

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

**April 29, 2004
Attendance List**

SELECTION & MANAGEMENT COMMITTEE MEMBERS

Dave Breininger
Mark Bush
Ron Hight
Ross Hinkle
Paul Schmalzer

EEL PROGRAM STAFF

Laura Clark
Mike Knight

THE NATURE CONSERVANCY

Keith Fountain
Lori Thoms

GUESTS

Chris Tietig, Farm & Grove Realty
Edward C. Tietig, Farm & Grove Realty
Amy Tidd, Preserve Brevard
Maureen Parent, Preserve Brevard
Scott Herber, Consolidated Environmental Engineering

*April 29, 2004
Approved June 25 2004*

**ENVIRONMENTALLY ENDANGERED LANDS PROGRAM
SELECTION AND MANAGEMENT COMMITTEE**

**April 29, 2004
Meeting Minutes**

CALL TO ORDER:

Ross Hinkle called the meeting to order at 1:12 PM and asked everyone to introduce themselves.

PUBLIC COMMENT:

Ross asked if anyone wanted to provide public comment.

Amy Tidd, from the Political Action Committee (PAC) Preserve Brevard, told the group that the first meeting of the PAC would be held that evening at 6:00 PM at the Central Brevard Library and Reference Center in Cocoa. A web site for the PAC is available at www.preservebrevard.org.

Ross asked if a new item could be added to the agenda regarding legislation for cell phone towers. The SMC agreed to add this item to the agenda.

MINUTES:

The March 16, 2004 Selection and Management Committee (SMC) and the March 16, 2004 SMC/Procedures Committee (PC) minutes are pending approval. Staff will poll SMC/PC members for comments and approval on the joint meeting. The SMC minutes were presented for review. Ross asked for comments to the SMC minutes.

MOTION ONE:

Paul Schmalzer moved to approve the March 16, 2004 SMC minutes as presented. Ron Hight seconded the motion. The motion carried unanimously.

ADMINISTRATIVE REVIEW:

The Administrative Review was distributed and discussed.

Status of Program Manager Position

Mike Knight, Interim Program Manager advised the group that he has removed his name from the list of candidates for the Program Manager position. Additional information will be provided as it is received.

District IV Report

Staff is working with TNC to provide information to Commissioner Carlson regarding the history and status of acquisitions in the District IV area.

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Role of Advisory Council Members During Referendum Process

Mike provided clarification of guidelines regarding Advisory Committee members' involvement related to support of a referendum or other funding project.

Members are permitted to express their opinions or support for any cause they choose, but they must provide clarification that they are expressing themselves as individuals, not as a representative of the EEL Committee they represent.

A fact sheet is being prepared to assist in providing information to the public. Ross suggested that the sheet be reviewed by the SMC before being distributed.

THE NATURE CONSERVANCY:

Lori Thoms reviewed the new Acquisition and Reimbursement Summary.

Information on the title work gap for the Florida Inland Navigational District (FIND) exchange has been received, but there are multiple title issues. Angela Klug will be ordering title commitments for these properties.

TNC is pursuing acquisition of the Hoehing parcel in Malabar using mitigation funds. If acquired, the land will be donated to the EEL Program by TNC.

Lisa Thompson from TNC will be moving forward with obtaining reappraisals of the North Indian River Lagoon Properties.

The National Heritage Foundation reimbursement contract was approved by the State Board of Trustees on April 29, 2004.

The WGML/PRN, Investments reimbursement contract is scheduled to close with the State on April 29, 2004.

During the February 27, 2004 meeting, the SMC approved moving forward with acquisition of the B. S. Holloway property in Titusville, if acquisition could be done using 100% state funds. The State has declined to move forward with that property at this time due to limited funding and the isolation of the property.

OLD BUSINESS:

None

NEW BUSINESS:

Ross asked if anyone had a concern if the items on the agenda were presented in a different order to allow for the guests to provide their information early in the meeting. No concerns were expressed related to a change in the order of the agenda items.

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Tietig Land Swap Request

Mike introduced Edward Tietig who provided information on property he owns in Grant and on four lots he previously sold to the EEL Program. Edward would like to exchange land he currently owns with the lots previously sold to the Program.

Ross clarified that the role of the SMC would be to evaluate the properties from a conservation perspective and that any transfer of title would need to be coordinated through the owner (County or State).

Ron asked if the EEL Program had ever been involved with a land swap in the past.

Paul clarified that the Program was attempting an exchange with the Florida Inland Navigational District (FIND), which has not yet been finalized. The FIND site is very high quality scrub and the property involved in the trade does not have as high a conservation value.

Dave Breininger and Mark Bush stated their opinions that any exchange of property should have a net benefit for conservation.

Members expressed concern that although the idea of flexibility was attractive, especially for use when acquisition efforts have been completed, any trade that might be done would set precedence.

Of the four lots Edward would like to obtain, one is titled to the State and the other three are covered under an option agreement pending transfer to State ownership. Edward requested that the ongoing process of transferring the three lots to the State be suspended, if possible.

The SMC clarified that the following information is required before they can give further consideration to this topic:

- Authority/Process required to release land from option agreement with State
- Authority/Process required to release from option agreement with County
- Authority/Process required to transfer title (different with each owner)
- Issues on mechanics of transaction (acre vs acre, dollar vs dollar?)
- Determination and review of conservation value for all parcels involved
- Identification of EEL Program criteria for land swap issues
- Location of all lands in the area presently owned by the EEL Program or the State

Additional information will be provided at a future meeting.

TICO Land Swap Request

Scott Herber from Consolidated Environmental Engineering presented a request to swap two parcels of land along Grissom Road near the Titusville Cocoa Airport with land near the south end of Fox Lake in Titusville. The Grissom Road frontage borders Runway 9, the busiest of the airport's runways, and the client wishes to build a hanger on this property.

The SMC expressed the following concerns:

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- Acquisition in the Grissom Road area is incomplete
- The land along Grissom Road is scrub and the Fox Lake parcels are wet
- The land along Grissom Road is suitable for scrub-jays and gopher tortoises
- Even if the land along Grissom Road became an isolated parcel, it could still be considered a potential stepping-stone to other conservation areas
- The Fox Lake property does not have access

Scott asked if the land, or a portion of the land might be available for sale.

Ross clarified that the property on Grissom Road is County owned and the SMC's position on the conservation value of the land would be that the property is well-drained scrub, which is very limited in Brevard.

Mark stated that the property on Grissom Road is the type of high quality scrub that the Program strives to protect and unless it became apparent that there was no chance that it could be part of a sustainable system, he did not support plans to relinquish title.

MOTION TWO

Paul moved to decline from further consideration, the TICO land swap at this time.

Mark seconded the motion.

The motion carried unanimously.

Dave stated his support for the application of prescribed fire to the EEL property under discussion.

MOTION THREE

Kyle Greenwood Land Swap Request

Mike and Lori provided information on an EEL parcel in the Valkaria mega parcel and a parcel owned by Kyle Greenwood. Kyle is requesting a swap of the two parcels for connectivity with other land he owns.

Ross asked if thought should be given to delaying consideration for any land swap issues until they knew acquisition was complete.

Keith Fountain stated that when land swap issues come before the Governor and the Cabinet, it is a very complicated process.

Mark said that the property the owner wanted to swap for was adjacent to developed property.

Paul moved to decline the Kyle Greenwood Land Swap Request.

Ron seconded the motion.

The motion carried unanimously.

Additional Discussion

The group also discussed the following:

- Consideration for not receiving land swap proposals until acquisition is complete

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- The need for flexibility for unusual circumstances
- The need to establish a criteria to consider land swap proposals
- Establishing a guideline that no land-swap proposals be considered unless the exchange provided a clear conservation benefit
- Establishing full criteria for the presentation of information in land swap issues. A written preliminary report with maps should be presented to the SMC before they are asked to review any proposals. Additional documentation should follow the format of documents used in the acquisition process.
- Clarification of mechanics involved in land-swap transactions.
- If acreage is the same, and conservation value provides compelling reason to swap, but the dollar value of the land the County or State owns is greater than the land proposed for exchange, how does that affect the transaction?
- Concerns generated in the event someone sold their land to the EEL Program for conservation and then found out it was swapped and then developed.
- Potential legal issue with exchange of land that was purchased for conservation with bonded funds.

Keystone Development Project Mitigation Donation

Mike provided information on a potential 8-acre mitigation donation off Viera Blvd. in Rockledge. Management funds are included with the donation. Although the area is within the Brevard Coastal Scrub Ecosystem (BCSE) Project, input from the SMC regarding manageability is being requested due to the small size of the parcel. Additional conservation land is nearby. The land appears to be scrub habitat. The SMC voiced support for the acceptance of this donation. Staff will contact potential donor.

WGML Utility Easement Request

Mike provided information on a request from a developer for an approximately 20 foot by 30 foot public utility easement to allow for buried water and sewer lines to run through the recently purchased property known as WGML/PRN Investments (WGML). Installation of the lines will prevent the use of 72 septic tanks on the site adjacent to the WGML parcel. It is anticipated that this property closed today with the State. Mike explained that he would present the information to the SMC for their recommendation in the event the developer wanted to approach the State to request an easement.

Keith will ask the DSL what the process and timeframe would be in the event the developer would like to request the easement from the State.

Ron asked if the SMC could stipulate their support that the easement was granted only for underground utilities.

Additional impact has not been determined.

Dave stated that further consideration was required before the SMC could make a determination.

MOTION FOUR

Mark made a motion indicating should the State not own this land, the Committee will consider granting an underground easement.

Paul seconded the motion.

The motion carried unanimously.

Potential Cell Phone Tower Legislation

Ross informed the group of the possibility of legislation that would allow eminent domain for cell phone towers on State properties. This would mean that State properties could be used for cell phone towers instead of public properties in an effort to increase density.

Concerns were expressed regarding potential migratory bird collisions as well as the size of the footprint of the equipment.

Additional information will be presented as it is received.

Public Comment:

Ross asked if anyone wished to provide comment. No one desired to provide comment at that time.

NEXT MEETING:

The next meeting will be held on June 10, 2004. Location to be determined.

ADJOURNED:

The meeting was adjourned at 4:00 P.M.

SUMMARY OF MEETING MOTIONS:

- Motion to approve the March 16, 2004 SMC minutes as presented.
- Motion to remove from further consideration, the TICO land swap request.
- Motion to remove from further consideration, the Kyle Greenwood land swap request.
- Motion indicating should the State not own the WGML/PRN Investments property, the SMC will consider granting an underground easement.

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