



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM
SELECTION & MANAGEMENT COMMITTEE (SMC)
February 27, 2008
Attendance List**

SELECTION & MANAGEMENT COMMITTEE MEMBERS

Dave Breininger
Ron Hight
Ross Hinkle
Paul Schmalzer
Kim Zarillo

EEL PROGRAM STAFF

Jenny Ashbury
Sandy Carnival
Laura Clark
Xavier de Seguin des Hons
Mike Knight
Brad Manley
Ray Mojica

THE NATURE CONSERVANCY

Keith Fountain
Anne Mayer
Rebecca Perry

GUESTS

Dan Gallagher, Citizen
Rocky Randels, Procedures Committee

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

*February 27, 2008
Approved March 11, 2008*



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

February 27, 2008
Meeting Minutes

CALL TO ORDER:

Ross Hinkle called the meeting to order at 1:07 PM.

PUBLIC COMMENT:

Dan Gallagher mentioned that during a meeting last year, Paul Schmalzer discussed the Helen and Alan Cruickshank Sanctuary in Rockledge, and that Paul had had said that riding bikes would destroy the soil. Dan stated that he was just wondering what Paul meant by that statement.

Paul said that he did not remember the context of the conversation, but that the Cruickshank Sanctuary did have areas that were wet, and that mountain bikes going through wet areas would cause damage to the soil. He also said that the Cruickshank Sanctuary has also areas that are quite dry and sandy, which may not be easy, or favorable for bikes.

Dan stated he rode bikes and that he understood, and that if he came to a muddy part, he either got off his bike and walked around, or turned around and went the other way.

Ross mentioned that staff typically creates a boardwalk over wet parts of trails for protection, when possible.

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

MINUTES:

The November 2, 2007 and December 5, 2007 minutes were presented for approval.

Ross stated he noticed that:

- Page 3, Additional Discussion: Commissioner Voltz name listed in error as "Volts".

Ross asked for additional comments to the November 2, 2007 minutes.

Paul provided the following:

- Page 4, Kabboord Sanctuary Discussion: "Kayaking" should not be capitalized.
- Page 5, Malabar Scrub Sanctuary Management plan: Insert a comma after "ARC Council".
- Page 5, Public Comment: "whenever", write as one word.
- Page 6, Additional Discussion: Insert period after the sentence that begins "Copies of Vickie Larson's letter....."
- Page 6, Last paragraph: "that public entity spent", (not spend).

Clarification was provided that the attachments in the draft minutes would be included in the final minutes.

Ross asked if there were additional comments to the November minutes. There were none.

MOTION ONE:

Paul Schmalzer moved to approve the November 2, 2007 minutes as amended.

Dave Breininger seconded the motion.

The motion carried unanimously.

Ross asked for comments to the December 5, 2007 minutes and stated that he had noticed:

- A tracked changes indication was remaining in the Central Region discussion on Feral Hogs on Page 2 and that it should be cleared from the document before the minutes were finalized.

Clarification was provided that the notation would be removed.

Ross asked for additional comments to the December 5, 2007 minutes.

Paul stated that:

- Page 3, Bullet 3: stated “Kabboord Wildlife Sanctuary Management public review complete. Will be submitted to SMC soon”, when it was approved by the SMC in November of 2007.

Clarification was provided that the minutes should have indicated that the plan would be submitted to the BOCC soon, not the SMC.

- Page 4, Sanctuary Management Manual Revisions #2: stated “Addition of the EEL Species Translocation Policy as approved ty the Selection and Management Committee.” should have read ...”approved by the Selection and Management Committee.”
- Page 6, Near the bottom: add the word “of” to the sentence “Obtain copy of FAA Environmental Impact Statement.”
- Page 7, Consider the use of the word “possible precedent”, not “presence”.

Confirmation was provided that “precedent” was appropriate.

- Page 8, Malabar Scrub Sanctuary Review, 3rd bullet: The statement regarding the Prescribed fire plan is confusing.

The group agreed that a change to “Initial Prescribed Fire Plan, which is scheduled to be completed in 2010...” would be beneficial.

- Page 9, 2nd Bullet: Delete duplicate word. “There are two Scrub-jays ~~on~~ currently on site.”
- Page 9, listed plants: Typos *Lechea divaricata*, *Pteroglossapis ecristata*. All scientific names should be in italics, or underlined.
- Page 9, last bullet: Insert the word burned...“Species that thrive in open or recently burned areas.”

Ross asked for additional comments to the December minutes. No additional comments were received.

MOTION TWO

Ron Hight moved to approve the December 5, 2007 minutes as amended.

Paul Schmalzer seconded the minutes.

The motion carried unanimously.

EEL Program Selection and Management Committee Meeting

February 27, 2008

Page 2 of 8

Approved March 11, 2008

ADMINISTRATIVE REVIEW:

The Administrative Review was discussed.

FL Today Editorial

A copy of the Wednesday, February 27th Florida Today "Our Views" editorial "Preservation, not politics" was distributed for review.

Revisions to the Sanctuary Management Manual

Mike Knight explained that on February 12th the BOCC considered the proposed language revision to the Sanctuary Management Manual regarding SMC approval of management plans prior to submittal to the Board. The proposed language was not approved and staff was directed to come back with revised language at a later meeting. Revised language will be prepared and presented to the SMC for consideration.

BOCC Workshop

Mike informed the group that during the February 12, 2007 Board Workshop, the BOCC had approved re-negotiating the contracts for the Ag Ventures/Honeybrook Development, Scottsmoor Partners, Boyd and DiChristopher, and Hossain property acquisitions. The contracts for these properties were previously approved by the SMC and forwarded to the Board for final approval prior to acquisition, but the acquisitions were not completed. Mike stated that staff would keep the SMC informed of the progress.

Ron asked if the action would include re-appraisals.

Mike clarified that the appraisals for the Ag Ventures/Honeybrook Development, Scottsmoor Partners, Boyd, and DiChristopher properties were recent, so they would not need to be redone, but that those properties would need appraisal reviews, and that the Hossain appraisal would be updated.

SMC REPORTS

REAC Update

Brad Manley, EEL Program Public Access Coordinator informed the SMC that the Recreation and Education Advisory Committee (REAC) held a site visit to the Malabar Scrub Sanctuary on February 10, 2008 to review the possible location of the requested paved linear trail, and to review possible issues associated with it. The requested paved linear trail issue will be brought before the REAC Committee when the information that the State's Acquisition and Restoration Council (ARC) has been received from the trail planners. Clarification was provided that no decisions were made during the February 10th site visit. Paul commented that he had attended the site visit.

FNPS Field Trip March 15th

Paul commented that he would be leading a Florida Native Plant Society Field Trip to Coconut Point on March 15th.

Proposed Paved Trail at Malabar Scrub Sanctuary

Ross commented that he had attended a February 22nd meeting which had been requested by the planners of the proposed paved linear trail at the Malabar Scrub Sanctuary. Representatives from the Town of Malabar, EEL Program, and the County Manager's Office attended, along with Sue and Murray Hann, and Barbara Meyer. The meeting included discussion regarding the issues

EEL Program Selection and Management Committee Meeting

February 27, 2008

Page 3 of 8

Approved March 11, 2008

associated with the proposed trail and on ways it might move forward. Ross said that he would be providing a summary of the meeting to try to take some of the history and emotion out of the situation and that the topic would be scheduled for discussion at a future SMC meeting. He mentioned that there was a request for this topic to be discussed at a joint meeting between the SMC and Recreation and Education Advisory Committee (REAC).

Clarification was provided that no decisions were made during the February 22nd meeting.

Mike stated that he thought the purpose of the February 22nd meeting was just to confirm the status and provide a snapshot of what needs to be done in running the item back through the process of review by the Committees; and to clarify the information requested by the Acquisition and Restoration Council (ARC) in Tallahassee, which needs to be received from the trail planners. He stated that there was some discussion about possible ways to accomplish the proposed paved trail and he reconfirmed that no decisions were made at that meeting.

Kim Zarillo asked if the information that the trail planners were going to provide would be confirmation of things that the trail planners had stated took place previously, or confirmation of agreements that had been previously referenced by the trail planners.

Mike said that they weren't going to be focusing on that type of information, but that the Town of Malabar was doing a survey of Marie Street so that there could be a formal determination of whether there was space on the Marie Street easement for the paved trail, or not. He stated that Barbara Meyer and the Town of Malabar were also working with the Department of Transportation (DOT) to determine the same type thing on Malabar Road in order to clarify whether or not the trail alignment was an issue of preference, or of necessity, because that was the first question that needed to be answered.

Dave asked if Mike thought that we were past the point of where all of a sudden the SMC would see a brand new proposal, and have to discuss it, and vote on it in the meeting, or if things were more in the open now, so that they would have time to evaluate the situation.

Mike replied that he didn't think that there would be a new proposal, that he believed that the discussion would be more related to scope, and that if the proposed paved trail at the Malabar Scrub Sanctuary could not be placed on Marie Street, or Malabar Road, then, in his opinion, we had to figure out a way to make it work with the least amount of impact.

Paul commented that in addition to Right of Way, the other issue that needed to be defined and evaluated was impact.

Ross agreed and he commented that impact and monitoring was discussed at the meeting.

Mike stated that he felt the February 22nd meeting was constructive.

Additional Discussion

Ron Hight commented that the Fish and Wildlife Service had recently conducted a prescribed fire which covered approximately 40% of a 700± acre area which was located at the Cape Canaveral Air Force Station.

STAFF REPORTS:

There were no staff reports as information was being presented in the joint meeting between the SMC and Procedures Committee (PC), which would begin at 2:00 PM.

THE NATURE CONSERVANCY:

Rebecca Perry from The Nature Conservancy provided a verbal update on land acquisition activities including:

- Ag Ventures/Honeybrook Dev. (669± acres), and Scottsmoor Partners (852± acres) properties, near Scottsmoor.
 - Options lapsed. New negotiation strategies submitted to, and approved by EEL Program. Scottsmoor Partners is interested in re-negotiating. Clarification has not been received from Ag Ventures/Honeybrook Dev. which would confirm whether or not they are still a willing seller.
- Boyd (148± acres) and DiChristopher (163± acres) properties, Sykes Creek, Merritt Island
 - Options will expire March 26th. Waiting on Appraisal Review, TNC will then submit another negotiation strategy.
- Johnson Property, (100± acres) off Hall Road on Merritt Island.
 - Closed February 13th.
- Hossain, (1.47± acres), Malabar Scrub Sanctuary Inholding.
 - Option lapsed. Owner relisted property. TNC will be requesting clarification of whether or not owner is still a willing seller.

Mike informed the group that new information had been received regarding the PUD restrictions on the Ag Ventures and Scottsmoor Partners properties, and that it appeared that although the restrictions applied to Ag Ventures if purchased alone, they might not apply to Scottsmoor Partners, if that property was purchased without Ag Ventures.

AGENDA ITEMS:

1st Equity Property, Scottsmoor

This 330± acre property is located east of I-95 and south of Huntington Avenue. In part, it adjoins the Huntington Woods property previously acquired by the EEL Program. The site has been altered by agriculture. Currently, the land use and vegetation on the site includes: 1) improved pasture on land previously in row crops, 2) fields in watermelon, 3) improved pasture on land previously in citrus, 4) remnant native vegetation isolated by ditches from the rest of the site. A Site Visit occurred on May 24, 2007, but the property was placed on hold pending the outcome of the Ag Ventures and Scottsmoor Partners Acquisition. This property received a priority rating of 3 during the September 2007 land acquisition priority ranking.

Mike reported that Roy Roberts, had contacted staff to find out if the SMC was still interested in acquiring the eastern 100± acres.

Paul stated that at some future point in time, the SMC might reconsider purchase of part of the eastern portion of the property, but that the western two-thirds would be a substantial restoration project.

Dave stated that he agreed. He commented on his perception that there seemed to be a lack of understanding that there was a very limited amount of high quality areas left in the County, with or without willing sellers, and that he felt that Paul had tried to point that out during the Board meeting.

Paul agreed that there were very few options for large, high quality landscapes left in the County, and that they needed to remain the priority.

The group agreed that the First Equity property should remain a priority of 3. Clarification was provided that no vote was needed, as nothing was changing.

Staff will contact Mr. Roberts.

Wasileski / Woodland Ranch Property, Hunters Brooke Inholding

Mike provided information on the 10± acre Wasileski / Woodland Ranch property, which is an inholding of the recently purchased Hunters Brooke property near Titusville. A willing seller application was received from the owners on December 11, 2007. The landscape is intact.

MOTION THREE

Paul Schmalzer moved to approve a 1st Majority Vote on the Wasileski / Woodland Ranch Property.

Dave Breininger seconded the motion.

Ross asked if there was additional comment. No additional comments were received.

The motion carried unanimously.

Molitor / RJM Investments Property, Hunters Brooke Inholding

Mike provided information on the 30± acre Molitor / RJM Investments Property which is an inholding of the recently purchased Hunters Brooke property near Titusville. A willing seller application was received on November 21, 2007. The landscape is intact.

MOTION FOUR

Paul Schmalzer moved to approve a 1st Majority Vote on the Molitor / RJM Investments Property.

Ron Hight seconded the motion.

Ross asked if there was any other comment. No additional comments were received.

The motion carried unanimously.

Honey Hole Ranch Conservation Easement

This property received a 1st Majority Vote to pursue the Conservation Easement from the SMC on May 25, 2006 based on the property's known ecological value. The SMC has reviewed draft language for the easement and on December 5, 2007, a motion of 1st Majority Vote was approved to forward the language to the appraisers, and a site visit was scheduled for January.

The January 19, 2007 site visit report was reviewed.

The Honey Hole Ranch property consists of about 400± acres and the current owners manage it as a private hunting preserve. The site is northeast of Buck Lake Conservation Area and southwest of the Ag Ventures and Scottsmoor Partners Properties. There is some cattle grazing in the pine flatwoods areas. Vegetation is primarily mesic to hydric pine flatwoods and a hammock-swamp complex. The property is quite clean with little indication of dumping or off-road vehicle use except on establish sand roads. It is fenced and gated to prevent unauthorized access. The hydrology appears largely intact. The hammock-swamp complex remains wet and there are no indications of invasion by upland species or degradation from water withdraw. The flatwoods have had more recent disturbance from the 1998 wildfires. A few patches survived the 1998 wildfires and subsequent logging. The observed flora is primarily native. Invasive exotics

EEL Program Selection and Management Committee Meeting

February 27, 2008

Page 6 of 8

Approved March 11, 2008

are not a significant problem. There is some rooting damage by feral hogs, particularly in the hammock-swamp area. Presence of the Mexican bromeliad weevil was confirmed in a damaged bromeliad. Black bear, white-tailed deer, Turkey, bobcat, Barred Owl, and pygmy rattlesnake are reported present by the owner.

The site has intact natural communities with predominantly native species. It is a part of the remaining northern Brevard County landscape and contributes, along with existing and proposed conservation lands, to the regional survival of species that required large areas of habitat, such as the black bear.

Clarification was provided that the Baseline Document Report would be completed near the end of the negotiations and that it would be part of the final easement.

Acquisition Process

Mike stated that the BOCC had asked the SMC to give consideration to streamlining the acquisition process, because by the time that a contract was presented to the BOCC for final approval, the appraisals could be 5-7 months old, and, there was the possible perception that the Program was trying to rush through the process because of the time sensitive nature of the option agreements. He stated that he and Paul had reviewed the land acquisition information outlined in the Land Acquisition Manual (LAM) and he had prepared an analysis of the 3 procedures that are available.

Process A refers to when the SMC identifies Resource Protection Need. Process B refers to Landowner Submissions. Process C is designed to be followed in circumstances where the SMC has already completed historic 1st and 2nd Majority Votes of approval for interagency project proposals.

<u>LAM Process A/B</u>	<u>LAM Process C</u>	<u>Emergency Procedures</u>
Willing Seller Application SMC Meet App. Review SMC Site Visit SMC 1 st Majority Vote Appraisals SMC 2 nd Majority Vote Negotiations SMC Review of Contract BOCC Submittal	<i>(Used when SMC has already completed 1st & 2nd Majority Votes for a funding project.)</i> Willing Seller Application Appraisals Negotiations SMC Review of Contract BOCC Submittal	Willing Seller Application Emergency Assessment SMC Site Visit Landowner Testimony <i>(Justification for emergency acquisition)</i> SMC 1 st & 2 nd Majority votes <i>(In succession. Initiates Emergency Process. Requires unanimous vote)</i> Appraisals Negotiations <i>(Prior to review appraisal, if not more than a 10% or \$250,000 divergence)</i> BOCC Submittal

Process C has not been used recently because in most cases, significant time has passed since the initial SMC approvals. Staff prefers to confirm priorities with the SMC as willing sellers are identified, and complete site visits to confirm site conditions have not changed since the historic votes were taken.

Mike stated that the current procedures in the Land Acquisition Manual, as outlined above, provide for adequate opportunities to streamline the EEL Program acquisition process where it is appropriate. He said that although there is a need to more clearly delineate some of the procedures, it is not a critical issue to resolve at this time. The most important issue to address is

how to handle input from the Clerk's Office, which is received after a contract has been negotiated with an owner. Delays at this stage directly impact the timeframe negotiated in the Option Agreement and add to the age of the appraisals.

Dave stated that he was amazed that anyone could think that the SMC could be the slow-down in the process, when related to a high priority acquisition.

Mike said that he thought the only time that we could be considered the slow down was when Process C was not being used as it was originally designed, but that staff preferred to re-confirm historic votes, due to the length of time since the original vote, and in order to confirm that circumstances in the property being considered, or surrounding area had not changed. He said that it can be a long process, but it has checks and balances to be sure it works.

Keith Fountain suggested consideration of a completely new process.

Mike stated that consideration of changes to the LAM would set in motion a review process that would further delay ongoing acquisitions.

Ross stated that the existing processes had worked well and that the Program was coming to the end of its acquisition stage. He said that if the citizens wanted to extend acquisition funding some time in the future, perhaps that might be a time to consider a review of the procedures, but that he could not see a tremendous amount of energy going into changing the process when the Program only had a few more acquisition items left on the table. He said that the current highest priority properties already had already received 1st and 2nd Majority votes and if they can be purchased, acquisition will take a back seat and the SMC will be focusing mainly on management.

Paul confirmed that any changes to the LAM would require approval by the SMC, the Procedures Committee, and the BOCC.

Ross mentioned that this topic was also on the agenda for the joint meeting of the Selection and Management Committee and Procedures Committee scheduled for later that day and suggested the item be tabled until it could be discussed by both committees.

No objections were voiced regarding Ross's suggestion to table the item until the next meeting.

Public Comment

None.

NEXT MEETING:

The next meeting was tentatively set for March 11, 2008. Staff will confirm the date via e-mail.

ADJOURNED:

The meeting was adjourned at 1:57 PM.

SUMMARY OF MEETING MOTIONS:

- Motion to approve the November 2, 2007 minutes as amended.
- Motion to approve the December 5, 2007 minutes as amended.
- Motion to approve a 1st Majority Vote on the Wasilesk / Woodland Ranch Property.
- Motion to approve a 1st Majority Vote on the Molitor / RJM Investments Property.

