

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

November 30, 2006

Attendance List

SELECTION & MANAGEMENT COMMITTEE MEMBERS

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

EEL PROGRAM STAFF

Sandy Carnival
Laura Clark
David Drake
Mike Knight
Brad Manley
D. Scott Taylor

THE NATURE CONSERVANCY

Anne Birch
Danika Feodoroff
Keith Fountain

GUESTS

John Denninghoff, Brevard County, Transportation Engineering
Susan Ditta, Brevard County, MPO
Susan Gosselin, Brevard County, Natural Resources Management Office
Bob Kamm, Brevard County, MPO
Barbara Meyer, Brevard County, MPO
Walter Pine, Citizen
Alicia Palnisciaco, Citizen
Thelma Roper, Citizen
Colleen Smith, Citizen
Keith Winsten, Brevard Zoo

*November 30, 2006
Approved January 11, 2007*

**ENVIRONMENTALLY ENDANGERED LANDS PROGRAM
SELECTION AND MANAGEMENT COMMITTEE
November 30, 2006
Meeting Minutes**

CALL TO ORDER:

Ross Hinkle called the meeting to order at 1:10 PM.

PUBLIC COMMENT:

None

MINUTES:

The October 17, 2006 minutes were presented for approval.

Ross asked for comments to the October 17, 2006 minutes.

Paul Schmalzer noted that information on the Cronin property should be revised to indicate that St. Johns Water Management was interested as a partner on these sites, but that the Department of Transportation was not. The minutes will be revised as noted.

MOTION ONE:

Paul moved to approve the October 17, 2006 minutes as amended.

Kim Zarillo seconded the motion.

The motion carried unanimously.

Ross asked for comments to the October 30, 2006 minutes.

Ross noted the following additions:

- ❖ It was suggested that it might be beneficial to [encourage the appropriate county organization to](#) establish a dialog with folks who have used the area historically in an effort to determine if we could help them find a place where they could continue to ride.
- ❖ Many of the property owners in this area are absent, and therefore not enforcing [the illegal access to their properties.](#)

Deleted: their property rights

Deleted: ¶

MOTION TWO:

Paul moved to approve the October 30, 2006 minutes as amended.

Kim seconded the motion.

The motion carried unanimously.

ADMINISTRATIVE REVIEW:

The Administrative Review was reviewed.

SMC REPORTS:

Paul noted that there would be a Florida Native Plant Society Field trip to the Pine Island Conservation Area on December 2, 2006 for anyone who was interested in participating

STAFF REPORTS:

None.

THE NATURE CONSERVANCY:

Keith Fountain provided verbal information on recent land acquisition activities. An additional report that summarized activities within the last 30 days was also distributed.

ADDITIONAL DISCUSSION:

Ross asked if anyone would have a concern with changing the order of the agenda to allow for discussion on the Cruickshank Sanctuary Drainage Easement to take place as the next item. No concerns were received.

NEW BUSINESS:

Cruickshank Sanctuary Drainage Easement

John Denninghoff, Director, Brevard County Transportation Engineering Department and Mike Knight, EEL Program Manager provided information on a request that has been received from the County regarding a possible storm water drainage easement within the Cruickshank Sanctuary in Rockledge.

The western portion of Barnes Blvd. is going through a widening project, and there is a need for a storm water containment and run off system along the western and northern boundaries of the Cruickshank property. The proposal would deepen and widen the existing drainage ditch that is within sanctuary boundaries, and include the addition of a storm water pond with a wet surface of approximately 6 acres on property nearby. It is anticipated that much of the previous fire break would be converted to a dirt road to allow for maintenance of the ditch, and that the fire break line would need to be moved into the sanctuary vegetation approximately 20 feet. A line of trees within the sanctuary which currently separates a nearby subdivision from the existing ditch would also need to be removed as part of this process.

It is anticipated that water would be collected from the ditch along Barnes Blvd. then flow to the pond, and discharge from the pond into the ditch system.

The group discussed the information that was provided. The following was noted:

- ❖ Concern was expressed that the retention pond could create a grackle breeding area, which could bring a large number of predatory birds near the small sanctuary, possibly impacting scrub jays on the site.
- ❖ Concern was expressed related to possible changes that could occur to the hydrology of ephemeral ponds within the sanctuary.
- ❖ Concern was expressed that a request was being received to use conservation lands to provide a service to capture storm water that has been generated by urbanization.
- ❖ Additional information regarding the proposed project and easement language was requested for SMC review.
- ❖ What type of vegetation would be used to stabilize the ditch?

- ❖ Lygodium, an invasive exotic plant, is frequently found along ditches and could be introduced into the sanctuary by maintenance equipment.

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❖ A summary of the alternatives that were considered and evaluation process was requested.

❖ The EEL Program has historically, agreed to requests from outside agencies when there has been a net benefit for conservation as a result of the request.

It was noted that a possible opportunity existed for a cooperative effort that could have benefit to the Sanctuary, if the project was completed with consideration to both drainage needs and protection of biodiversity. It was also noted that a successful synergistic solution could be used as a model for other agencies.

Mike provided clarification that the proposed easement would need to be presented to the Board of County Commissioners (Board) before it is sent to the State, that the State will probably come back to the EEL Program as the managing entity for a recommendation, and that it would be beneficial to have some sort of recommendation from the SMC when the project is presented to the Board.

John stated that his office would be preparing the legal descriptions and sketches for the project, and that in his experience in dealing with the State, the two primary issues were: 1) Is the project acceptable to the managing entity? 2) If a management plan is in place, the project needs to be compatible with the management plan.

MOTION THREE

Paul made a motion for the SMC to request that staff consider continuing discussions regarding the storm water retention system near the Cruickshank Sanctuary and that they work with other County staff to answer questions including the extent of impact, and potential for any modifications to the water retention system that would enhance it's environmental quality.

Randy Parkinson seconded the motion.

Discussion

Randy expressed concern related to requests for conservation lands being used to alleviate issues generated by urbanization and he spoke of the importance of documentation during this process.

Dave Breininger stated that he felt it was important that the Program develop some sort of analysis of what information would be expected in the future for the SMC to consider additional requests of this type, as it was important to know what impacts any proposal would have on biodiversity during the decision making process.

The motion carried unanimously.

OLD BUSINESS:

Nail Property, Site Visit Report (submit for 2nd Majority Vote)

This property received a 1st Majority Vote on October 17, 2006. Paul Schmalzer reviewed the report from the November 16, 2006 Site Visit.

This 850± acres property in southern Brevard County includes several parcels. It is located west of Babcock Road, south of Centerline Road, and north of the C-54 Canal. Land use on the site

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currently is primarily cattle ranching. In the past, some areas have been cultivated for row crops including watermelon.

Vegetation on the site is primarily Bahia pasture. There are some low wet areas or depression marshes that are in native graminoids, herbs, and shrubs. On the northern part of two parcels there are areas with a slash pine canopy. There are some remnant flatwoods species in the understory of these areas including patches of saw palmetto, but most of the ground layer in these sites is also Bahia. There is a small cabbage palm hammock at the southwest corner of the site.

There are several, large drainage canals that run north-south through this property to the C-54 Canal; these drain areas to the north of this property as well as the Nail Property. There are also a number of smaller east-west canals and ditches that drain parts of the Nail Property. It is anticipated that there may be a drainage easement on the larger canals.

The following items were noted during the discussion:

- ❖ Although there has been success with restoring Bahia pasture to flatwoods, it is time consuming and expensive,
- ❖ Currently, cattle grazing and mowing keeps most of the Brazilian pepper under control, but if this type of maintenance activity was suspended until restoration was able to begin, it is anticipated that removal of exotics species would much more difficult and costly.
- ❖ Consideration of purchasing the land and leasing it back to the current owner until restoration could begin was suggested.
- ❖ It appears that the property could be part of a potential corridor from the St. Sebastian River Buffer Preserve to existing EEL Program land in the south part of the County.

MOTION FOUR

Paul made a motion to approve a 2nd Majority Vote on the Nail Property.

Mark Bush seconded the motion.

The motion carried unanimously.

Ag Ventures

Mike explained that it had been anticipated that the contract for this 660± property which is located in the northern part of the County would be presented to the Board for approval on November 14, 2006, but that during the County's Land Acquisition Review Committee Meeting concerns had been raised regarding the Planned Unit Development (PUD) that existed on part of the property. The Land Acquisition Review Committee, which is made up of County Department Heads, the County Attorney, and County Manager reviews all land acquisitions by the County in excess of \$750,000. A second meeting is scheduled for December 4, 2006 to identify and hopefully resolve all concerns related to this issue.

Mike and Keith provided information on the PUD including:

- ❖ There is potential for the requirement of 5 wells.
- ❖ There is potential for the requirement of a water treatment facility.
- ❖ There is potential for the requirement of active recreation.

Mike asked the SMC for clarification of whether or not they felt that if the PUD was not able to be removed, it would change their support for acquisition of the property.

Paul stated that he felt it would be preferable to purchase the property without the PUD restrictions, but that it was still an extremely important conservation area and that large parcels of high quality land with a single owner did not come the Program's way very often.

Kim expressed concerns related to the possible water treatment plant and requirements of active recreation.

Ross stated that he agreed with Paul and that he would hate to see the PUD issue prevent us from going ahead and trying to purchase the property.

Clarification was provided that the SMC had already taken 1st and 2nd Majority Votes on the property. It was determined that Ross would write a letter to the Board clarifying the Committee's position.

Public Comment

Walter Pine stated that he would like to provide public comment. Randy Parkinson said that Mr. Pine's comments were welcome.

Walter stated that he lived in the general area of the property being discussed and that he was very involved with his community. He stated the community was very concerned about the EEL Program's possible acquisition of the property because the property had been used for hunting, horse back riding, and other recreational activities for generations, and if those activities were inconsistent with EEL Program goals, he felt that was a problem.

Walter also stated the following related to the EEL Program's possible acquisition of the Ag Ventures property:

- ❖ Concern regarding the possible economic impact & the area's ability to grow.
- ❖ Concern that property prices would be increased.
- ❖ His opinion that if the property currently had enough conservation value to be considered as appropriate for acquisition, then the level of activity currently happening on the site was not detrimental to the property.
- ❖ Concern that other citizens have already established homes within the Program's target area.

Clarification was provided that the EEL Program is a willing seller program.

Walter requested the following information that was discussed previously during the meeting:

- ❖ Information that states construction costs for facilities that are associated with the PUD would go to the owner of the property east of the interstate.
- ❖ Information that confirms the existence of Scrub-jay population on the property.

Pine Island Conservation Area (PICA) Indian Mound 8 br 63 (Jenkins)

Mike reminded the SMC that the EEL Program currently owns approximately one third of an Indian Burial Mound located on 2 ± acres which is directly adjacent to the southern border of PICA. When this topic was previously brought before the SMC for consideration, it was noted that there was some level of regulatory protection on the mound. The current owner (Mr. Jenkins) has

indicated an interest in discussing sale of the property, but has been unwilling to sign a willing seller application with the County.

Scott provided additional information on the property including:

- ❖ The Archaeological Conservancy (AC) has indicated a willingness to attempt to negotiate an option on the property, with the understanding that they would be reimbursed for the cost of the property, plus the cost of an appraisal that they ordered on the property, via simultaneous closings in a resale to the EEL Program.
- ❖ The appraisal done for the AC includes a small parcel on the west side of North Tropical Trail and does not consider the burial mound as a factor.
- ❖ St. Johns River Water Management District and Brevard County Storm Water Dept. have confirmed they are not interested in partnering on this acquisition. No other potential partners have been identified at this time.
- ❖ With proper permits, there is a potential that developers could excavate the burial mound, re-inter the remains and develop the site.
- ❖ This particular mound is unique in its time period and all other documented burial mounds on Merritt Island are on Kennedy Space Center/Cape Canaveral Air Force Station property.
- ❖ It is possible that the property could act as a partial buffer to the southern end of PICA, and that part of the area could be restored to a natural habitat.
- ❖ Although the land is not high in conservation value, it does have educational and cultural value.
- ❖ Approval from the Board would be required in advance for the AC to act as a negotiating agent for the EEL Program
- ❖ The EEL Program does not have a willing seller application on this property from the current owner.

The SMC discussed the information that was presented.

Ross stated he understood that the property had educational and cultural value, but that he did not see that it had significant conservation value.

Randy stated that with the Sams House and fossil find at PICA the site was developing a strong historical and educational component.

Kim asked if there could be concerns related to asking another agency to enter negotiation process for land acquisition on the EEL Program's behalf.

Keith confirmed that TNC has attempted to obtain a willing seller application from the current owner, but has been unable to do so.

Randy made a motion to approve a 1st Majority Vote for the Indian Burial Mound at PICA.

Ross asked if there was a second to Randy's motion.

There was no second to Randy's motion, and the motion failed.

Mark Bush said that he felt the biggest problem was that we did not appear to have a willing seller and that we would not be able to move forward without one. Otherwise, the EEL Program was unable to do anything until the AC or another agency went ahead and made the purchase and was then willing to turn around and sell the property to the EEL Program.

Ross clarified that if the Program did not have a willing seller there was no need to discuss a 1st Majority Vote.

Paul stated that if a willing seller application could be obtained, staff should bring the property back to the SMC for further consideration.

Scrub Adaptive Management Discussion

Dave Breininger provided information on the Scrub Adaptive Management process. A meeting is planned for December 15, 2006 to continue discussion of this topic. The Brevard Natural Alliance is coordinating the meeting.

Species Relocation Policy draft review

This item was tabled until a future meeting.

Management Site Visit Report for Pine Island Conservation Area

This item was tabled until a future meeting.

Scottsmoor Scrub Additions

This item was tabled until a future meeting.

Project Summary Report Format

This item was tabled until a future meeting.

NEW BUSINESS:

Dodge Property (Micco)

Mike provided information on a 5± acre parcel that is north east of the St. Sebastian River Buffer Preserve and adjacent to the Vero Beach property which recieved a 2nd Majority Vote on October 17, 2006. The property is within the yellow bordered area designated as highest priority, and should be included in the proposed BCSE Boundary Amendment.

Ross suggested that action on this property be contingent on what happens with the Vero Beach property Paul stated that a field trip was not needed at this time.

Further action on this property will be dependent on events associated with the Vero Beach property acquisition.

Smith Property (Grissom Parkway)

Mike provided information on 40± acres of property near Grissom Blvd. in Cocoa. The owner also provided information on the area. It was determined that a site visit to the area would be appropriate.

Indian River Landings Donation Request (T & L Management)

Mike provided information on 38± acres of property near the Indian River in the north part of the County which has been offered to the EEL Program as a donation by T & L Management. The donation is not associated with mitigation and will be included in the NIRL Boundary Amendment. Routine due diligence including a Phase 1 Environmental Assessment, Title Search, and Survey are required as part of the donation process.

MOTION FIVE

Paul moved to accept the Indian River Landings / T & L Management property donation.
Mark seconded the motion.
The motion carried unanimously.

Public Comment:

None

NEXT MEETING:

The next meeting will be held on January 11, 2007. Location to be determined.

ADJOURNED:

The meeting was adjourned at 4:10 PM.

SUMMARY OF MEETING MOTIONS:

- Motion to approve October 17, 2006 minutes as amended.
- Motion to approve October 30, 2006 minutes as amended.
- Motion for the SMC to request that staff consider continuing discussions regarding the storm water retention system near the Cruickshank Sanctuary and that they work with other County staff to answer questions including the extent of impact, and potential for any modifications to the water retention system that would enhance its environmental quality.
- Motion to approve a 2nd Majority Vote on the Nail Property.
- Motion to accept the Indian River Landings / T & L Management donation.