



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

**July 31, 2007
Attendance List**

SELECTION & MANAGEMENT COMMITTEE MEMBERS

Mark Bush
Dave Breininger
Ross Hinkle
Randy Parkinson
Paul Schmalzer

EEL PROGRAM STAFF

Jenny Ashbury
Laura Clark
Mike Knight
Sandy Mickey
Scott Taylor

THE NATURE CONSERVANCY

Anne Mayer
Rebecca Perry

GUESTS

Karen Andreas, Florida Council of Bromeliad Societies
Teresa Cooper, University of Florida
John Denninghoff, Brevard County Transportation Engineering
Dave Dingley, District IV Commission Office
Howard Frank, University of Florida
Susan Gosselin, Brevard County Natural Resources Management Office
Joe Mayer, Bussen-Mayer Engineering
Mary Sphar, Citizen
Susan Yonce, District 4 Commission Office

*Protecting and Preserving Biological Diversity
Through Responsible Stewardship of Brevard County's Natural Resources*

*July 31, 2007
Approved September 28, 2007*



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

July 31, 2007
Meeting Minutes

CALL TO ORDER:

Ross Hinkle, Chairman, called the meeting to order at 1:03 PM.

SPECIAL SESSION:

Request for Ditch Maintenance Access Easement at Cruickshank Sanctuary

Public Comment

None

Mike Knight, EEL Program Manager, explained that the first part of the meeting would be dedicated to a Special Session regarding the request from the Brevard County Transportation/Engineering Department (TE) for a ditch maintenance access easement at Cruickshank Sanctuary in Rockledge.

Mike stated that questions had previously been compiled regarding the request and that a response had been provided. 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 Schmalzer stated that he had questions related to the document received on July 27th and he requested clarification of how the items should be revisited.

Randy Parkinson asked that everyone keep in mind that the SMC had just received the latest set of information on Friday and stated that while he was able to do a quick review of the summary, he had not had time to check the report thoroughly.

Joe Mayer stated that the figure changes in the document were very minor from what had been included in the original document.

Randy expressed the SMC's appreciation for John and Joe's attendance at the meeting to address the SMC's questions and concerns.

Mike clarified that at the last meeting statements were made that indicated that the easement being requested by TE was already in place. He explained that, at the request of the SMC, staff had asked the County Survey Department to review the surveys and legal descriptions. Their review confirmed that some of the areas that were being requested as easement were existing easement (shown on red on the map), but that some were not (shown as blue).

Mike explained that another question that has been raised is: If the ditches are not on EEL Program property, why is the EEL Program being asked to provide the access easements?

Mike explained that his understanding was that a mistake had been made in the past between the City of Rockledge and the subdivision's developer, because clear delineation was not provided for where the ditch would be accessed from, since the ditch was not part of the subdivision's drainage system. As a result, the properties immediately adjacent to the side of the ditch opposite from the Sanctuary have been developed as back yards and now include fences, swimming pools, and sheds, etc..

Additional discussion ensued, including:

- Paul Schmalzer asked if the figures in the document of July 27th represented the total impact to the Sanctuary.
 - Clarification was provided that it did, with two exceptions:
 - Language in the new easement would clarify that the old easement would be removed, with some sections vacated.
 - The TE Department would not be maintaining a section of the old easement located in the southeastern corner of the Sanctuary.
- Clarification was provided that the areas on the map with both blue and red lines represented sections where TE was requesting that the existing easement be expanded.
- Clarification was provided that a culvert would be placed across Barnes Blvd. for a maintenance access road and that TE would be providing the fence and gate for the road.
- The maintenance access road will generally be 10 feet wide, and a little wider at the corners.
- TE plans to vacate the portion of the existing easement near the area they are restoring.
- Scott Taylor asked about the schedule for maintenance of the ditch.
 - John clarified:
 - Mowing: typically 4 – 6 times per year, no more, could be less.
 - Cleaning – bringing in trucks and grade-all: depends on how well vegetation takes root, but ordinarily every 2 to 4 years.
- Ross Hinkle asked for clarification of the impact to the water table.
 - John stated that estimates under the most aggressive assumptions provide for a draw down of approximately 2 feet and Joe stated the impact should not reach more than 300 feet from the ditch.
 - Scott expressed concern that when the maintenance road in the low lying area was built up for equipment access that flooding could occur in the low lying area north of the planned retention pond.
 - Joe Mayer confirmed that the road will be built up a couple of feet in the low lying area.
 - Barrier and/or control structures will be installed to control the flow of water to protect that area. The activity will require permitting and regulation by St. Johns River Water Management District (SJRWMD).
- Mike asked if the project would be held to SJRWMD regulations as part of the permit.
 - Joe explained that 5 years of monitoring was required under the permit.

- John stated that a biologist is required to review the area twice a year for the first two years and then once a year. He stated that TE is typically proactive during the monitoring and if a problem is encountered, they will begin corrective action without waiting for direction from SJRWMD to do so.
- Mike asked for clarification on determining the best material for the underground barrier relative to effectiveness, but also ease of use and considerations for changing it, if necessary.
 - Joe stated his suggestion would be to ask SJRWMD for their recommendation but that the limerock barrier would be easier to change.
- Clarification was provided that the language of the new easement would specifically identify areas of access and the general terms of the old easement would be removed.
- Mike provided clarification that if the ditch maintenance access easement was granted, the EEL Program would receive compensation, and staff would coordinate the arrangements.
- Ross stated that he felt that any time a decision was made regarding an activity that would impact a Sanctuary, the decision should not set a precedent for that activity at other Sanctuaries. He stated that in an rapidly urbanizing area, conservation land becomes a target for utility rights of ways, storm-water drainage, and recreation activities, and that he felt the SMC would use a very conservative approach to requests of this type.
- Dave Breininger stated that a 5 year monitoring period seemed short.
- John stated that SJRWMD required 5 years to determine that plantings would be successful and that in his experience 3 years was usually enough time to make that determination.
- Paul mentioned that a lot of the SJRWMD guidelines were relative to plantings as part of wetlands permitting, but that the concern here was related to the hydrologic effects over time to the intact sanctuary and that those may not play out over 5 years.
- Mike stated a recommendation for a longer time frame could be made.
- Scott suggested that perhaps the monitoring could be done in house by county staff.
- Paul agreed that was a good idea and that it made sense to do it in house for continuity.
- Mike stated that staff would be doing an inventory of all existing ditches on EEL Program property to identify where the easements were and to look at adjacent landowners when appropriate.
- Scott expressed concerns that access for ditch maintenance should have been granted through Chelsea Park and that access still might be available through the preservation parcel. He also asked if it was possible to still access the ditch behind the existing homes.
- John explained that even if the ditch could be accessed from behind the existing homes, it wasn't feasible.
- John explained that this project would:
 - Provide some treatment for water that is currently draining to the Lagoon without treatment.

- Deal with flood waters that are now rising high enough to cause flooding in structures and roadways.
 - Work with the planned road project.
- Clarification was provided that paspalum is available as a sod and that it would be much preferred by the SMC to bahaia, which is an exotic plant, to stabilize the sides of the ditch.
- Joe stated he was agreeable to placing whatever the SMC wanted, but that he had concerns that it might not hold the sides of the ditch well.
- John stated that he also had concerns about planting something that was very expensive and then having to come back and replant if the first planting did not take hold. He also stated that perhaps bahia could be planted on the bottom with something else on the top and that he was open to trying a new idea.
- Mark asked if bahia could be seeded with a native planting.
- Mike clarified that the fire line would have to be maintained as mineral soil.
- John explained that 80% of the water that ran through the ditch would go through the retention pond first and that would reduce some of the sediments that would accumulate at the bottom of the ditch.
- Mike explained that it was important that mowing and ditch cleaning equipment be cleaned to reduce the spread of invasive exotic plant species.
- John stated if he was in charge of TE, and the EEL Program had the appropriate equipment, he would be willing to allow the EEL Program to do the mowing and to reimburse the Program for its expenses.
- John stated that in areas where they didn't have to clear trees, the trees would help stabilize the banks.
- Mark and Randy emphasized the need to educate the homeowners if TE would be removing their screen of trees so the homeowners would know what to expect.
- John clarified that there would be an open house on this project and that he was considering a separate open house for the homeowners in the Chelsea Park neighborhood.
- Mike stated that he would like for the development of the trail head for the Cruickshank Sanctuary off Barnes Blvd. to be incorporated as part of the mitigation for the project, if possible.
- Paul stated that the compensation description needed to be clarified.
- John stated that he was willing to provide financial compensation for the project, which could be used for the trail head, if that was best for the Program, as long as someone else was responsible for the trail head design.
- Mike reminded the group that the State would be involved with the compensation structure as the land is in State title.
- Mike clarified that a recommendation from the SMC needed to be received before the easement request could proceed to the Board and to the State.

- Randy stated that comments of the meeting would be noted, but that the details of the agreement would need to be worked out.
- Mike confirmed that comments would be revised until there was a clear understanding of the issues to be negotiated.
- Randy asked if Scott Taylor, the Land Manager for the Central Region, had anything that hadn't been addressed sufficiently, or would need to be worked into the recommendation.
- Scott stated that the issues had been addressed.

Public Comment

None

MOTION ONE:

Randy Parkinson moved to approve a recommendation to support the Cruickshank Ditch Maintenance Access Easement Request, as long as discussion continues on items in question and staff works to negotiate appropriate compensation.

Mark Bush seconded the motion.

The motion carried unanimously.

Clarification was provided that when TE holds the open houses, the EEL Program would be notified so the information could be relayed to the SMC.

MINUTES:

The June 27, 2007 minutes were presented for approval. Ross asked for comments to the June draft minutes. Paul Schmalzer noted the following:

- Page 6 - Borenstein Property: This property is in the SR 528 megapargel area which is proposed as an amendment to the BCSE Project. The EEL Program has not made acquisitions in the area, but there are lands acquired by USFWS for the Dusky Seaside Sparrow.
- Page 6 – MLCI David Lee Property, last paragraph: Two sentences from the site visit report are run together. It should read: "These properties are within the Brevard Coastal Scrub Florida Forever Project. They were added to this project because they offered connectivity between two major conservation areas. There is the potential to restore these sites to flatwoods and wetlands over time. The process would take time and resources. Maintaining a mowing or perhaps grazing regime to keep Brazilian pepper from colonizing the pastures may be necessary until restoration could be accomplished."
- Page 7 – Morris Property: Typo "0" before "during".
- Page 7 – Wells Property: This property is near Grissom Parkway within the existing BCSE megaparcels site.
- Page 8 – Hunter's Brooke: 7th paragraph. Capitalize "Conservation" in Seminole Ranch Conservation Area.

The minutes will be amended as noted.

MOTION TWO:

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

Randy Parkinson seconded the motion.

The motion carried unanimously.

ADMINISTRATIVE REVIEW:

The Administrative Review was reviewed.

Mike provided a draft resolution that staff had prepared regarding the Board's support of Florida Forever funding and the creation of a successor program. He asked the Selection and Management Committee (SMC) if they would be in favor of making a motion in support of the resolution that could be included when this item is presented to the Board of County Commissioners (Board).

MOTION THREE:

Paul Schmalzer moved to approve an expression of support from the SMC regarding the resolution for continuation of the Florida Forever Program.

Dave Breininger seconded the motion.

The motion carried unanimously.

SMC REPORTS

REAC Mtg Update

The next REAC meeting will be held on August 9, 2007.

Other SMC Reports

None.

STAFF REPORTS:

Prescribed Fire – Dean Vanderbleek

Dean Vanderbleek, EEL Program Fire Manager gave a presentation on recent prescribed fires including:

- February 19, 2007: 314 acres - Micco Scrub Sanctuary
- February 23, 2007: 5 acres – Maritime Hammock Sanctuary
- March 6, 2007: 5 acres – Maritime Hammock Sanctuary
- March 7, 2007: 10.5 acres – Enchanted Forest Sanctuary
- March 29, 2007: 15 acres – Cruickshank Sanctuary
- April 24, 2007: 25 acres – Coconut Point Sanctuary
- June 25, 2007: 3 acres – Sterling Forest
- June 27, 2007: 135 acres – Pine Island Conservation Area

Mike invited the group to view the new tractor and explained that staff would be going through training on its operation.

Dean explained that he was considering reducing the size of some burn units as he felt it would enhance prescribed fire application.

Dave Breininger stressed the importance of prescribed burns and suggested sanctuaries be considered on an individual basis.

Paul stated he agreed with Dave's comments.

Central Region Update – Scott Taylor

Scott Taylor provided information on recent events in the Central Region:

- Prescribed Fires at Central Region Sanctuaries.
- Renovations continue at the Sams House at PICA on Merritt Island.
- Scouts have installed trail signs at Cruickshank Sanctuary in Rockledge.
- BIPM grant for removal of invasive, exotic species at Thousand Islands.
- Request for ditch maintenance access easement at Cruickshank Sanctuary.
- Staff working on establishing contractors for removal of exotic species.
- Discussion continues regarding the Exotic Species Strategic Plan for the Thousand Islands.
- Storm-water Project at PICA will go out to bid soon.
- Scrub Jays at Cruickshank Sanctuary.
- Scout troop adopted PICA.
- Working with Katrina Morrell for exhibit ideas at PICA.
- Restoration at PICA.

THE NATURE CONSERVANCY:

Rebecca Perry from The Nature Conservancy (TNC) provided an update on acquisition activities:

- Maytown Flatwoods Area
 - Ag Ventures - Negotiations are continuing.
- Hunter's Brook – Waiting on appraisal.
- North Buck Lake Area
 - Jefferys - Closing completed.
 - Taylor - Closing completed.
 - White - Closing completed.
- Ft. McCauley/Scottsmoor Partners – Angela Klug continuing negotiations.
- North Indian River Lagoon
 - Gaizo – Board accepted assignment of option.
- North Region
 - Vero Pittsburg Partners, LLC – Closing completed.
 - Veronica Estates/Lawhon – Board will consider option agreement today.
- Central Region
 - Joyce Johnson – Closing expected soon.
 - Schopke/Barge – Board accepted assignment of option.
 - Boyd & DiChristopher – Information received from owners regarding sovereign land. Keith Fountain will be meeting with owners when he comes back from vacation.
- South Area
 - Micco Eastern Holding – Internal Revenue Service will appoint disposition contractor who will notify TNC when they can look at this property. Information expected this week. There will be a bid process for this property.

Paul Schmalzer asked for an update on the megaparcels areas.

Rebecca explained that TNC staff recently met with the Department of Environmental Protection (DEP) and that she had followed up regarding appraisals but that TNC has not received information on small holdings, or clarification on whether or not the State would accept County appraisals for reimbursement purposes. Funding is very limited. This will be brought back to the SMC for review.

Mike stated that he and Jenny Ashbury met recently on this topic to discuss possible strategies, and that they would be discussing options with Keith before reporting back to the SMC.

Rebecca explained that a list of properties for reimbursements had been provided to DEP.

The SMC requested clarification regarding the reimbursement process and status for each of the properties in State approved projects that have been purchased by the EEL Program.

Ross stated that the EEL Program wants to be first in line when funding becomes available.

Mike stated that representatives from DEP have visited Brevard County recently and that there was some confusion regarding the purpose of the visit. He said that staff will report back to the SMC regarding the status of reimbursements and boundary amendments.

Paul mentioned that funding was also a topic that needed to be discussed.

AGENDA ITEMS:

Consideration of Evil Weevil Control

Information was provided previously to the SMC regarding a proposed project for the release of a parasitic fly at the Enchanted Forest Sanctuary in the hopes that the fly will reduce the number of invasive, exotic bromeliad weevils that have established a population at the Forest and are causing a significant amount of damage. The project has received all required permits and the SMC previously reviewed the EEL Program application.

Howard Frank, an entomologist specializing in biological control from the University of Florida, and Teresa Cooper, who completed her Master's degree there, provided additional information on the anticipated project that will allow for the release and monitoring of a specialized fly which should only target the problem weevil, and the fly's effects on the weevil population at the Forest.

Howard pointed out that one of the most frequently asked questions about this type of project relates to concerns that the insect would spread to a point where it could become a problem. He stated that he authored a paper covering all insect release projects in Florida since 1899 and that of the 59 cases where insects have been imported and become established, none have caused non-target effects.

Teresa explained that there would be four releases of the specialized flies in the vicinity of weevil larvae with close monitoring to determine the impact of the fly on the larvae. The project is expected to last one year. This project is also being tested in other places in Florida.

Karen Andreas of the Florida Council of Bromeliad Societies spoke of her support for the project and the importance of limiting the spread of the weevil to protect the native bromeliads. She provided information on a seed bank they are establishing to try to ensure bromeliad diversity.

MOTION FOUR:

Paul Schmalzer moved to approve the proposed release of the parasitic fly as an experimental project in the Enchanted Forest Sanctuary.

**Mark Bush seconded the motion.
The motion carried unanimously.**

Request for Land Exchange: P&R Dept. W.W. James Parks / Vero-Pittsburg Partners LLC Property

Mike explained that the Parks & Recreation Department (P&R) is expanding their facilities at W. W. James Park north of the Enchanted Forest Sanctuary and are hoping to work with the EEL Program to minimize impact to natural areas and to keep the impact in the disturbed zones as much as possible. The SMC reviewed three preliminary proposals for a possible land swap with P&R at the June 27, 2007 meeting. A site visit was scheduled to the area as a result of that meeting.

Paul Schmalzer reviewed the report from the July 13th site visit. All three of the proposals involve a 10+ acre parcel which is located directly south of the existing ball fields. One involves a 4+ acre parcel along Sisson Road.

The northern two-thirds of the 10+ acre parcel are disturbed while the southern third supports a high quality mesic hammock. There was apparently a small coquina pit in part of the southern third of the 10± acre parcel, but native species have revegetated the disturbed area.

The 4-acre parcel along Sisson Road is predominately mesic hammock with a small area of willow or hardwood swamp along Sisson Road. This area is intact natural communities in good habitat condition. It also borders and protects a depression marsh.

The site visit report indicates the northern 2/3 of the 10-acre parcel could be considered for exchange, but the southern 1/3 of the 10-acre parcel and the 4-acre parcel along Sisson Road should not be considered for exchange. The report also recommends evaluation of the area for use by gopher tortoises be completed prior to finalizing the exchange proposal.

P&R will come back to the SMC with two options. One option will be to expand only on the existing P&R property, and the other option will consider a possible swap of property with the EEL Program. Consideration will be given to whether or not the proposed trade provides a net conservation benefit.

Additional information will be provided.

Request for Land Exchange: TICO Airport Property

The SMC reviewed a map of a land exchange request received from the Titusville-Cocoa (TICO) Airport Authority. Mike stated that he has explained to the airport staff that any land exchange with the EEL Program must have a net conservation benefit. Mike previously reviewed the request and said that he did not feel the proposal had a net conservation benefit, but that he had told the Airport staff that he would present the information to the SMC for their consideration.

Dave Breininger stated that he agreed with Mike's overview, and that while it was good to consolidate properties, the proposed exchange did not offer a net conservation benefit.

The Airport Authority has proposed a 1:1 exchange of 52 acres that they own located south of Perimeter Road and east of Grissom Parkway. Natural communities on the Airport Authority land include sand pine scrub, oak scrub, scrubby flatwoods, mesic flatwoods, and depression marsh. Most of this area is well drained but included are several acres of depression marsh on very

poorly drained St. Johns, ponded soil. Small areas of flatwoods soils may also be included. This site has been unburned for a long time, reducing the current habitat value for Florida Scrub-Jays. It could be restored through combinations of mechanical cutting and prescribed burning. The depression marsh is being invaded by wetland shrubs as a result of fire exclusion or hydrologic alteration. The flora of the site is predominately native, and the exotics present are located primarily along the Grissom Parkway right of way.

The Airport Authority land is environmentally sensitive and could be suitable land as Florida Scrub-Jay habitat with restoration. However, the current, proposed exchange does not provide a significant net conservation benefit. The total area of the lands proposed for exchange is the same. The Airport Authority land is not all scrub, but includes several acres of a depression marsh. These marshes are important communities but do not substitute directly for scrub.

MOTION FIVE:

Paul Schmalzer moved to decline the land exchange as proposed by TICO Airport as it did not offer a net conservation gain.

Mark Bush seconded the motion.

Public Comment

Mary Sphar asked of the EEL Program was held to the State standards regarding proposed land exchanges.

Clarification was provided that none of the properties in this proposal were State owned, so State standards would not be a consideration in this situation, but that there was a requirement for a net conservation benefit for any properties being considered for exchange by the EEL Program.

The motion carried unanimously.

Review of Veronica Estates/Lawhon Property Acquisition

Mike provided information on the 206± acre Veronica Estates/Lawhon property in the Grissom megaparcel area. He stated that during the recent follow-up audit there was a request for a 2nd Majority Vote date for this property. He clarified that staff had realized that when the Grissom megaparcel area was added to the Brevard Coastal Scrub Ecosystem (BCSE) Project in 1996, the Program had been operating under the original Land Acquisition Manual (LAM) which did not include a requirement for a 2nd Majority Vote. The LAM was revised in 1997 to include requirements for 1st and 2nd Majority Votes during the acquisition process.

Mike said that a 1st Majority vote was documented in 1996 when the Boundary Amendment to the BCSE was approved and that confirmation of a 2nd Majority Vote was being requested today.

Mike requested that the SMC provide confirmation that there has always been the intent to move forward with the acquisition of this property and that the SMC review the acquisition information for approval to move the acquisition to the Board.

Paul commented that there have been requests for confirmation on other properties and with the determination that some should no longer be pursued, due to fragmentation or change in habitat.

Randy Parkinson asked if there were concerns with mixing the new requirements language with the old requirements language.

Ross stated that confirming a 2nd Majority vote at this time would serve as confirmation that the property should be pursued.

MOTION SIX:

Paul Schmalzer moved to approve a 2nd Majority vote for the Veronica Estates/Lawhon property.

**Randy Parkinson seconded the motion, for the purpose of discussion.
The motion carried unanimously.**

Mike stated that he felt the wording of the 2nd Majority vote was fine and that in the future, if confirmation of an existing 2nd Majority Vote could not be provided for a property, it would be reconfirmed.

MOTION SEVEN:

Paul Schmalzer moved to approve submitting the Veronica Estates/Lawhon property contract to the Board.

Mark Bush seconded the motion.

Public Comment

None

The motion carried unanimously.

NEXT MEETING:

ADJOURNED:

The meeting was adjourned at 5:07 PM.

SUMMARY OF MEETING MOTIONS:

- Motion to approve a recommendation to support the Cruickshank Ditch Maintenance Access Easement Request, as long as discussion continues on items in question and staff works to negotiate appropriate compensation.
- Motion to approve the June 27, 2007 minutes as amended.
- Motion to approve an expression of support from the SMC regarding the resolution for continuation of the Florida Forever Program.
- Motion to approve the proposed release of the parasitic fly as an experimental project in the Enchanted Forest Sanctuary.
- Motion to decline the land exchange as proposed by TICO Airport as it did not offer a net conservation gain.
- Motion to approve a 2nd Majority Vote for the Veronica Estates/Lawhon property.
- Motion to approve submitting the Veronica Estates/Lawhon property contract to the Board.