previously assessed for hazardous materials when the State was considering purchase and a remediation cost of approximately \$50,000.00 was assessed at that time. He stated additional areas of uncertainty exist because the sub-floor had been exposed to moisture for a long period of time-which leads to possible structural and air quality concerns. He explained the estimated costs contained a 15% contingency amount that is used for unforeseen costs.

Anne clarified that the Phase 2 amount of \$712,167.00 represented the combined costs of both phases, but did not include the costs associated with separating the attached wooden shed from the main building, which would be required for permitting. Anne stated that the maintenance shed is a definite need for this Center due to the nature of the land management operations for this region.

Kim asked if previous discussions included a cost of \$400,000.00 for this project. Anne confirmed that \$400,000.00 was the amount in the capital improvements budget for the South Region Management and Education Center.

Ross stated the SMC seemed reluctant to move ahead with acquisition efforts and called for a motion on whether or not to proceed.

MOTION TWO

Kim moved to cease acquisition efforts for the Brevard Hardwoods property.

Jim Noble asked to address the Committee.

Jim stated his understanding that funding was an issue and expressed his opinion that some of the costs might be inflated. He suggested use of a Construction Manager as an alternative in the renovation process. He stated his opinion that there were some errors in the reports that had been prepared. He asked the SMC not to take a negative stance on a critical vote that might determine the future of the Brevard Hardwoods property and building and asked that members vote in favor of acquisition.

Linda Noble stated her support of Jim's statements and her feeling that the facility could provide a wonderful opportunity for the EEL Program and the community.

Ross thanked the Noble's for their input. He stated all the members of the SMC originally had hoped that acquisition of the Brevard Hardwoods property could accomplish the EEL Program's goal of having a Management and Education Center at the Malabar Scrub Sanctuary. He explained that the SMC had to weigh the time, effort, and risks associated with purchase and restoration of the Brevard Hardwoods building versus construction of an adequate facility on existing property. He explained that the SMC must rely on the information provided by the County and the A&E firm as an accurate assessment of estimated costs, and that those estimates exceeded available budgeted funding. He stated if the EEL Program was a historical preservation organization the outcome might have been different, but they had to remember the primary goals of the EEL Program is acquiring and managing endangered lands.

Ross called for a second to Kim's motion.

Mark seconded the motion.

Ross asked Kim to restate the motion.

Kim moved to cease acquisition efforts of Brevard Hardwoods.

Ross confirmed Mark had seconded the motion.

Ross asked if there was any further discussion.

The motion carried unanimously.

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Ross confirmed that the SMC had moved to discontinue acquisition of Brevard Hardwoods and stated the next step was to move ahead with looking at the alternatives of putting a facility at the Malabar Scrub Sanctuary.

Ross thanked everyone one who had provided input regarding the consideration of acquiring the Brevard Hardwoods property for their time and efforts.

Indian Mound #8 Br 9 property – SMC site visit discussion

Paul provided the group with information on the SMC's site visit to the Indian Mound Burial Site. The application asked for the SMC to consider five different property ownerships composing the entire site, but that property owner permission was received to visit only three of these properties. He reported that the Hersch property included typical scrub vegetation with some flatwoods. The Hersch property contains an Indian Burial Mound as well as one active and one inactive eagle's nest. He stated that the Hersch property has the best quality scrub of all the sites visited as part of the application submitted to the EEL Program. The Hutcheson site was very disturbed and includes many exotic plant species. The Gullo property was described primarily as a Red Maple Swamp. The Spivey property is isolated from the better quality scrub and includes a house. The Amville property was not assessed, as authorization to enter the property was not received. ATV trails exist on some of these properties.

Ross asked if any of the properties were included in any existing project area. Anne confirmed they were not. Anne informed the group that the Amville, Hersch and Hutcheson properties had been considered for acquisition by the SMC in 1996. These properties were declined at that time due to funding being directed to other sites.

Ross asked where the closest scrub-jay population was located. Donna Oddy, from the County's Natural Resources Management Office confirmed the closest area was the Buck Lake Conservation Area. Ross commented that the Hersch property met the EEL Program's land acquisition criteria, but was isolated due to the adjacent properties not being available or not meeting the criteria and felt acquisition with a partner would be the most advantageous solution.

Mark suggested this property be considered for inclusion in the next round of State funding.

Kim stated she felt that would be a good option.

Anne stated she thought the property might be included on the sales tax referendum list as an individually funded item. She asked for clarification of what a first majority vote at this stage would authorize and stated that the property would probably have to be considered a separate project if the State was approached as a partner for funding. Mark asked if it would be possible to ask the State if they would consider a funding partnership without the EEL Program incurring the expenses of appraisals right now. Anne confirmed that was an option. She reminded the SMC that the State would look for a managing entity in the event the property was acquired and that first time management costs as well as continued site security would be substantial.

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Motion Three

Paul moved for a first majority vote on the Hersch property, to allow continued acquisition consideration, allow staff to research possible partnering with the State of Florida, but to limit due diligence and not authorize appraisals at this point.

Kim seconded the motion.

The motion carried unanimously.

Motion Four

Paul moved to not consider any further the Hutcheson, Amville, Gullo and Spivey properties.

Kim seconded the motion.

The motion carried unanimously.

St. Patrick PUD Mitigation Donation – Ed Fleis

Paul reviewed his report from the June 4, 2003 SMC site visit. A copy of the report is included with these minutes. Paul reported that the site needs moderate restoration but is good quality scrub with occupied and unoccupied scrub-jay territories. Gopher tortoises, and scrub lizards were also noted. *Conradina grandiflora* (Florida state listed as threatened) is present on the southern part of the site. Paul stated that on-site mitigation for scrub-jays can frequently be problematic, but with conservation lands in close proximity (Viera Conservation Easement), long-term management of the site, although not easy, is feasible. Paul stated his opinion that accepting the site as a mitigation donation would be appropriate.

Anne informed the group that Ed Fleis has indicated that he would also like to include donation of the on-site wetlands being mitigated, in addition to the scrub area, for a total donation of 54.4 acres.

Kim asked about the possibility of additional per acre management funding, as the site would be difficult to manage. Anne informed the group that arrangements made in the mitigation donation process provided for activities that would significantly reduce first time management costs, such as fencing and fire line construction.

Motion Five

Paul moved to accept the St. Patrick PUD Mitigation Donation contingent on a set of deed restrictions and agreements to be determined by EEL Program staff.

Kim seconded the motion.

Ross asked if there was any further discussion.

Henry Evans, Melbourne resident asked what type of experience and what success had been recorded regarding on-site mitigation for scrub-jays in developed areas. Paul indicated that although the EEL Program did not have any sites exactly like this one, the SMC would not accept the donation if there was not a reasonable expectation of managing for scrub-jays and other scrub species on the site.

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Ross explained that the nearby viable conservation areas, in addition to the proposed deed restrictions and planned land management activities would increase the potential for success.

Henry asked if any consideration had been given to reducing the speed on roads near the conservation areas. Ed Fleis provided clarification that the planned speed for the area is 20 miles per hour.

Ed McMahon and Ford Garvin expressed concern for the other wildlife in the area. Paul explained that the area's wildlife would benefit greatly from the planned land management activities.

Brian Toland explained the natural communities in the area were dependent on the fire cycle. He stated there was a management plan that dealt with specific species such as the gopher tortoise and once the preserved area was managed, it would increase the suitability and the carrying capacity of the land. Brian stated there were plans to relocate some of the tortoises presently in the proposed development area of the site to this mitigation area.

Anne asked how many tortoises were planned to be relocated as the EEL Program was not aware tortoises were going to be relocated to the property. Brian stated that 30-40 tortoises had been moved 50 to 100 feet on to the conservation area. Anne expressed concern regarding the timeframes for development versus prescribed fire as the EEL Program can not guarantee when it will be able to conduct a prescribed burn and the successful relocation of tortoises would be dependent on the availability of suitable habitat.

Ross clarified that a motion had been made and seconded to accept the St. Patrick PUD Mitigation Donation and called for a vote.

The motion carried unanimously.

Hunt Property donation via County's Regional Storm Water Utility Department

Anne reminded the group that this property is directly adjacent to the Pine Island Conservation Area. The County's Regional Storm Water Utility Department needs to purchase property as part of a Storm Water project. Anne advised the group that the Storm Water Department has been a good partner in past projects and that Ron Jones, Director, indicated they would remove the Brazilian pepper from the property using Storm Water funds.

Motion Six

Paul moved to accept the Hunt property donation from the County's Regional Storm Water Utility Department.

Ron seconded the motion.

The motion carried unanimously.

Cochran Donation - Update on Regulatory Permits

At a past meeting the SMC asked staff to look into the mitigation permits on this property to

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determine who would be responsible for the permit requirements if the property were donated to the EEL Program. Anne informed the group that the regulatory permit requirements on this parcel would remain with the mitigant (donor) if this property were accepted for donation. Mr. Cochran is retaining a small piece of the property and may be willing to sell that piece in the event the SMC would like to consider it for acquisition. The entire property is within the BCSE project, so a first majority vote would not be required to proceed with acquisition of the parcel that Mr. Cochran is retaining. Paul moved to accept the Cochran Mitigation Donation. Mark seconded the motion. The motion carried unanimously.

NEW BUSINESS:

Old Oak Lodge FCT application – Steve MacLeod for Diane Barile

Steve McLeod presented information on a Florida Communities Trust (FCT) application to establish a conservation area on 14.5 acres of undeveloped land in the Aquarina development located in the South Beaches. Diane Barile, who is Steve's instructor at Florida Institute of Technology (FIT), developed the FCT application and the Sea Turtle Preservation Society agreed to be the applicant. Diane Barile is requesting assistance from the EEL Program on this project as the land is scheduled for development if it is not preserved.

Steve presented four possible levels of EEL Program involvement:

1. Project advisor/coordinator
 - o No cost to EEL Program
 - o Involves technical assistance with coordination of restoration effort and volunteers
2. Management authority
 - o EEL Program serves as the responsible management authority
 - o Estimated one time capital expenditure estimated at \$40,000 plus \$500 per year
3. Fund an EEL Intern as on-site manager (with housing)
4. Serve as an acquisition-funding partner

Several issues were raised during the discussion:

- Acquisition funding is limited and the EEL Program has already made a considerable commitment to the Maritime Hammocks area.
- FCT requirements indicates that the applicant must also be the managing entity
- The managing entity also accepts responsibility for funding the capital improvement costs identified in the FCT application.
- Some of the activities planned for the site do not appear to be compatible with EEL Program directives.
- The EEL Program may not be able to fund an on-site manager or pay for other management activities indicated in the FCT application if it does not assist in the acquisition of the site.
- Residents of the Aquarina subdivision are divided in their support of this project and staff has received several letters from homeowners objecting to the acquisition.

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- Difficulty in accepting management commitments when the SMC did not have the opportunity to assess the FCT application or be involved in the grant application-planning stages.
- The EEL Program has already begun work on one facility in the South Beaches and does not feel an additional facility is required in that area.
- Additional information is needed on how this project would affect current plans for the South Beach region.
- Would the FCT be agreeable to significantly reduced capital improvements and allow the property to be managed for the natural resources versus public involvement?
- Who would be the owner of the property?
- Who would the management agreement be with?
- When and in what manner would the property owner solidify his commitment to build a cottage for an on-site manager?

It was determined that additional information would be required before the SMC could consider this project further. Steve indicated that he would provide additional information at a future meeting.

Ross advised Steve that the SMC might be available to provide a peer review on a management plan, if one was prepared, but clarified that the EEL Program could not commit to any management activities at this time.

Armoon Properties – BCSE Project Malabar Expansion Area

Angela reported that the real estate agent for the Armoon property contacted TNC and provided an information package on two parcels totaling 20 ± acres within the Town of Malabar. The property is located on the north side of Malabar Road, adjacent to the recently acquired WGML/PRN Investments property. The Armoon property is within the BCSE project boundary.

Anne stated it would be necessary to notify the Town of Malabar that the EEL Program had been approached by the owner and has an interest in the EEL Program acquiring the property.

Angela will move forward with acquisition efforts after the Town of Malabar has been notified.

NEXT MEETING:

The next meeting will be held on August 18, 2003. Location to be determined.

ADJOURNED:

The meeting was adjourned at 4:15 PM.

SUMMARY OF MEETING MOTIONS:

- Motion One to approve the April 22, 2003 minutes.
- Motion Two to cease acquisition efforts for the Brevard Hardwoods property.

- Motion Three to allow staff to research possible partnering opportunities with the State of Florida for the Hersch property, but did not authorize appraisals.
- Motion Four to cease consideration regarding acquisition of the Hutcheson, Amville, Gullo and Spivey properties.
- Motion Five to accept the St. Patrick PUD Mitigation Donation totaling 54.5 acres.
- Motion Six to accept the Hunt property donation from the County's Regional Storm Water Utility Department.
- Motion Seven to accept the Cochran Mitigation Donation