

**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM  
SELECTION & MANAGEMENT COMMITTEE (SMC)  
December 17, 2003  
Attendance List**

***SELECTION & MANAGEMENT COMMITTEE MEMBERS***

Dave Breininger  
Ron Hight  
Ross Hinkle  
Randy Parkinson  
Paul Schmalzer

***EEL PROGRAM STAFF***

Anne Birch  
Laura Clark  
Nicole Leotaud

***THE NATURE CONSERVANCY***

Keith Fountain  
Angela Klug

***GUESTS***

Duwayne Lundgren, County Commission District 4

*December 17, 2003  
Approved February 17, 2004*

**ENVIRONMENTALLY ENDANGERED LANDS PROGRAM  
SELECTION AND MANAGEMENT COMMITTEE  
December 17, 2003  
Meeting Minutes**

***CALL TO ORDER:***

Ross Hinkle called the meeting to order at 1:04 PM and asked everyone to introduce themselves.

***PUBLIC COMMENT***

Ross asked if anyone wanted to provide public comment. No one desired to provide comment at that time.

***MINUTES:***

The November 13, 2003 minutes are pending approval. No minutes were presented for review. Anne Birch advised the group that Mark Bush had provided advance notification he would not be able to attend the meeting, but could be reached by phone if needed.

***ADMINISTRATIVE REVIEW:***

The Administrative Review was reviewed.

**Construction Progress Updates**

Anne informed the group that Atelier AEC, Inc. has been selected as the Architectural & Engineering (A&E) firm for the renovation of the Sams House at Pine Island Conservation Area (PICA). Their first task is to provide a site assessment report detailing the requirements to renovate both buildings.

**Other Updates**

Anne advised the group that the scheduled prescribed fire at the Cruickshank Sanctuary had been cancelled due to adverse weather conditions.

The annual EEL Volunteer Appreciation Dinner will be held on January 23, 2004 at the Cocoa Village Civic Center.

Ron Hight stated the US Fish & Wildlife Service (USFWS) is in the process of removing some of the excess shell material from the marsh restoration area at PICA. They will stockpile the material for future use in road and dike repair at the Merritt Island National Wildlife Refuge.

Ron also provided information on a cooperative effort between the EEL Program and USFWS in the removal of trash and other debris from the acquired North Indian River Lagoon properties that are now being managed by USFWS.

The second phase of the restoration project at PICA is expected to begin after the first of the year.

Paul Schmalzer reported on the December 6<sup>th</sup> field trip to PICA by the Native Plant Society.

A Native Plant Society field trip to Buck Lake is scheduled for January 10, 2004.

The State's Acquisition and Restoration Council unanimously approved the boundary amendment request to the Brevard Coastal Scrub Ecosystem Full Fee project. The boundary amendment includes the OLC, Inc., Babcock, LLC, and Hersch properties. The amendment will be forwarded to the Governor and Cabinet for approval in January.

### **THE NATURE CONSERVANCY:**

Angela Klug, from The Nature Conservancy (TNC) provided an overview of the Acquisition and Reimbursement Summary.

The report indicates the City of Rockledge has declined to participate in payment of the tax assessment for the previously discussed The Viera Company property (12.70 acres parcel).

USFWS approval has been received on the Florida Inland Navigational District (FIND) land swap proposal. Title issues regarding a gap in ownership are being worked out at this time.

### **OLD BUSINESS:**

#### **Acquisition within the Town of Malabar and date for Town and EELSMC Workshop**

Anne reported she and Zachary Prusak recently met with Ed Booth, Administrator for the Town of Malabar. A possible meeting date of January 28, 2004 at 7:30 PM was discussed for a joint meeting with the Town Council and Planning & Zoning Board and the Selection and Management Committee. It was determined that a majority of the SMC members would be available at that time. Anne will work with the Town to coordinate the meeting schedule.

Dave Breininger asked if the Town was still considering legal action regarding the possibility of future EEL Program land acquisition within the Town's boundaries. Anne provided information on the Resolution that was passed by the Town Council and forwarded to the Board of County Commissioners (BOCC). She will provide the SMC with a copy of the resolution and her response to the BOCC.

The SMC reviewed information regarding existing, and possible future acquisitions within the Town. Discussion ensued regarding scrub and scrub species, plants and plant communities, management capabilities, surrounding areas, and ongoing negotiations.

Dave will provide a grid showing scrub jay territories.

The Town of Malabar is considering developing eco-tourism opportunities and is in the process of revising their Comprehensive Plan. The SMC noted that large conservation

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landscapes would be required to protect not only scrub species, but also other species people want to see such as deer, turkey, and bobcat.

Ron suggested consideration of endorsing the concept of the EEL Program's willingness to purchase the biologically important part of a property with the Town purchasing the remainder, if the opportunity arose.

Paul said that the EEL Program is a willing seller program and that its mission is to protect biological diversity wherever it occurs. A reevaluation of needs is made based on updated biological/scientific information.

Randy mentioned the importance of a good relationship between the EEL Program, local residents, and citizens of the County.

Dave and Randy stated the importance of citizens understanding what the long-range effects on plant and animal populations will be if less land than needed is conserved. .

Anne clarified a misconception that keeps being stated by others, which is that the EEL Program has acquired one third of the Town of Malabar. The EEL Program has identified one-third for acquisition as opposed to having purchased one third of the Town's land area. The SMC felt that there may be additional misconceptions about the EEL Program among the Malabar Town Council members and stressed the importance of educating the Council and citizens. Anne and Dave reported they have received only positive feedback regarding the EEL Program from Malabar citizens.

Ross said that as an advisory committee to the BOCC, the SMC's job was to look at the big picture and make recommendations for ensuring long-term biodiversity within the County. The SMC identifies which environmentally sensitive properties meet acquisition criteria while the EEL Program and TNC work with willing sellers during the negotiation and acquisition process. When the SMC makes a recommendation for any property, it is a result of consideration of the resources and the big picture for conservation in the county.

The SMC requested the following:

- Map that reflects the information discussed at the meeting. Staff will prepare.
- Information that addresses the Town Council's dislike of the EEL Program as stated in their resolution.
- Impact to the Town's tax base. Staff to research.
- Does the Town have projected costs regarding development of land versus keeping the land for conservation? (Conservation land should be less expensive to maintain.) Staff to ask the Town for this information.
- Is there any way to identify the positive impact that the conservation land has had on the Malabar community? Staff to research.
- Evidence of cooperation (fixed road, dug ditch, WGML lawsuit against Town dropped) Staff to prepare.

Further discussion of the Malabar workshop will be scheduled for the next meeting.

## **EEL Program Referendum**

Keith Fountain, from TNC stated that the TNC poll taken before the recent Sales Tax Referendum indicated that public support for conservation funding was strong.

Duwayne Lundgren, County Commission District 4, stated much of the feedback they have received indicates the lack of prioritization for the projects in the referendum was a strong concern to voters.

Randy Parkinson indicated his support for an EEL referendum to coincide with the sunseting of the Beach and Riverfront program in November of 2004. He suggested development of a fact sheet to provide information to groups that might be available to assist with presenting the referendum to the public. He stressed the importance of quick action as the EEL Program is in its last stages of acquisition since the County is nearing total build-out.

Anne provided information on how funding for long-term management of conservation lands has been established in other counties. Many counties are establishing a management trust fund or setting aside a percentage of the ad valorem tax collected to be used for management. Many of the counties stated that the amount set aside is probably not enough to cover costs over the long term, but that it is better than having no mechanism for funding management.

Randy stated the establishment of long-term management funding was required to ensure the success of the EEL Program.

Duwayne suggested consideration of including environmental stewardship in the County's Charter. Ross voiced his support for this action.

### **MOTION ONE**

Randy moved that the SMC should show their support for a referendum, linked to the sunseting of the Beach and Riverfront Sales Tax, that would seek to produce the funds to complete the EEL Program's land acquisition agenda during the period of the referendum, and to ensure funding for the long term management of EEL lands.

Paul seconded the motion.

At the request of the SMC, Anne placed a phone call to Mark Bush and relayed the motion and the SMC's request for his vote. Mark voted for the approval of the motion. Staff will contact Kim Zarillo for her vote on the motion.

The motion was unanimously passed by members in attendance.

Anne provided historical information on the EEL Program's expenses. Randy suggested the information be included in a fact sheet.

### **NEW BUSINESS:**

Randy expressed concern that citizens may experience confusion between the EEL Program and the pending Significant Environmental Areas (SEA) Ordinance. Some people may think the ordinance could take the place of the remaining acquisition phase of the EEL Program. Anne stated that the ordinance only targeted scrub habitat that was outside areas proposed for protection by the EEL Program and other entities. Dave stated the SEA Ordinance targeted open space, but was not a biodiversity program. Paul stated that the ordinance applied to regulation, not acquisition. Randy stated it was important to provide clarification and to distinguish the EEL Program from the ordinance. Ross stated it was important to distinguish between the terms open space and conservation. Duwayne provided information on the ordinance and stated it would come back before the Board of County Commissioners on January 27<sup>th</sup>.

### **William J. Sims, Realtor - property application**

Anne provided information on five parcels covering approximately 8 acres in Rockledge. This property is owned by Jean Yves Clerc and was submitted for consideration by his representative, William J. Sims, Realtor. The land adjacent to these parcels has not yet been developed, but they are located within a subdivision. The land is adjacent to The Viera Company DRI property, but does not connect to any existing or proposed EEL conservation property. Asking price is \$410,000. Angela confirmed the area was also adjacent to an existing industrial park. The SMC discussed management requirements for the property.

### **MOTION TWO**

Randy made a motion to deny the Jean Yves Clerc property application as it would be difficult to manage due to its size, and lack of proximity to other lands managed by the EEL Program.

Paul seconded the motion.

The motion carried unanimously.

### **Resignation of Angela Klug – TNC**

Anne advised the SMC that although Angela will continue to work with TNC, she would be relocating to the Tampa area during the first part of January. Anne and the SMC thanked Angela for the invaluable assistance she has provided to the EEL Program. Keith will be assisting with TNC staff transition.

### **NEXT MEETING:**

The next meeting will be held on Thursday, January 15, 2003 from 1:00 – 4:00 PM. Location to be determined.

### **ADJOURNED:**

The meeting was adjourned at 4:03 PM.

**SUMMARY OF MEETING MOTIONS:**

- Motion to indicate the SMC's support of a referendum to be coordinated with the sunseting of the Beach and Riverfront tax in order to provide funding to complete the EEL Program's land acquisition phase and to ensure funding for long term management of acquired properties.
- Motion to deny the Jean Yves Clerk property application submitted by William J. Sims.