



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM  
SELECTION & MANAGEMENT COMMITTEE (SMC)  
September 28, 2007  
Attendance List**

***SELECTION & MANAGEMENT COMMITTEE MEMBERS***

Dave Breininger  
Mark Bush  
Ron Hight  
Ross Hinkle  
Randy Parkinson  
Paul Schmalzer  
Kim Zarillo

***EEL PROGRAM STAFF***

Jenny Ashbury  
Sandy Carnival  
Laura Clark  
Mike Knight  
D. Scott Taylor

***THE NATURE CONSERVANCY***

Keith Fountain  
Anne Mayer  
Rebecca Perry

***GUESTS***

Charles Billias, City of Cocoa Beach  
Susan Gosselin, Brevard County Natural Resources Management Office  
Alice Griffin, South Island  
A.J. Hufson, City of Cocoa Beach  
Trudie Infantini, Brevard County Clerk's Office  
Steve Lawhon, Cocoa  
Ronnie Lawhon, Cocoa  
Hank Saunders, South Island  
Edward Slaney, Partnership  
Susan Yonce, D4 Commission Office

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Approved November 2, 2007*



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM  
SELECTION & MANAGEMENT COMMITTEE (SMC)  
September 28, 2007  
Meeting Minutes**

**CALL TO ORDER:**

Ross Hinkle called the meeting to order at 1:06 PM.

**PUBLIC COMMENT:**

None.

**MINUTES:**

The July 31, 2007 minutes were presented for approval. Ross asked for comments to the July minutes.

Paul Schmalzer stated there were two small corrections:

- Page 6, typo on spelling of Coconut Point
- Page 11, is last page of document, but footnote states "page 11 of 12"

The minutes will be revised as noted.

**MOTION ONE:**

**Randy Parkinson moved to approved the July 31, 2007 minutes as amended.**

**Paul Schmalzer seconded the motion.**

**The motion carried unanimously.**

Additional Discussion

Paul Schmalzer stated that he had a comment related to the July 31, 2007 minutes regarding Brevard County Transportation and Engineering (TE) Department's request for a ditch maintenance access easement at the Cruickshank Sanctuary in Rockledge.

Paul said that Page 1, Paragraph 2 stated *"He stated that John Denninghoff, Director of TE and Joe Mayer, of Bussen-Mayer Engineering, were at the meeting to address any outstanding issues or concerns so that the Transportation/Engineering Department could move the item forward to the Board of County Commissioners (Board) with a clear understanding of the Selection and Management Committee's (SMC) position."*

Paul stated that historically, when the Program has dealt with requests for easements on EEL Program property, the request has come to the Committee, been reviewed, and approved, and the EEL Program has taken the request to the Board, but that this time was something different than that. He stated that the issue had been discussed in detail and the SMC had approved going forward with it but that he just wanted to raise a bit of a question about the process, because, as Ross had mentioned at that meeting, there will be increasing pressures on conservation lands, for easements, or for other uses that may, or may not be compatible with the conservation goals for which those lands were acquired, and that he thought the Program needed to be careful how those requests move through the system.

Ross expressed his agreement.

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Mike explained that he agreed that in the past the requests had always gone that route, and that he couldn't say for sure why it had been handled differently this time, but he would look into it. He stated it was probably because this was so controversial that they thought that maybe it would be better coming from somebody else, with the EEL Program's input in the form of the stipulations letter as part of the Agenda Package. He stated that he would look into it further to see if there's any preference on the best way and asked if there was any preference on the part of the Committee for this item.

Paul stated that he didn't feel the need to go back on this one, because it had been through the process, and that he had just wanted to flag it for future reference, that we need to be careful about who takes things forward to the Board.

Mike agreed.

Ross said that was a good point.

#### Public Comment

None.

#### **ADMINISTRATIVE REVIEW:**

The Administrative Review was reviewed.

Mike stated that he had been asked to speak at the October 11<sup>th</sup> and 12<sup>th</sup> Acquisition and Restoration Council (ARC) Public Meetings in Tallahassee by the Department of Environmental Protection (DEP) to provide information on the Brevard County EEL Program's Selection and Management Committee's role in the land acquisition process. He explained that they liked the component of the Brevard County process that required a final review and approval of each land acquisition contract by the SMC Committee before the contract proceeds to the Board of County Commissioners.

#### Public Comment

None.

#### **SMC REPORTS**

##### REAC Update

None.

##### Other Reports

Paul Schmalzer explained that he would be leading a Florida Native Plant Society field trip to Buck Lake Sanctuary in the North Region on October 20<sup>th</sup> and to the Maritime Hammock Sanctuary in the South Beach Region on November 3<sup>rd</sup>.

Ross informed the group that he was recently named as the University of Central Florida's representative to the Green Places Committee which is building a program for land acquisition for Orange County. He stated he would be reporting back to the EEL Program on events in that area and looked forward to possible cooperative efforts between organizations.

## STAFF REPORTS:

None.

## THE NATURE CONSERVANCY:

Keith Fountain reviewed The Nature Conservancy's September 28, 2007 Report to the SMC. He explained that 6 option agreements had been negotiated since the last meeting and that the TNC and EEL Program land acquisition staff deserved to be complimented for their hard work.

### Acquisition Update

- Ag Ventures LLC / Honeybrook Development Corp.- Maytown Flatwoods Area Contract negotiated, ready for SMC final review at today's meeting.
- Scottsmoor Partners, LLC / (aka: Forte Macaulay) - Maytown Flatwoods Area Contract negotiated, ready for SMC final review at today's meeting.
- Gaizo – 19± acres, Blueway Project  
In closing. East and west of Florida East Coast Railway between existing USFWS managed property and Indian River Lagoon, south of Grant Line Road.
- Hunters Brooke – 2,358± acres Fox Lake Area, Titusville  
Contract negotiated, seller will also donate 200 acres and limit development rights on 181 ±acres on eastern border of property. Ready for SMC final review at today's meeting.
- Veronica Estates – 206± acres Grissom Pkwy Mega-parcel area  
In closing.
- Johnson – 99± acres north of Hall Road, Merritt Island  
In closing.
- Boyd – 120± acres, Sykes Creek, Merritt Island  
Contract renegotiated, ready for SMC final review at today's meeting.
- DiChristopher – 163± acres, Sykes Creek, Merritt Island  
Contract renegotiated, ready for SMC final review at today's meeting.
- Schopke/Barge – 11.6± acres, Cruickshank Sanctuary, Rockledge  
In closing.
- Akhter Hossain and Azizur Rahman Property (fka Albury) – 1.47± Malabar Scrub Sanctuary  
Contract negotiated, ready for SMC final review at today's meeting.

### Additional Information

Keith recently met with St. Johns River Water Management District staff regarding the possibility of having them participate as a funding partner for the Ag Ventures and Scottsmoor property acquisitions.

The State is considering options for Shared Title on properties purchased with both State and County funding.

The majority of the Florida Forever FY 08 and 09 funding has already been allocated to potential acquisitions, but it is not likely that all of the negotiations currently in progress will be successful. Future funding of this type will be dependent on whether or not there is a successor program.

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Mike explained that the Board recently passed a resolution of support for a successor program to the Florida Forever Program.

Ross commented on how important the Florida Forever Program has been to the EEL Program because it has allowed the Program to double its available funding dollars in some project areas and has been responsible for 100% funding on some acquisitions.

Dave Breininger asked about funding for Mega-parcel properties and the possibility of consolidating parcels. Keith explained that there was very little available funding in this area and that a methodology was needed to authorize consolidating parcels so that each situation did not need to be submitted to the State individually.

Paul asked about the status of the Florida Communities Trust (FCT) grant application for the Indian Mound Sanctuary property.

Mike explained that the evaluation sheet had been returned for comment, reviewed by staff and resubmitted, but that it did not look like the application would receive enough points to qualify for funding.

Kim reminded the group that, as with the Florida Forever Program, it was not likely that all the negotiations being done under FCT funding would be successful and it was possible that the Indian Mound Sanctuary property could eventually be funded.

## **AGENDA ITEMS:**

### **Land Acquisition Prioritization**

Mike explained that it had been determined that the cost of all the land application contracts which have already been approved by the Board, plus those currently under contract and being presented for final SMC review at today's meeting, was in excess of the current amount of funds which had been set aside for land acquisition by approximately \$1 million dollars.

He explained that there were also funds set aside for a few projects, i.e., \$1.5 million dollars for the South Region Management and Education Center, as well as other funding for first time capital expenses like fencing and firebreaks, which could be moved to the land acquisition account, with the understanding that the monies would be replaced when the next round of bonding was able to be generated, hopefully in January 2008. It is anticipated that the EEL Program will be able to generate approximately \$15 million additional dollars at that time.

Mike explained that meant there would be available funding for all the contracts which have been approved by the Board, plus the ones that were sitting before the SMC today for final review. Keith said that he had just spoken with Angela Klug on the way to the meeting and she reported that the US Fish and Wildlife Service (USFWS) has approved the use of \$3 million dollars towards funding the acquisition of the Ag Ventures and Scottsmoor Partners properties.

The group expressed their pleasure with this news with great enthusiasm.

Ross suggested that the next order of business should be to do the final SMC reviews for the properties that were under contract.

### Public Comment

None.

## **Final Contract Reviews**

### **Hunters Brooke – SMC Final Review**

This 2,358 acre property is located in Titusville, near the Fox Lake area. It is part of what was formerly known as the Moehle, or Modern Inc. property. The area was included in the Brevard Coastal Scrub Ecosystem (BCSE) 1996 Boundary Amendment. The SMC held site visits to this area on May 8, 1993 and on June 13, 2007. The SMC reaffirmed a 1<sup>st</sup> and 2<sup>nd</sup> Majority Vote on June 27, 2007.

The property includes scrubby, mesic, and hydric flatwoods, ponds, marshes, live oak hammock, cabbage palm savannahs, and flood plain marshes. The habitat is generally in good condition, but is in need of prescribed fire. The property contains some sovereign lands, which are not included in the acquisition acreage. Some of the land is established Florida scrub-jay habitat.

Keith Fountain explained that the Hunters Brooke Development Corporation would be making a donation of 200± acres that is covered by a conservation easement held by Modern, Inc., contingent on the rest of the transaction occurring. Keith also explained that 181± acres which was originally included in the willing seller application had been removed during the negotiation process by the owners, but that they were planning to convey deed restrictions on the property that would limit development to no more than 7 units there and that the deed restrictions would be retained no more than 7 years. There are also Florida Power and Light and Modern Inc. access easements on the property.

There are two inholdings with different ownerships within the footprint of the Hunters Brooke tract. The Moehle family owns a small strip of land on the south border of the property.

This property was included as highest priority by the SMC. It is within the appraised values.

Paul stated that this property was one of the most significant acquisitions in the EEL Program's history due to its large size, high habitat quality and close proximity to other conservation lands.

### **Public Comment**

None.

#### **MOTION ONE:**

**Ron Hight moved to approve submitting the Hunters Brooke acquisition contract to the Board for their approval.**

**Mark Bush seconded the motion.**

**The motion carried unanimously.**

### **Scottsmoor Partners, Richmond & Roberts Tracts – SMC Final Review**

The Scottsmoor Partners property is made up of 50 contiguous parcels that total 854± acres. It is located east of I-95 and south of Exit 5A in Scottsmoor. It is immediately adjacent to the Ag Ventures property, which is also under contract.

The SMC approved a 1<sup>st</sup> Majority Vote on this property on February 27, 2007 and a 2<sup>nd</sup> Majority Vote on May 23, 2007. An SMC site visit occurred on May 2, 2007. The northeastern corner is an improved pasture of about 126± acres. The remaining area is made up of natural plant

communities, primarily scrubby flatwoods, mesic flatwoods, and freshwater depression marshes. Gopher tortoises and a population of Florida Scrub-jays occur on the site.

Overall the site is in very good condition. It was considered as highest priority by the SMC. This is potentially part of a larger and highly significant conservation area in northern Brevard County.

The purchase of this property together with the Ag Ventures property eliminates a potential PUD concern that existed if the Ag Ventures property had been purchased alone. These purchases will assist in providing an east/west connection across Brevard County in the North region.

Ross reminded the group that when the EEL Program first started, this area was considered one of the most important priorities because of its high quality conservation habitat and the east west connection that, if purchased with the Ag Ventures property, could be established from the St. Johns River to the North Merritt Island area.

Mike reminded the group that there was additional Scrub-Jay territory identified by Dave Breininger to the south of the Scottsmoor Partners property.

It is anticipated that this area will be included in a future amendment to the Brevard County Scrub Ecosystem Project or in a separate Florida Forever Project application. The contract price is within appraised values. TNC is submitting a \$1.5 million dollar grant to assist in the acquisition of this property under the US Fish and Wildlife Service Florida Scrub-Jay Conservation Program.

#### Public Comment

None.

#### **MOTION TWO:**

**Paul Schmalzer moved to approve submitting the Scottsmoor Partners, Richmond and Roberts Tracts acquisition contracts to the Board for their approval.**

**Dave Breininger seconded the motion.**

**The motion carried unanimously.**

#### Ag Ventures Property SMC Final Review

The Ag Ventures Property is 10 parcels totaling 669± acres of high quality habitat adjacent to the Scottsmoor Partners property. It is considered as highest priority by the SMC. The property is north of Aurantia Road and south of County Road 5A.

Paul Schmalzer stated that this property was first targeted for acquisition in 1991.

The majority of the property is west of I-95 with a smaller portion on the east side. There are two parcels. The eastern, known as Saddlebrook is more wet than the west and includes mesic flatwoods, hydric flatwoods and marshes. The western parcel, known as McIntosh is drier with scrubby flatwoods, mesic flatwoods, and hammocks. The property is very clean.

This property contains high quality habitat. It is in need of prescribed fire. No hydrologic restoration is needed. Most of the site consists of native plants with the primary exception of Melaleuca in some of the depression marshes. There are a few existing trails that provide the potential for passive recreation access.

This property received a 1<sup>st</sup> Majority Vote from the SMC on Feb 16, 2006 and a 2<sup>nd</sup> Majority Vote on April 14, 2006. The contract price is within appraised values. It is anticipated that this area will be included in a future amendment to the Brevard County Scrub Ecosystem Project or a

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separate Florida Forever application. TNC is submitting a \$1.5 million dollar grant to assist in the acquisition of this property under the US Fish and Wildlife Service Florida Scrub-Jay Conservation Program.

Randy Parkinson asked about the additional workload that would be placed on the Program as a result of the new acquisitions. He also mentioned that existing ditching on some properties would present new challenges. Mike explained that it was anticipated that the Program would explore mitigation funding to assist with hydrologic restoration. Clarification was provided that it was anticipated that the large landscapes would be manageable, and that in many ways, managing large, undeveloped, rural landscapes was easier than managing small parcels in urbanized areas.

Ross mentioned that once the bulk of the acquisitions is moving forward, he believes the next step for the Committee is to work closely with staff to help them develop partnerships and collaborations for the long term management of these sites. He said that for this area, the bulk of the management, after the installation of fencing, will be controlled burning and that the Program has the staff and equipment for this.

Public Comment

None.

**MOTION THREE:**

**Mark Bush moved to approve submitting the Ag Ventures Property acquisition contracts to the Board for their review.**

**Paul Schmalzer seconded the motion.**

**The motion carried unanimously.**

**Samuel Boyd and Micheal DiChristopher Properties**

Clarification was provided that the SMC did a final review of the 120± acre Boyd and 163± acre DiChristopher properties off Sykes Creek on Merritt Island on April 6, 2007 and that the new contract prices were lower than the original documents, so a second final review from the SMC was not required. These properties are wetland impoundments located north of the Ulumay Wildlife Sanctuary with the Boyd property being directly adjacent to the Ulumay Sanctuary. The DiChristopher property is north of, and adjacent to, the Boyd property. They are the last two parcels in private ownership along this section of Sykes Creek. Placing them into conservation will help protect the Creek and the Indian River Lagoon. Acquisition of each of the properties is contingent on both of them being acquired.

**Akhter Hossain and Azizur Rahman Property – SMC Final Review**

This 1.47± acre outparcel was previously known as the Albury Property. It is a Malabar Scrub outparcel on the south side of the Sanctuary, north of Malabar Road with a small sliver on the south side of Malabar Road. The habitat is scrub and flatwoods, similar to that of the Sanctuary. The Town of Malabar, in the past, has confirmed they are supportive of EEL Program acquisitions that would round out sanctuary boundaries. It is considered highest priority by the SMC. The contract price is within appraised values.

Public Comment

None.

#### **MOTION FOUR:**

**Paul Schmalzer moved to submit the Akhter Hossain and Azizur Rahman property acquisition contract to the Board.**

**Ron Hight seconded the motion.**

**The motion carried unanimously.**

#### **Prioritization of Other Willing Sellers**

Mike asked the SMC to prioritize the remainder of the willing seller properties. Appraisals have not yet been ordered for all of these properties. The following general guidelines were established:

- Properties would be designated as 1, 2, or 3, with 1 being the greatest priority.
- Inholdings would be considered group 1, with the exception of White II.
- Mega-parcel properties would be group 1.
- Groups 1 and 3 would be determined first, with the remaining properties receiving a rating of 2.

It was noted that closing on the Cochran property donation was expected to occur at the end of November.

Discussion ensued on each property:

- Balkany  
21.44± acres. Adjacent to Jordan Scrub Sanctuary and between Jordan and pending Cochran Donation property. In negotiations. Highest priority. Scrubby flatwoods with borrow pit lake. Within BCSE.
- Bohne/Cole  
21.91± acres. Indian River Lagoon property. Inholding. In negotiations. Highest priority. Hammock with red cedar, cabbage palm, slash pine, live oak, hydric hammock with some wetlands. Within NIRL.
- Bornstein  
1.25± acres. Property near dusky seaside sparrow mega-parcel area. Appraisals have not been ordered. Highest priority. No access to property for SMC site visit by ground.
- Centerlane Holdings  
3,170± acres. Property in South Region between Badcock, OLC and Nail properties. Southwest of Micco Scrub Sanctuary and west of St. Sebastian River Buffer Preserve. Appraisals have not been ordered. Primarily pasture land with some native species. Ditches have affected the hydrology of this site. Highest priority. It was suggested that this might be a property to step away from as its value was as a connector, instead of for its habitat. It was suggested the property be considered for a conservation easement instead of an outright purchase. Mike stated the owner is interested in establishing a conservation corridor in the south part of Brevard County and suggested the SMC explore the owner's ideas.
- Communities Finance

11± acres. Adjacent to the north border of North Buck Lake, and not within the established Sanctuary's general boundary. Owner has agreed on a price. Primarily native vegetation scrub and scrubby flatwoods. Potential habitat.

- Gal  
34.53± acres. Within the NIRL project boundary amendment. Isolated. No other willing sellers in that area. In negotiations. Highest Priority. Primarily Hydric hammock with some wetlands. Legal access over the railway is included in ownership.
- Honey Hole Ranch  
378± acres. Near Buck Lake, west of Ag Ventures property. Pending possible conservation easement. Not within a current project area. Appraisals have not been ordered. Has potential for high connectivity. Draft of conservation easement is substantially negotiated and expected to be presented to SMC soon. Owners recently indicated they may be considering fee simple sale. Site Visit will be scheduled after SMC reviews terms of conservation easement.
- Miami Corp.  
400± acres. North part of the County near other conservation lands. No appraisals have been ordered. Highest priority. Adjacent property is pending rural land stewardship. High habitat and connectivity value. Not within any established project boundary.
- MLCI / David Lee  
760± acres. South part of the County, west of I-95 and off Micco Road. Area has been annexed by the City of Palm Bay. No appraisals have been ordered. Highest priority. Primarily improved pasture. Historic citrus use. Immediately adjacent to the St. Sebastian River Buffer Preserve and Grant Flatwoods Sanctuary. Within existing BCSE boundaries. Mike stated the owner is interested in establishing a conservation corridor in the south part of Brevard County and suggested the SMC explore the owner's ideas.
- Morris  
1.01± acres. North Buck Lake Sanctuary inholding. In negotiations, High priority. Scrubby flatwoods, depression marsh.
- Nail  
850± acres. South part of the County southwest of Micco Scrub Sanctuary, near the Centerlane Holdings property and west of the St. Sebastian River Buffer Preserve. No appraisals have been ordered. Highest priority. Primarily improved pasture with some depression marshes. Primary value as connector if adjacent parcels could be acquired.
- J.J. Parrish  
14.76± acres. Within NIRL adjacent to Chain of Lakes project. In negotiations. Highest priority. Primarily hydric hammock with cabbage palm, live oak, cedar, elm and ash. Brackish to saline wetland.
- Reichman  
23± acres. Within NIRL. In negotiations. Canopy of slash pine, some pond pine, cabbage palm, southern red cedar, laurel oak and water oak.

- Vero Beach Estates  
197± acres South of Micco Road, east of Buffer Preserve. In negotiations. Highest priority. Pine flatwoods with dense canopy, shrub layer and depression marshes. Includes several invasive exotic plant species.
- Vistar  
79± acres. Adjacent to Hog Point Sanctuary. Appraisals need to be updated. Impounded wetland with red and white mangroves. Filled upland area. High priority. High anticipated price, possible access concern.
- White II  
11± acres. Near North Buck Lake Sanctuary. High Priority. Appraisals have not been ordered. Scrubby flatwoods, depression marsh.
- Mega-Parcels (5)  
There are five areas approved within the BCSE project. Clarification of priorities within these areas will need to be established.
  - Valkaria
  - Grissom
  - Ten Mile Ridge
  - Micco Expansion
  - South Babcock

Additional discussion:

- TNC / St. Lucie Consulting  
8± acres adjacent to the south border of the Pine Island Conservation Area (PICA).
- IRS Seizure – Micco East Holdings  
Additional information will be provided in the future. Near Micco Scrub Sanctuary.

Final determination of priority ranking for the remaining willing properties which have received a first and second majority vote were determined as:

- Balkany – 1
- Bohne/Coleman – 1
- Bornstein – 3
- Centerlane – 3
- Communities Finance – 2
- Gal – 1
- Honey Hole – 2
- Miami Corp – 2
- MLCI / David Lee – 3
- Morris – 1
- Nail – 3
- J.J. Parrish – 1
- Reichman – 1
- Vero Beach Estates – 2
- Vistar – 3
- White II – 2

- Mega-parcel Projects (all) – 1
- TNC/St. Lucie Consulting - 1
- IRS Seizure / Micco East Holdings - 3

Mike also explained that the EEL Program has been contacted by Laurilee Thompson regarding a possible project to promote ecotourism in Brevard County. The project may involve a trail from the rest stop along I-95 in the north part of the County which could connect to the North Buck Lake Sanctuary. Additional information will be provided in the future.

**NEXT MEETING:**

The next meeting will be held on November 2, 2007.

**ADJOURNED:**

The meeting was adjourned at 4:10 PM.

**SUMMARY OF MEETING MOTIONS:**

- Motion to approve submitting the Hunters Brook property acquisition contract to the BOCC for their approval.
- Motion to approve submitting the Scottsmoor Partners, Richmond and Roberts tracts property acquisition contract to the BOCC for their approval.
- Motion to approve submitting the Ag Ventures property acquisition contract to the BOCC for their approval.
- Motion to approve submitting the Akhter Hossain and Azizur Rahman property acquisition contract to the BOCC for their approval.