



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

**April 25, 2007  
Attendance List**

***SELECTION & MANAGEMENT COMMITTEE MEMBERS***

Dave Breininger  
Ross Hinkle  
Randy Parkinson  
Paul Schmalzer  
Kim Zarillo

***EEL PROGRAM STAFF***

Jenny Ashbury  
Sandy Carnival  
Laura Clark  
Mike Knight  
Brad Manley

***THE NATURE CONSERVANCY***

Keith Fountain  
Anne Mayer  
Rebecca Perry

***GUESTS***

Susan Gosselin, Brevard County Natural Resources Management Office  
Amy Tidd, Citizen  
Suzanne Valencia, Citizen

*April 25, 2007  
Approved June 27, 2007*



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

April 25, 2007  
Meeting Minutes

### **CALL TO ORDER:**

Randy Parkinson, Vice-Chairman called the meeting to order at 1:03 PM as Ross Hinkle had provided advance notice he was unable to attend.

### **PUBLIC COMMENT:**

Suzanne Valencia stated that she had been following the issue of the Malabar Scrub Sanctuary (MSS) Management Plan, and that although she hadn't been able to attend the Board of County Commissioners (Board) meeting the day before, she had written to each of the Commissioners to express her concerns and suggestion for using the existing, abandoned road that runs through the center of the Sanctuary for the proposed paved linear bike trail, instead of paving a new, 12-foot wide path down the Sanctuary's east side. She stated that she was disappointed with the Board's decision.

### **Additional Discussion:**

Dave Breininger requested clarification regarding the Board's decision on approval of the MSS Management Plan.

Mike Knight stated that the Malabar Scrub Sanctuary Management Plan had been approved with placement of the proposed paved linear trail located on the fireline running down the east side of the Sanctuary. He stated that Commissioners Truman and Nelson had requested that the issue be put through another cycle with the Selection and Management Committee (SMC), but they had been overridden, primarily because other Commissioners felt that the issue had been going on too long and needed to be resolved.

Dave asked if the plan for the proposed paved linear trail would now go through the endangered species permitting process.

Mike replied that there were many secondary issues that had to be dealt with, like permitting and retention. He stated that the EEL Program was not allowing for retention, and would not be involved in any of the permitting issues. He explained that obstacles which might be associated with permitting were another issue that could cause complications to the project.

Randy requested clarification regarding EEL Program staff's recommendation.

Mike stated that staff's recommendation was to approve the MSS Management Plan with the proposed paved linear trail placed on the firebreak along the east side of the Sanctuary. He stated that everyone was in agreement that the least ecological impact was to use the existing paved road that ran through the center of the Sanctuary for the proposed paved linear trail, but if the existing paved road was used, there would be no way for the linear trail to reach the Trail Head constructed by the Town of Malabar, which is located on Marie Street. Mike said that the EEL Program, prior to his time, was a party to the paving extension of a trail that ran along the north side of the Sanctuary, partly on EEL property, and that the people who paved it had moved forward with the understanding that they were going to somehow get down the east side of the Sanctuary. He stated that his preference would have been to have the issue come back through the committee process again, and that he believed that if that had happened, the REAC Committee might have voted against the trail being placed on the fireline, but that the decision would have been in the hands of the Commission and he did not think the outcome would have been any different.

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Mike stated that citizens had raised concerns about the process and that the problem was with the Sanctuary Management Manual. He explained that from an acquisition perspective, an issue related to approval of a contract does not go to the Board unless it has the approval of the SMC, but that the Sanctuary Management Manual does not provide for the same guidelines regarding Management Plans. He said if there is a concern about the process, it should be addressed as a revision to the language in the Sanctuary Management Manual, so that it will be more consistent with the Land Acquisition Manual, indicating that if a management plan issue did not have the approval of the SMC, it shouldn't go to the Board.

Paul Schmalzer stated that in the 10 year history of the Sanctuary Management Manual, the practice had been that no Management Plan had gone to the Board without the approval of the SMC.

Kim Zarillo stated that one of the major problems originated because the issue was never brought to the SMC.

Mike stated that he agreed.

Kim stated that she felt that if the issue had been brought before the SMC when it came up, things would have been different a long time ago, and that now that a kind of Pandora's Box had been opened. She stated that she had concerns that a similar kind of behavior could be expected from people who had their own agenda, as well as with the politics involved; so whether the procedure manual was changed, or not, it wouldn't change the ability for there to be disagreement on an agenda report. She stated that the SMC understood that when they made a recommendation, it was just that – a recommendation, and that the Board would do whatever they decided to do, based on whatever information they had, so she felt it was very important for issues to come to the SMC on a timely basis. She stated that it was her understanding that the issue was not brought to the SMC in the first place as a result of a previous political decision and she expressed concern that with some people's aggressiveness on the issue of bike trails, and the County Manager's willingness to accommodate them, the Program might see a repeat of this type situation.

Mike expressed his agreement that all issues needed to be presented to the SMC on a timely basis.

Randy asked if there would be value to changing the language of the Sanctuary Management Manual so that something like this did not occur again in the future.

Mike stated he felt that the key issue was to bring issues through the Committee process and that the problem that had been inherited in this particular situation was that a lot of decision making, and direction that was given at the staff level was behind the scenes. He clarified that the authority for major changes to the Land Acquisition Manual (LAM) was the Procedures Committee, the SMC was authorized to make minor changes to the LAM, and that the authority for changes to the Sanctuary Management Manual was the Selection and Management Committee.

Paul mentioned that changes to either manual required the approval of the Board.

Amy Tidd stated when the Recreation and Education Committee (REAC) was formed, the Resolution that formed the Committee indicated the REAC Committee would serve as an advisory committee to the SMC and to staff but that they were not set up to serve directly as an advisory committee to the Board. She expressed her concern with the Board's decision and the process that had been followed, and her concern that REAC Committee members would want more and more access, and perhaps even recreational vehicle activity on EEL Program sites.

Paul stated that the REAC Committee had been very supportive of bikes, but not of off road vehicles.

Kim stated that the REAC had originally approved the Malabar Scrub Management Plan, without any paved linear bike trail.

Paul confirmed the REAC approved the Malabar Scrub Management Plan in February of 2006, without any mention of a paved linear bike trail, and that a year's time had passed without the proposed paved linear trail becoming an issue. He stated his opinion that the REAC group was a very balanced committee with many different viewpoints.

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Amy stated that it was her understanding that the County Commission could not write, or change, a management plan, they could only approve or decline it.

Randy asked for clarification regarding whether or not staff's recommendation was different from that of the SMC.

Mike confirmed that the recommendation from staff had been different from the recommendation of the SMC. The SMC voted to approve the Malabar Scrub Management Plan with the proposed, paved linear trail running down the existing paved road that runs down the middle of the middle of the Sanctuary. Staff's recommendation to the Board was to pave the dirt firebreak that ran down the Sanctuary's east side.

Suzanne Valencia asked why Mike was put under such pressure to get this issue before the Board when the SMC had voted against it.

Mike stated that was a question for the County Manager. He explained that varying perspectives were difficult to balance and he provided information on a proposed conflict resolution process that was being drafted.

Dave Breininger stated that if the language to the Sanctuary Management Manual could be changed, at least the SMC would have more time to respond to issues, and that in this case, it seemed like they just blinked and it was a done deal.

Mike explained that it may have seemed like a blink to some of the SMC, but that the issue had been going on since the property was acquired and there were a lot of things that did not come to the Committee.

Paul said if there were issues that did not come to the SMC, they should have.

Kim reminded the group that the State had to also approve the placement of the proposed paved linear trail at the Malabar Scrub Sanctuary.

Amy stated that a group of citizens planned to contact the State to express their concerns.

Mike confirmed that the State holds title to the land, and that the Management Plan was submitted to the Board for their approval because the EEL Program is the managing entity.

Randy said he hoped that people with concerns would contact the State to put the heat on the permit process and off the EEL Program.

Amy said the SMC could have input to the State on how they wanted the land managed.

Paul stated that the minutes would be on record.

Mike confirmed that the minutes of April 6, 2007 and April 25, 2007 SMC meetings, as well as minutes from the REAC Committee relative to the Malabar Scrub Management Plan would be included in the plan when it was submitted to the State for their approval.

Randy asked if there was additional public comment. There was none.

## **MINUTES:**

The February 27, 2007 and April 6, 2007 minutes were presented for approval. Prior to the meeting, Ross Hinkle provided written confirmation that he had reviewed both sets of minutes and indicated his support for their approval.

Randy asked for comments to the February 27, 2007 draft minutes. These minutes were originally sent to the SMC for their review. Paul Schmalzer provided comments which were presented as tracked changes and redistributed.

### **MOTION ONE:**

**Paul Schmalzer moved to approve the February 27, 2007 minutes as amended.**

**Dave Breininger seconded the motion.**

**The motion carried unanimously.**

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Randy asked for comments to the April 6, 2007 draft minutes which were e-mailed to the SMC for their review prior to the meeting.

**MOTION TWO:**

**Paul Schmalzer moved to approve the April 6, 2007 minutes as presented.**

**Kim Zarillo seconded the motion.**

**The motion carried unanimously.**

**Additional Discussion:**

Paul stated that the April 6, 2007 minutes had been correct in documenting the conversation of that particular meeting, but that additional information should be presented relative to two topics that were discussed. He requested that the following statements, which he read, be included as clarification of the situations discussed in the April 6<sup>th</sup> meeting minutes:

**“Comments regarding the Smit Property**

The April 6, 2007 minutes are correct regarding the discussion of the Smit Property, but there is additional information that needs to be part of the records. I have reviewed the 2006 minutes relating to the Smit property.

Facilitating the FIND exchange has been part of the consideration in the potential acquisition of the Smit property from the beginning. It was first brought to the SMC by staff on August 1, 2006. Among the reasons given by staff for considering the property were to facilitate the FIND exchange, as a site for a South Region management center, and a potential partnership with Parks and Recreation on the equestrian facilities. All three points were included in the discussion of the 1<sup>st</sup> majority vote on September 26, 2006 and their 2<sup>nd</sup> majority vote on October 17, 2006. In October it was noted that there was some uncertainty regarding Parks and Recreation partnership; this was pending the 2006 Parks and Recreation referendum.

Further, my site visit report of August 29, 2006 indicated that facilitating the FIND exchange was an important consideration in the potential acquisition of a site with extensive infrastructure.

Therefore, the record indicates that facilitating the FIND exchange has been a central concern since the beginning of consideration of the Smit property.”

**“Comments regarding the Boyd and DiChristopher Properties**

The April 6, 2007 minutes indicate that partnership funding was a consideration in removing these properties from the April 10, 2007 BOCC agenda.

It is not clear why this should be the case since both are Phase 1 Blueways Projects.

Further, a review of the 2005 and 2006 minutes regarding Boyd and DiChristopher indicate that the SMC has emphasized from the beginning the importance of clarifying partnership funding.

Boyd was first considered on December 1, 2005 as a stand alone project. Staff was directed to determine if the area was within either of the Blueways projects, and to research if the property might be acquired by SJRWMD.

Boyd and DiChristopher were considered together at the January 12, 2006 meeting where 1<sup>st</sup> majority votes were taken for each. It was noted that a potential funding partnership existed with SJRWMD.

Second majority votes on both properties were taken on June 30, 2006. Clarifications noted as part of the 2<sup>nd</sup> majority vote included funding sources, project phase (Blueways), and confirmation of partnership funding.”

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## **ADMINISTRATIVE REVIEW:**

Information in the Administrative Review was reviewed. Mike provided clarification that although exact dates on when the properties being discussed would be presented to the Board had not yet been established, the SMC final reviews were being done today to expedite processing when possible.

## **SMC REPORTS:**

None.

## **STAFF REPORTS:**

None.

## **THE NATURE CONSERVANCY:**

The Nature Conservancy did not present a report at this meeting as they were doing a presentation at the joint Selection and Management Committee/Procedures Committee meeting later that day.

## **AGENDA ITEMS:**

### **Nevins Fruit Company Property – Final Review**

Mike reviewed information on the 42.82± acre Nevins Fruit Company property which is located at the southern end of the North Indian River Lagoon Project, and will serve as a buffer to the lagoon. It was considered to be of highest priority by the SMC. Keith provided clarification that the ownership and property being purchased was slightly larger than the Project boundary. The purchase price is within the range of appraised values.

#### **MOTION THREE**

**Paul Schmalzer moved to approve submitting the Nevins Fruit Company property contract to the Board for their approval.**

**Kim Zarillo seconded the motion.**

#### Additional Discussion

Randy asked if there were further questions or discussion for the Nevins Fruit Company contract. There was none.

**The motion carried unanimously.**

### **Vero Pittsburg Partners, LLC Property – Final Review**

Mike reviewed information on the 41.46± acre Vero Pittsburg Partners, LLC property directly adjacent to the north boundary of the Enchanted Forest Sanctuary in Titusville. The vegetation is similar to the Forest. There has been substantial development along Sisson Road. This property remains intact and appears to be the last significant opportunity to enlarge the Enchanted Forest Sanctuary. The SMC approved 1<sup>st</sup> and 2<sup>nd</sup> Majority Votes for this property on September 26, 2006 and October 17, 2006, respectively. This property is considered to be in the highest priority category by the SMC and the purchase price is within in the range of appraised values.

#### **MOTION FOUR**

**Kim Zarillo moved to approve submitting the Vero Pittsburg Partners, LLC property contract to the Board for their approval.**

**Dave Breininger seconded the motion.**

#### Additional Discussion

Randy asked if there were further questions or discussion for the Vero Pittsburg Partners, LLC property contract. There were none.

**The motion carried unanimously.**

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### **Joseph J. Jefferys, Jr. Property – Final Review**

Mike provided information on the .73± acre Joseph J. Jefferys, Jr. property which is located off Cinnamon Teal Drive immediately adjacent to the northern boundary of the Buck Lake Sanctuary. Vegetation is scrubby flatwoods with portions of a depression marsh. The flora is predominately native. This is one of five parcels off Cinnamon Teal Drive currently being pursued for acquisition by the EEL Program. The Espinoza property was approved by the Board yesterday. The other properties, Taylor and White, are also being presented for final review at this meeting. If all five properties can be acquired, it will assist in management of the wetland area. The SMC approved 1<sup>st</sup> and 2<sup>nd</sup> Majority Votes on this property on September 26, 2006 and October 17, 2006, respectively. It is within the high priority zone as identified by the SMC and the purchase price is within appraised value.

#### **MOTION FIVE**

**Paul Schmalzer moved to approve submitting the Joseph L. Jeffreys, Jr. contract to the Board for their approval.**

**Kim Zarillo seconded the motion**

#### Additional Discussion

Randy asked if there were additional comments on this item. There were none.

**The motion carried unanimously.**

### **Myron Taylor Property – Final Review**

Mike provided information on the .58± acre Myron Taylor property which is located on the north east side of Cinnamon Teal Drive near Mims. This property also has scrubby flatwoods similar to the other properties in the area being presented for final review. Acquisition of these parcels will extend the North Buck Lake Sanctuary boundary and assist in management of the wetland area. The SMC approved 1<sup>st</sup> and 2<sup>nd</sup> Majority Votes on this property on September 26, 2006 and October 17, 2006, respectively. It is within the high priority zone as identified by the SMC and the purchase price is within appraised value.

#### **MOTION SIX**

**Paul Schmalzer moved to approve submitting the Myron Taylor property contract to the Board for their approval.**

**Kim Zarillo seconded the motion.**

#### Additional Discussion

Randy asked if there were any additional comments on this item. There were none.

**The motion carried unanimously.**

### **John and Gloria White Property – Final Review**

Mike provided information on the 1.99± acre John and Gloria White property which is actually two parcels located south of Cinnamon Teal Drive near Mims and directly adjacent to the North Buck Lake Sanctuary. Vegetation is scrubby flatwoods with portions of a depression marsh. Acquisition of these parcels will extend the North Buck Lake Sanctuary boundary and assist in management of the wetland area. The SMC approved 1<sup>st</sup> and 2<sup>nd</sup> Majority Votes on this property on September 26, 2006 and October 17, 2006, respectively. It is within the high priority zone identified by the SMC and the purchase price is within appraised value.

#### **MOTION SEVEN**

**Paul Schmalzer moved to approve submitting the John and Gloria White property contract to the Board for their approval.**

**Kim Zarillo seconded the motion.**

#### Additional Discussion

Randy asked if there were any additional comments on this item. There were none.

**The motion carried unanimously.**

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### **Joyce Johnson Property – Final Review**

Mike provided information on the 100± acre Joyce Johnson property which is located east of North Courtney Parkway on the north side of Hall Road on Merritt Island. There is an area of Australian pine (invasive exotic) on the southeastern side of the property, but the area to the west and north are more intact natural communities. Mesic hammock with a canopy of live oak and cabbage palm occurs as do freshwater marshes with sand cordgrass and needle rush as the dominant species. There are several conservation lands nearby, including the EEL Program's Kaboord Sanctuary. The SMC approved 1<sup>st</sup> and 2<sup>nd</sup> Majority Votes on this property on February 16, 2006 and June 20, 2006, respectively. It is within the high priority zone identified by the SMC and the purchase price is within appraised values.

#### **MOTION EIGHT**

**Kim Zarillo moved to approve submitting the Joyce Johnson property contract to the Board for their approval.**

**Paul Schmalzer seconded the motion.**

#### Additional Discussion

Randy asked if there was addition public comment on this item. There was none.

**The motion carried unanimously.**

### **PUBLIC COMMENT**

None.

#### Additional Discussion

Keith provided update information on the status of the Boyd and Di Christopher property contract negotiations. Clarification was provided that a new motion from the SMC was not needed at this time.

Kim asked if the SMC could be provided with information relating to the amount of funds that were available for land acquisition at the next meeting.

Paul asked if the SMC could be copied on Agenda Reports when they were sent to the Board and if the SMC could receive a copy of the April 24, 2007 Board meeting.

### **NEXT MEETING:**

Staff will poll the SMC to determine if May 23, 2007 would be a convenient meeting date for a majority of the members.

### **ADJOURNED:**

The meeting was adjourned at 2:15 PM.

### **SUMMARY OF MEETING MOTIONS:**

- Motion to approve the February 27, 2007 minutes as amended.
- Motion to approve the April 6, 2007 minutes as presented.
- Motion to approve submitting the Nevins Fruit Company property contract to the Board for their approval.
- Motion to approve submitting the Vero Pittsburg Partners, LLC property contract to the Board for their approval.
- Motion to approve submitting the Joseph J. Jefferys, Jr. property contract to the Board for their approval.
- Motion to approve submitting the Myron Taylor property contract to the Board for their approval.
- Motion to approve submitting the John and Gloria White property contract to the Board for their approval.
- Motion to approve submitting the Joyce Johnson property contract to the Board for their approval.

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