



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM
SELECTION & MANAGEMENT COMMITTEE (SMC)
December 5, 2007
Attendance List**

SELECTION & MANAGEMENT COMMITTEE MEMBERS

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

EEL PROGRAM STAFF

Sandy Carnival
Laura Clark
Mike Knight
Brad Manley
Chris O'Hara
Scott Taylor

THE NATURE CONSERVANCY

Anne Mayer
Rebecca Perry

GUESTS

Susan Gosselin, Brevard County Natural Resources Management Office
Debby Franklin, Town of Malabar
Bonnie Wilbanks-Free, Town of Malabar
Suzanne Valencia, Sierra Club

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

*December 5, 2007
Approved February 27, 2008*



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

December 5, 2007
Meeting Minutes

CALL TO ORDER:

Ross Hinkle called the meeting to order at 1:05 PM.

PUBLIC COMMENT:

None.

MINUTES:

The August 31, 2007 minutes were presented for approval. The November 2, 2007 minutes are outstanding.

Ross asked for comments to the August minutes.

Paul Schmalzer noted the following:

- Page 2, SMC Reports: Insert comma after "EEL Program Public Access Coordinator. Insert comma after "EEL Program Education Specialist".
- Page 3, Funding Update: Bullet 1. Insert comma after "property owners" and change "express" to "expressed".
- Page 3, Funding Update, Bullet 2: Insert comma after "Marine Resources Council".
- Page 4, Bullets 1 and 3 are duplicates.
- Page 4, Bullet 9. Change semicolon after "September SMC meeting" to a comma.

Ross asked for further comments. No other comments were received.

MOTION ONE:

Paul Schmalzer moved to approve the August 31, 2007 SMC minutes as amended.

Ron Hight seconded the motion.

The motion carried unanimously.

ADMINISTRATIVE REVIEW:

The Administrative Review was reviewed.

Mike stated that he wanted to formerly thank The Nature Conservancy (TNC), especially Keith for assistance during the land acquisition portions of recent Board of County Commissioner (Board) Meetings.

Paul asked when it was expected that the Ag Ventures and Scottsmoor Partners property acquisitions would come back before the Board. Mike explained that the acquisition was moving forward and it was anticipated that they would be scheduled for January 22, 2008 for a review of the updated appraisal information.

SMC REPORTS

Ron Hight spoke briefly on issues with a recent prescribed fire in the Lake Wales Ridge area and on how prescribed fires which interface with roadways will become more complicated in the future. Mike commented that this was one of the reasons that the EEL Program was looking at smaller burn units.

Paul stated that he and Scott Taylor lead a Florida Native Plant Society Trip to the Pine Island Conservation Area on December 3, 2007 and that it had gone very well.

STAFF REPORTS:

REAC Committee

Brad Manley, EEL Program Public Access / Volunteer Coordinator reviewed information from the November 8, 2007 Recreation and Education Advisory (REAC) Committee meeting including:

- A parking project has been proposed for the Cruickshank Sanctuary in Rockledge.
- Work is continuing on the Exotic Species Removal Plan for the Thousand Islands in Cocoa Beach.
- Construction work is continuing on the Barrier Island Center in the South Beaches.
- The meeting schedule for the REAC Committee has been changed to quarterly, with additional meetings as needed.
- A Public Meeting was held for the Crane Creek Sanctuary during October.
- A Proposed Public Access Plan for the Crane Creek Sanctuary was presented to the REAC Committee at the November meeting.
 - The Plan suggests the Sanctuary be considered a paddeling destination to include opportunities for canoeing and kayaking, plus a 1 mile trail (location to be determined) which will be accessed by water.
 - The REAC Committee supported the plan as presented by staff.

Brad also explained that Paul Schmalzer had provided the REAC committee with an update on EEL Program land acquisition activities.

Central Region

Scott Taylor, EEL Program Central Region Land Manager gave an informative presentation on recent activities in the Central Region including:

- Pine Island Conservation Area (PICA), Sams House and Archeological Dig
 - Work funded by a Bureau of Invasive Plant Management Grant continues on the control of invasive, exotic plant species.
 - A new parking and canoe launch site is planned for this area.
 - Post prescribed fire clean up continues.
 - Pine mortality issue.
 - New trail cleared.
 - Feral Hog landscape damage is a concern.
 - Sams House Renovation design 100% complete. Will go to bid soon.
 - Archeological Dig work on hold. Possible future project.
 - Storm-water project on hold.
 - Restoration area looks great.
- Helen and Allen Cruickshank Sanctuary
 - Mechanical reduction of fuel load planned prior to next prescribed fire.
 - Gopher Tortoise census survey underway.

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- Capron Ridge Management Plan draft is almost complete.
- Thousand Islands
 - Preliminary Management Plan submitted to Florida Communities Trust (FCT)
 - Exotic Species Plan in progress and will be included in Management Plan when complete.
- Kabbord Wildlife Sanctuary management public review complete. Will be submitted to the BOCC soon.

Prescribed Fire

Dean Vanderbleek, EEL Program Fire Manager, provided an update on prescribed fire activity:

- Completed burns from August - November
 - August 10th – Enchanted Forest Sanctuary, 9 acres
 - August 22nd – Assisted with Habitat Golf Course, 20 acres
 - September 17th – Sterling Forest, 7 acres
 - October 11th – Cruickshank Sanctuary, 40 acres
 - November 13th – Jordan Scrub Sanctuary, 30 acres
 - November 19th & 20th – Jordan Scrub Sanctuary, 207 acres.
- Upcoming prescribed fires
 - Micco Scrub Sanctuary – 2 units totaling 166 acres
 - Malabar Scrub Sanctuary – 4 units totaling 45 acres
 - Enchanted Forest Sanctuary – 5 acres
 - Dicerandra Scrub Sanctuary – 28 acres
 - South Lake Conservation Area – 32 acres
- It is anticipated that the EEL Program will be busy with prescribed fires from November – January due to the expected drought-shortened winter burning season.

Ross asked if figures had been compiled regarding the number of acres that need to be burned. Paul stated that long unburned scrub grows very quickly once it has been burned, and that it generally needs to be re-burned before growth is slowed down. Staff will provide additional information.

The value and importance of interagency cooperation during prescribed fires was discussed.

Review of preliminary Public Service Announcement

The EEL Program is in the process of making a public service announcement on the South Beach Region and upcoming opening of the Barrier Island Center. The group reviewed the movie and provided the following suggestions:

- Ensure that the announcement includes information on the 2004 Referendum.
- Ensure that the announcement includes references to Brevard County and the County logo.
- Ensure that the EEL Program logo is included.

Mike thanked the group for their input and will work with Staff on these items.

THE NATURE CONSERVANCY:

Rebecca Perry reviewed The Nature Conservancy's December 5th Report to the SMC.

She asked the SMC for clarification of whether the South Brevard Mega-Parcel or Grissom Mega-Parcel area was most important. The SMC stated that the South Brevard Area was a higher priority. Mike clarified that a motion from the SMC was not needed on this clarification.

Mark Bush asked about the status of the pending Florida Inland Navigation District (FIND) land swap.

Mike stated that Angela Klug of TNC was working on that issue and that an update would be requested.

Public Comment

None.

AGENDA ITEMS:

EEL Program Sanctuary Management Manual Revisions

The SMC reviewed proposed changes for the EEL Program's Sanctuary Management Manual as presented:

"The following non-procedural revisions are proposed. Similar revisions were approved by the BOCC on January 10, 2006.

- 1. EEL office address, phone, website and email information.*
- 2. Related changes to the table of contents.*
- 3. Addition of references to the 2004 referendum.*
- 4. Name change of State CARL Program to Florida Forever Program.*
- 5. SMC Committee membership at the time of revision.*
- 6. Pg. 29: EEL Program organizational chart (current staffing).*
- 7. Pg. 20: Map of centers for regional management (current).*
- 8. Pg. 22: Proposed and acquired map (current).*

The following language addition is proposed for page 15.

- 1. "Prior to presenting a Site Management Plan to the Board of County Commissioners, EEL staff will present the complete Plan with amendments and appendixes, to the Selection and Management Committee for final review and authorization to proceed to the Board. The plan should include all REAC recommendations, stakeholder input, and public comment. During the SMC review and discussion, the primary question to be answered is: Does the Site Management Plan meet the Program objectives and needs and should the EEL SMC recommend that the BOCC approve the Plan? Only those plans, plan amendments, and changes in management or land use that have been approved by the SMC shall be brought before the BOCC for approval".*
- 2. Addition of the EEL Species Translocation Policy as approved by the Selection and Management Committee."*

After discussion, it was determined that the second sentence of item #1 of the language proposed for page 15 should be changed to:

The plan should list, for informational purposes, all REAC recommendations, stake holder input, and public comment.

The original and revised sentences are underlined within these minutes to provide clarification of the change.

Public Comment

None.

MOTION TWO

Paul Schmalzer moved to approve the revisions to the Sanctuary Management Manual as noted above.

Kim Zarillo seconded the motion.

The motion carried unanimously.

Additional Discussion

Ross asked if there would be concerns related to a change in the order of the agenda items to allow for the discussion regarding the Malabar Scrub Sanctuary to be done at the end of the meeting. No concerns were received.

Hossain Property

Mike provided review information on the 1.47+ acre Hossain property, which is an inholding to the Malabar Scrub Sanctuary and is located north of Malabar Road, with a small sliver of land on the south side. Clarification was provided that the area was included in the Brevard Coastal Scrub Ecosystem (BCSE) Boundary Amendment in 2000, but that staff was requesting reconfirmation of the 1st and 2nd Majority Votes to ensure documentation.

MOTION THREE

Paul Schmalzer moved to approve a 1st Majority Vote on the Hossain property to reconfirm previous action.

Ron Hight seconded the vote.

Ross asked if there was further discussion. There was none.

The motion carried unanimously.

MOTION FOUR

Paul Schmalzer moved to approve a 2nd Majority Vote on the Hossain property to reconfirm previous action.

Ron Hight seconded the vote.

Ross asked if there was further discussion. There was none.

The motion carried unanimously.

SMC letter to ARC Council regarding Florida Forever Project Rankings

Mike explained that the ARC Council had requested input from everyone with projects that would be evaluated during the project rankings on December 13th and 14th. A letter of support from the SMC which confirmed the importance of the Brevard Coastal Scrub Ecosystem, and the Indian River Lagoon Blueway as Florida Forever Group A projects was reviewed and signed by the SMC during the meeting. The letter will be forwarded to the ARC Council for their review.

TICO Airport Exchange Request

The EEL Program has three areas totaling 52+ acres in the TICO Airport vicinity.

A previous request for a proposed 1:1 exchange of 52 acres that the Airport owns, south of Perimeter Road and east of Grissom Parkway, was previously reviewed by the SMC on July 31, 2007. The requested exchange was declined by the SMC because it did not offer a net

conservation benefit, the total areas of the lands proposed for exchange was the same, and the Airport wanted to take more scrub than they wanted to give back.

Mike explained that at the request of the Airport Authority, the Board held a workshop on November 8, 2007, to discuss possible land exchange options, as the Airport is still interested in EEL Program property at the west end of the runway.

The following options, which were identified by EEL Program and TICO Airport Staff, were presented to the SMC for consideration:

- TICO On-site Exchange
Expansion of the existing proposal that was recently declined by the SMC. Expansion could include the remaining portion of the wetland to the east and additional uplands to the south.
- TICO / Grissom Industrial Park
Exchange of all EEL Program purchased TICO area properties for undeveloped portions of the Industrial Park west of the airport and east of SR 407.
- Hunters Brooke Out-parcels
Exchange of all EEL Program purchased TICO area properties for Hunters Brooke out-parcels that might include buying the remaining rights of the easement retained by the previous owner.
- Enchanted Forest Sanctuary
Exchange of all EEL Program purchased TICO area properties for all / or portions of the property located north of, and adjacent to, the Sterling Forest addition.
- Scottsmoor Partners Out-parcels
Exchange of all EEL Program purchased TICO area properties for the purchase and contribution of the remaining out-parcels within the Scottsmoor Partners property boundary.
- Scottsmoor Scrub Additions
Exchange of all EEL Program purchased TICO area properties for purchase and contribution of Florida Scrub-jay habitat parcels identified south of Scottsmoor Partners property.
- Contributions Towards Existing Purchases
Exchange of all EEL Program purchased TICO area properties for a financial contribution towards the purchase of existing willing-sellers properties.

The following points were discussed

- Clarification will need to be provided to:
 - Determine if the property being exchanged would become a total loss environmentally.
 - Determine the number of Florida Scrub-jay families in each area, and the prognosis of the long term sustainability of these populations.
 - Determine State and County bonding restrictions.
 - Determine Federal Aviation Authority (FAA) guidelines.
 - Obtain copy of FAA Environmental Impact Statement.
 - Invite Regional FAA Representative to future SMC meeting.
 - Determine property ownership in the general area, including

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- Projections on what might happen in the area in the future.
- Information on mitigation requirements for existing projects.
- The Department of Transportation (DOT) recognizes mitigation at different ratios.
- Concerns were expressed regarding the receipt of funds with no land in exchange.
- Dave Breininger stated that he was reluctant to start a possible precedent for a perceived 1:1 perspective, and that if the Program was going to be involved in possible exchanges of land, especially involving critical habitat, the exchange should include critical habitat for critical habitat, critical connectivity, or some overwhelming conservation value.
- Mark Bush suggested consideration of a 3:1 mitigation philosophy, or some other ratio.
- Paul Schmalzer stated that over the years, the Airport's previous plans which have suggested the trading of land for land, have not address the mitigation requirements.
- Kim Zarillo expressed concern regarding a possible exchange with industrial park land.
- Dave Breininger will send a shape file to assist with clarifying the areas of interest.
- Ron Hight stated he recently met with the Director of another airport and that facility may be seeking funding through FAA to purchase properties which could consolidate the airport's property ownership and serve as a buffer to surrounding areas.
- Dave Breininger stated that airports and conservation lands can coexist.

The SMC affirmed that they are in favor of considering the big landscape picture in a spirit of cooperation to determine options.

Honey Hole Ranch, LLC. Conservation Easement

A copy of the draft Honey Hole Ranch, LLC. conservation easement was distributed to the SMC for their review and comment before the language is submitted to the appraisers. In this agreement, the EEL Program is considered to be the Grantee, and the Honey Hole Ranch is the Grantor.

Dave Breininger requested clarification of how the fire management would be completed.

Article V. Grantor's Reserved Rights, Item B. states: *"...Grantee acknowledges, that Grantor will not be obligated to conduct any prescribed burning on the Property more than once every five (5) years...."*

Clarification was provided that the Division of Forestry (DOF) could assist with prescribed fire needs and that additional agreements might be reached in the future.

Clarification was requested regarding the need for control of exotic plant species.

Article IV. Prohibited Uses, Item E states: *"...Grantor shall not be required to spend more than \$1,000 per year to control and/or remove nuisance exotics or non-native plants on the Property. Grantor hereby grants to Grantee the right, in Grantee's sole discretion and at Grantee's expense, to develop, implement and carry out an exotic plant removal plan for the eradication of exotics or non-native plants on the Property. Under no circumstances shall this right conveyed to Grantee be construed to diminish Grantor's responsibilities under this paragraph or as an obligation of the Grantee."*

Mike stated that a formal site visit will be scheduled to the site.

Dave asked about the process to ensure the language of the easement was being followed.

Article III. Rights Granted to the Grantee Item C states... *"The right to enter upon the Property at reasonable times in order to monitor compliance with and otherwise enforce the terms of this Easement; provided that such entry shall be upon prior reasonable notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property"*.

Mike stated that he anticipated that the inspections would be annual, similar to the plans for the exiting conservation easement that was donated by David Laney and Cheryl Ann Barnes in 2005.

Paul noted that the EEL Program did not have the willing-sellers or funds to purchase all the properties that were proposed for acquisition and that because the Honey Hole Ranch folks would be managing their property for hunting, land management that was compatible with conservation would be a part of their process.

MOTION FIVE

Paul Schmalzer moved to approve a 1st Majority Vote on the Honey Hole Ranch, LLC Conservation Easement Language.

Dave Breininger seconded the motion

Ross asked if there was further discussion. There was none.

The motion carried unanimously.

Malabar Scrub Sanctuary Review

During the November 2, 2007 SMC meeting, it was determined that a focused approach regarding sanctuary review would be a beneficial portion of future meetings, and the Malabar Scrub Sanctuary was scheduled to receive the first review.

Chris O'Hara provided information on the Sanctuary:

- There are currently approximately 7.5 miles of trails. A couple of trails were closed as they were considered to be redundant.
- Mountain Bikers use these trails frequently and they connect to the Turkey Creek Sanctuary which is managed by the City of Palm Bay.
- Initial prescribed fire plan, which is scheduled to be completed in 2010, includes timbering to remove sand pines and the thinning of slash pines to open up the area so it can be acceptable as Florida Scrub-jay Habitat.

The group discussed Dave Breininger's report, *"Suggestions for Biodiversity Management Objectives for Malabar"* which was submitted for the December 5th meeting:

- Suggested Vertebrates of conservation concern
 - Gopher tortoise
 - Gopher frog
 - Scrub Lizard
 - Florida Mouse
 - Florida Scrub-jay
 - Fragmentation sensitive species (e.g., eastern indigo, and eastern coachwhip snakes)
- Suggested Quantitative Florida Scrub-jay population goals
 - 20-25 pairs to maximize local potential population size within the reserve and surrounding areas because the site is relative isolated and population sizes near or below 10 families are of greater risk to extinction.

- 10 pairs inhabited this site in 1992, when the habitat was already severely degraded because of long-term reductions in the natural fire regime.
- There are two Scrub-jays currently on site.
- Most of the decline occurring prior to a prescribed fire program.
- Suggested Quantitative Habitat Management Goals
 - Maintain at least 17 potential territories in optimal condition and at an average density of 1-2 large pines per acre.
 - Optimum Scrub-jay habitat is comprised of low tree densities and low to medium shrub height, with open sandy areas. One Scrub-jay family typically occupies approximately 25 acres.
 - It is important to recognize that considerable restoration progress has been made since acquisition.
 - Population recovery requires a high ratio of source-to-sink habitat.
 - Source – reproductive success exceeds mortality.
 - Sink – mortality exceeds reproductive success.

The group discussed Paul Schmalzer's report which was distributed for the December 5th meeting:

- Previous and recent plant surveys noted the following State listed endangered plants:
 - *Lechea divaricata*
 - *Lechea cernua*
 - *Pteroglossaspis ecristata*
 - *Nolina atopocarpa*
 - *Conradina grandiflora*
- The updated December 3, 2007 plant list for the Malabar Scrub Sanctuary includes 226 species. This is not a complete flora.

The following was also noted:

- It may take 3 or 4 rounds of prescribed fire, in some areas, to create the open sandy habitat required for Scrub-jays.
- The Brevard Nature Alliance, through the Brevard Zoo has applied for an experimental relocation permit at the request of Fish and Wildlife Service Endangered Species Office in Jacksonville.
- Identification and study of species impacted by fragmentation would be beneficial, perhaps using coachwhip snakes, as the indigo generally requires a larger habitat.
- The 100+ acre Town of Malabar Cameron Preserve is located to the north of Malabar West.
- The Town of Malabar has requested transfer of property within the Malabar Scrub Sanctuary to be surplus by the State so it could be used as a Town Hall. The Department of Environmental Protection (DEP) has declined the request.
- Staff plans to do vegetation monitoring and small animal live trapping on this site.
- Florida Institute of Technology students have studied frogs at this site. Information to be provided.
- Staff expressed interest in having FIT students study at the Malabar Scrub Sanctuary.
- Photo points are established within each habitat. This is the only monitoring that is currently being done here.
- The rare plants at this site are species that thrive in open or recently burned areas.

- Mark suggested a study to determine “*Do we see a positive response to endangered species in response to prescribed fire?*”
- Kim suggested there were additional species that could serve as indicators like Rosemary.
- Additional species surveys would be beneficial.
- Ross suggested master lists of species and animals in order to target sustainability.
- Ron mentioned the consideration of providing openings without the use of prescribed fire.
- Paul commented on the fine line between doing something that’s positive with mechanical treatment, and really making a mess of it.
- Consideration of scheduling site visits or holding the meetings on site was discussed.
- Concerns were expressed regarding the poaching of plants.
- Dave suggested that the group should identify species population goals, special management goals and establish target goals where ever possible.
- Ross stated it would be nice to know how many sites had some of the specific rare plants.
- Staff will summarize these discussions in a report.
- Work on the sanctuary information matrix will continue.
- A regional approach was considered and the Jordan Scrub Sanctuary was considered as the next sanctuary to be reviewed.

NEXT MEETING:

The next meeting will be held on January 24, 2007. Staff will poll Procedures Committee (PC) members to determine if a joint meeting for the SMC and PC can be held on January 24th.

ADJOURNED:

The meeting was adjourned at 4:10 PM.

SUMMARY OF MEETING MOTIONS:

- Motion to approve the August 31, 2007 minutes as amended.
- Motion to approve the revisions to the Sanctuary Management Manual as revised.
- Motion to reconfirm a 1st Majority Vote on the Hossain Property.
- Motion to reconfirm a 2nd Majority Vote on the Hossain Property.
- Motion to approve a 1st Majority Vote on the Honey Hole Ranch, LLC. Conservation Easement.