

***ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM  
SELECTION & MANAGEMENT COMMITTEE (SMC)  
ATTENDANCE LIST  
FEBRUARY 14, 2001***

***SELECTION COMMITTEE MEMBERS***

David Breininger  
Mark Bush  
Ross Hinkle  
Paul Schmalzer  
Gary Wolfe – arrived at 1:10 p.m.  
Kim Zarillo – arrived at 1:10 p.m.

***PROCEDURES COMMITTEE MEMBERS***

***EEL PROGRAM STAFF***

Anne Birch  
Ray Mojica  
Zach Prusak  
Tami Robinson  
Lisa Smith  
Janis Wilcox

***THE NATURE CONSERVANCY***

Angela Klug

***GUESTS***

**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM  
SELECTION & MANAGEMENT COMMITTEE (SMC)  
MEETING MINUTES  
FEBRUARY 14, 2001**

**CALL TO ORDER:**

Ross Hinkle called the meeting to order at 1:05 p.m.  
Ross asked that everyone introduce themselves.

**MINUTES:**

Minutes for October 20, 2000, November 28, 2000 and January 12, 2001 are pending. The minutes of the site visit to Kabboord on December 13, 2000 were presented for approval. Anne mentioned that she is checking with the County Attorney's office on the Kabboord FP&L Easement topic.

**Motion One:**

Paul moved to approve the minutes of the December 13, 2000 site visit to the Kabboord Sanctuary without changes. Mark seconded the motion. The motion was approved unanimously.

**PUBLIC COMMENT:**

None

**NEW BUSINESS:**

**The J. J. Parrish Trust Property:**

Angela report that Mr. Parrish has requested his entire parcel be included in the offer The Nature Conservancy (TNC) has made on his North Indian River Lagoon (NIRL) property. The J. J. Parrish Trust, represented by Mr. Jay Parrish, Trustee received an offer for a portion (approximately 31.50 acres) of his tax parcel. The offer excluded approximately 15 acres of grove area (zoned AU – agricultural) that lies outside the Blueway CARL Project. Angela presented a Redimap to indicate how the parcel is divided and explained that the appraisal was prepared on only the portion of the tax parcel that lies with the Blueway CARL Project. Mark asked if the landowner of the adjoining property (to the portion that an offer has not been presented on) has been contacted to see if he is interested in purchasing the excluded portion. Anne asked if there could be a benefit of acquiring the excluded portion because of drainage. Angela also mentioned that the excluded portion was not subject to reimbursement under the Blueway CARL Project. Ross stated that this acreage had been excluded from the Blueway CARL Project because it is grove and actively used for agricultural purposes. Angela reported that the owner is not interested in selling only the portion we have made an offer on. The owner feels the remaining area would not be beneficial to him to maintain as a grove. It was mentioned that perhaps it would be beneficial to the owner to retain a larger portion of acreage. The current appraised portion includes both uplands and wetlands. Angela will contact Mr. Parrish to see if he is interested in retaining a larger portion of the parcel. At this time, the SMC does not wish to purchase the property in its entirety.

**ADMINISTRATIVE REVIEW:**

None

**EEL STAFF REPORT:**

*(Please see the attached EEL Program Land Management Status Report)*

The EEL land managers commented on highlights of progress in their regions. Zach reported that the City of Satellite Beach Council is in support of changing their no-burn ordinance to allow permit burning. The EEL staff attended the TNC/Valencia Natural Areas Training Academy Workshop: "Managing Visitors and Volunteers in Natural Areas".

Lisa reported that the 2000-2001 waterfowl-hunting season ended January 27, 2001. There were fewer hunters this year, but the administrative cost to the EEL Program increased. Ross asked what the possibility would be of raising the cost of next year's hunting permits to cover the expenses of the activity. Lisa explained that the hunting is more costly because the EEL Program prefers to hire off-duty deputies for security reasons. The hunting is awarded on a lottery system, and the participation was down this year. Funds earned in hunting permits did not cover the cost of the deputies. Lisa will prepare a final report and present it to the SMC for their comments and suggestions. Paul commented that if the utilization of the hunting activity is too low to justify the program, the SMC should consider a recommendation to end the hunt program.

Lisa has met with Facilities Construction regarding their assessment of tasks required to restore the historical house at the Pine Island Conservation Area (PICA). Kim asked if this house has been recognized as a historical structure and if limited grants were available as a resource for restoration. Lisa stated that the primary plan for the structure is to house Americorps groups and to be used as an office for Lisa, therefore it may not meet the requirements to be restored under an historic grant. Lisa has met with SJRWMD who is developing an assessment procedure concerning the lead contamination at PICA. Anne reported that the Enchanted Forest has not been annexed into the City of Titusville yet, but work is progressing on the interlocal agreement.

The construction document phase for the Enchanted Forest should be received from Kha Leu Huu and Partners (KLHP) by February 23<sup>rd</sup>. Zach remarked that a cigarette sparked a wildfire on EEL property located along Micco Road. Tami stated that there was also a wildfire north of Enchanted Forest. There was a newspaper article on this fire. The City of Titusville will repair the north boundary fence which fire crews tore down when crossing Enchanted Forest land to control the fire. Ray stated that the Pepper Free - Department of Community Affairs (DCA) grant work is continuing with 35 properties completed and more still signed up under the program. DCA has allowed EEL staff to shift the focus of grant funds towards the purchase of chemicals to be used past the grant date. Ray has toured the Maritime Hammock and Hog Point sites with SMC members to finalize the management plans on these properties. Paul commented that he thought the EEL staff's draft management plans were on track with his findings on these parcels.

***VOLUNTEER PROGRAM UPDATE:***

None

***THE NATURE CONSERVANCY:***

*Land Acquisition - Angela Klug (Please see attached TNC spreadsheet)*

Angela presented the newly formatted TNC Summary spreadsheet. Properties are being added because of the Boundary Amendment. The Modern, Inc.-Fox Lake negotiations are stalled. Mapping by the Division of State Lands (DSL) showed approximately 900 acres of the Modern, Inc. site as being sovereign lands. A portion of the property extends out into a lake. Anne asked if TNC would explore a conservation easement on this property. Angela remarked that the conservation easement contains lengthy language. The owner retains title and receives a tax break. Dave mentioned that this is an incredible piece of property. Angela stated that approximately 70 percent of it is wetlands. The owner has a right of way easement through the Fox Lake Park.

The Anstalt property will be presented to the Board of County Commissioners on February 20<sup>th</sup>. The offer has been verbally accepted and a contract is pending. On the MEP America, LLC property, the billboard company is refusing to move the billboards. An option agreement is being presented to the Board of County Commissioners on this property February 20<sup>th</sup>. TNC will be making an offer on the Flagler Development Co. (fka Gran Central Corp) – TICO property. The Copanos property is in negotiations.

Dave brought up the subject that it should take him at least another month to finalize a new scrub map. Anne stated that the information needs to be presented to the State's Acquisition and Restoration Council (ARC) by March if these properties are to be included in the Buffer Preserve's Boundary Amendment. This area contains the fourth largest Scrub Jay population in the state. Most of the land is west of US Highway 1, north of the St. Sebastian Buffer Preserve and is fragmented. Dave requested help in obtaining ownerships. Anne remarked that she will talk to Keith Fisher to see if the Department of Environmental Coastal Aquatic Management Areas – St. Sebastian Buffer Preserve (CAMA) is willing to acquire and management this area as part of their Boundary Amendment.

On the larger (24.92 acre) parcel owned by Schopke-Barge in the Rockledge area, both the first and second offers have been declined and negotiations are stalled. The owners have received another offer.

Anne reported that there are two other items on the agenda for the Board of County Commissioners meeting to be held February 20<sup>th</sup>. The Option Agreement to transfer title of the Valkaria mega/multiparcels to the State and the expansion of TNC's Task Order #6 for one additional Land Acquisition Assistant.

***OLD BUSINESS:***

**WBCC Show:**

The WBCC has filmed a ½ hour feature show on the EEL Program that is planned to air in March.

**Florida Forever Rule:**

Anne reported on new developments of the Florida Forever Rule. When the Florida Forever legislation was passed, it designated 35 percent of the Florida Forever funds to the Department of Environmental Protection (DEP) to be used for what used to be the CARL Program. The CARL Program will be defunct. The new program is named Florida Forever. Anne attended an ARC meeting which covered the Draft Rule ARC is swiftly proposing for legislative review in March. There were many remarks on the problems of the Draft Rule. Jack Moller, the Chairman of the ARC was open to discussion at the meeting and heard many comments by those in attendance. So far the application, procedures and requirements section will require an up-front conceptual restoration and capital improvement plan to be presented with the project application. Detailed plans would be required post-acquisition. This information will have to be provided on existing CARL Projects. Currently, there is not much detail on this requirement. Chapter 259 is clear that ARC needs to develop a ranking for acquisition funding. Right now, the proposed procedure is a list of three categories (A, B and C) which are superior, excellent and good properties. It is not stated what these rankings are based on. There is no ranking within the project areas and it is primarily based on matching dollars and funding incentives. ARC did not vote on the Draft Rule at this meeting.

Properties not yet acquired are affected and will be re-evaluated by ARC. The closing on the Anstalt property is scheduled for the end of March. It appears the reimbursement on this property

may be affected. Anne will check on the status of properties not acquired, like Anstalt, to see what will happen to them under the Florida Forever Rule vote. The next revision of the Draft Rule should be issued by the end of this coming week. Anne will comment on it and will distribute it to the SMC. The next ARC meeting is scheduled for March 9<sup>th</sup>.

Under the Florida Forever legislation, CARL is now getting only 35 percent of the funding that is available. More funding now goes to the Florida Communities Trust (FCT). Anne is organizing a workshop in Orlando on February 28<sup>th</sup> from 10:00 a.m. – 2:00 p.m. for the local government acquisition programs. Greg Brock with DEP and a FCT representative will be at the workshop to explain the new rules. FCT is also developing a new rule. The differences between P2000 and the Florida Forever will be discussed. The state is expected to get the first bond issue in May. The EEL Program must wait until then for reimbursements on three properties. Ross remarked that the SMC needs to address their concerns to the Governor, the State Cabinet and to the Senate. TNC is also monitoring this issue.

**EEL Strategic Plan:**

Ross and Anne sit on the Board of Directors of the Brevard Nature Alliance (BNA). Ross explained that there has been a push in the county from Commissioners and tourist development to raise the level of conscience to market Brevard County as a great place to live as the county is conservation-minded. The National Fish and Wildlife Foundation (NFWF) is contracted by Pinellas County to market their natural areas. Kim asked for clarification of how Pinellas County is structured. NFWF is a national organization who manages as a mechanism for Pinellas County, and it works well for them. The BNA is looking have having NFWF come in to present a workshop in Brevard County. Dave indicated that the EEL Program should encourage the County's BNA workshop to plant the seed for research. The EEL Program does not want to duplicate efforts. Anne stressed that perhaps the goal of the EEL Strategic Plan is to address acquisition issues due to developments in the Florida Forever Rule. Mark asked how the EEL Program would work with other organizations on acquisition issues. Staff distributed a list of possible participants and a draft questionnaire. Mark stated that sending out a questionnaire would be useful in obtaining partners for acquisition funds. A detailed cover letter should be developed that makes an introduction of "in light of what has happened with the State ARC, we are looking for acquisition partners". The cover letter needs to explain the scope of the questionnaire. The questionnaire should focus strictly on the topic of acquisition and would ask questions such as: How many acres have you acquired and how many are planned? Questions on funding sources and partnering possibilities should be included. The EEL staff will now revise the list of participants and the questionnaire. The questionnaire will be distributed to the SMC for their comments prior to the final form.

**NIRL Conservation Easements:**

As mentioned earlier in Angela's TNC report, several of the NIRL/CARL owners have not been willing to sell their property at the offer presented. Angela asked the SMC's opinion on conservation easements on these parcels. Ross questioned if the EEL Program can legally accept conservation easements. Has the Board of County Commissioners approved this type of ownership? Does it meet the EEL Program and CARL Project's criteria? This could be used as a means to buffer when the property is located outside our Boundary areas. This would involve buying development rights, or the owner could donate the conservation easement. Angela will approach USFWS and the Department of Environmental Protection (DEP) to request their views on this subject. Paul remarked that if the state does not accept a conservation easement, the EEL Program still might consider it. Anne commented that each conservation easement is particular to that parcel. Ross stressed that the EEL Program would have the option to management the land to meet our required criteria. He also expressed that he thought the Land Acquisition Manual

gives the EEL Program the authority to acquire a conservation easement. Angela remarked that she is only considering approximately 50 acres at this time in the NIRL. Dave responded that this would be on a case-by-case basis. Angela will tell the owners that the EEL Program is interested and will look into the terms of management. The property appraisal needs to address the value of the conservation easement acquisition. Ross also asked if the USFWS accepts conservation easements. This may be an alternative to direct the property owners to USFWS as they are the secondary managers in the NIRL area.

***NEXT MEETING:***

The next EELSMC meeting was scheduled for Friday, March 23, 2001 from 1:00 p.m. to 4:00 p.m.

***ADJOURNED:***

The meeting adjourned at 4:06 p.m.

***SUMMARY OF MEETING MOTIONS:***

None

***ACTION ITEMS:***

- |           |   |
|-----------|---|
| SMC       | Florida Forever Rule – direct concerns to Board of Trustees, Governor, State Cabinet  |
| TNC       | Contact Mr. Parrish to see if he is interested in retaining a larger portion<br><br>NIRL Conservation Easements<br>Approach USFWS and DEP on this subject<br>Contact owners<br>Look into management issues<br>Check County Attorney's office requirements   |
| Anne      | Kabboord FP&L Easement - Check with the County Attorney's office<br><br>New Scrub Mapping Project by Dave - Can Brian help on ownerships<br><br>New Scrub Map – Talk to Keith Fisher to see if CAMA will include this area as part of their Boundary Amendment<br><br>Florida Forever Rule<br>Check on the status of properties not acquired, like Anstalt<br>Distribute next revision of the Draft Rule to SMC |
| EEL Staff | EEL Strategic Plan<br>Prepare a detailed cover letter<br>Revise list of participants<br>Revise questionnaire and distribute to SMC for their comments   |
| Lisa      | Hunting - Prepare final report and present it to the SMC  |

***NEXT MEETING'S AGENDA ITEMS:***

Florida Forever Rule