



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

**May 13, 2008
Attendance List**

SELECTION & MANAGEMENT COMMITTEE MEMBERS

Dave Breininger
Ross Hinkle
Randy Parkinson
Paul Schmalzer
Kim Zarillo

EEL PROGRAM STAFF

Jenny Ashbury
Sandy Carnival
Laura Clark
Mike Knight

THE NATURE CONSERVANCY

Keith Fountain
Rebecca Perry

GUESTS

Arlynn Baker, Titusville Citizen
Susan Gosselin, Brevard County Natural Resources Management Office
Sara Okeson, Florida Today
Lisa M. Smith, Titusville Citizen
Richard Stillwagon, City of Titusville
Suzanne Valencia, Sierra Club

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

*May 13, 2008
Approved June 17, 2008*



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

May 13, 2008
Meeting Minutes

CALL TO ORDER:

Ross Hinkle, Chairman called the meeting to order at 1:00 PM.

PUBLIC COMMENT:

None.

MINUTES:

No minutes were presented for approval. The April 8, 2008 minutes will be presented for approval at the June meeting.

ADMINISTRATIVE REVIEW:

The Grand Opening was held on May 10, 2008 for the South Beach Region's Category I site, the Barrier Island Management and Education Center. The new facility is located at 8395 South Highway A1A, in Melbourne Beach. Mike, Ross, Paul, and Kim mentioned that the event was very nice and there had been a good turnout.

Mike provided update information on the wildfires that have been occurring recently in the South Region. Additional information will be provided at the next meeting.

Ross suggested taking aerial photographs of areas affected by the wildfires.

SMC REPORTS

REAC Update:

The next Recreation and Education Advisory Committee meeting will be held on May 29, 2008. Mike provided clarification that the EEL Program has not received any of the information requested regarding the proposed paved trail and that the issue will not be addressed by the REAC committee until the information is received.

STAFF REPORTS:

None.

THE NATURE CONSERVANCY:

Rebecca Perry reviewed The Nature Conservancy's May Report to the SMC:

- MAYTOWN FLATOODS Ag Ventures, LLC. – negotiations with landowner continue
- MAYTOWN FLATWOODS Morris – (inholding off Buck Lake) Ready to start negotiations
- NIRL Bohne / Coleman Trustee – owner continues to be interested in selling
- NIRL Cherven – owner continues to be interested in selling
- NIRL JJ Parrish Jr. Estate – owner recently clarified they would like to resubmit willing seller application

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- NIRL Reichman – ready to begin negotiations
- NIRL Xynidis – discussion with landowner continues
- FOX LAKE - RJM Investments, Inc. – ready to start negotiations
- FOX LAKE - Wasileski / Woodland Ranch – ready to start negotiations
- East MI IMPOUNDMENT Sykes Creek – Boyd and DiChristopher – working with both owners to negotiate contract timeframes
- BCSE MALABAR Hossain – negotiations should begin soon
- BCSE JORDAN BLVD – Balkany has executed a contract
- Coastal Jewell – has submitted willing seller application for property west of the railroad tract

Mike mentioned that a few willing seller applications had been received for the South Region Mega-parcel area and that recent decisions for the EEL Program to move forward with direct acquisitions within this area had been based on uncertainty regarding whether or not continuation of the Florida Forever Project would be received from the State Legislature. He said that now that the Project had been approved for another 10 years, that would impact future decisions in the Mega-parcel area.

Public Comment

None.

AGENDA ITEMS:

Garden Street Property (Falcon Woods / Tortoise Ridge), Titusville

On April 6, 2007, the SMC reviewed information on a potential citizen's project on 94± acres in Titusville which, at that time, was referred to as Tortoise Ridge. The group planned to apply for a Florida Communities Trust (FCT) grant and requested input from the SMC regarding their possible interest in having the EEL Program participate as a matching funding partner in the project.

At the April 2007 meeting, SMC members felt that although the property might be appropriate as a community open space, and that it was worth pursuing, concerns were expressed related to the availability of EEL Program funding, and the possibility that that some of the uses being considered would not be compatible with the EEL Program's goals. Clarification was also provided that the group did not have confirmation of a willing seller. The SMC moved to table consideration of the EEL Program's participation in the Tortoise Ridge FCT grant application at the April 6, 2007 meeting.

Since that time, the citizens have submitted applications, to Florida Forever (FF) and Florida Communities Trust (FCT), in the hope that this project can receive partnership funding from the State. Representatives from the citizen's group attended the May SMC meeting to provide an update.

Public Comment

Lisa Smith and Arlynn Baker provided information on the current plans for this project:

- ❖ The citizen's group has applied to the State for possible funding assistance under the Florida Forever Project and as Florida Communities Trust (FCT) Project.
- ❖ The difference in the project names resulted from the applications being submitted at different times.
 - Florida Forever – Falcon Woods

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- FCT – Tortoise Ridge
- ❖ A Public Hearing was held on May 5th when representatives from the ARC Council visited the site and received input from local citizens. The project received a positive response from ARC during the first review.
- ❖ Anticipated benefits:
 - Protection of an area of critical concern for the recharge of the City's superficial aquifer
 - Reduction in local Stormwater Issues
 - Possible Aquifer Exfiltration System
 - There appears to be a large number of Gopher Tortoises on site
 - Primarily scrub
 - Environmental Education Atlantic Coastal Ridge
 - Hiking Trails and Nature Photography
 - Quick stop for tourists off I-95 near planned Welcome Center
 - Possible observation deck for sky-watching
 - Possible restoration of a lake that existed on the site previously
 - Close to Citizens - Near schools and within urban area.

Public Comment

Richard Stillwagon from the City of Titusville commended Lisa and Arlynn for their hard work in preparing the application packages. He explained that the City of Titusville was supportive of the project, but that they were faced with budget issues and cutbacks and that their participation in the project was contingent on additional funding partners.

Additional Discussion

Clarification was provided on the following:

- ❖ The seller has indicated they would entertain a sale of this property for the sum of \$10,000,000.
- ❖ It is anticipated that the Florida Department of Transportation (DOT) may be purchasing approximately 15 acres of this site for stormwater retention.
- ❖ The St. Johns River Water Management District (SJRWMD) has confirmed they are interested in providing expertise in possible stormwater projects for the land, but the property does not fit their criteria for acquisition.
- ❖ It is anticipated that the decision on the possibility of Florida Forever funding will be received from the State in June, and that the decision on the possibility of FCT funding will be received in October.
- ❖ An aquifer exfiltration system is a large trench with rocks where storm water is encouraged to filter down instead of flowing away in an attempt to keep the water on site so it can filter down into the ground.
- ❖ Storage tanks that were previously underground have been removed.
- ❖ It is possible there were lakes on the property in the past.
- ❖ The Florida Forever proposal, which was distributed to the SMC for review prior to the meeting is very well done and is the best citizen proposal the SMC has ever received.
- ❖ Although the State Legislature recently approved the continuation of the Florida Forever Project, it is anticipated that the funding for the 2008-2009 reimbursements has been

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allocated to other existing projects and the earliest that the EEL Program expects to receive reimbursements from the State will be 2009-2010.

- ❖ There is also the possibility that the EEL Program may receive permission to bond additional funds in the future, but that option is not available at this time.

The following issues were also discussed:

- ❖ Protection of biodiversity long term is the Program's primary mission.
- ❖ Small size of site.
- ❖ The site is isolated and surrounded by urban development.
- ❖ The proximity to I-95 could result in additional road kills when I-95 is widened.
- ❖ The site has local public support.
- ❖ Goals for the project are not yet clear and may not compliment the EEL Program's goals or Management Plans.
- ❖ It is not yet clear what the SMC is being asked to consider as far as a financial contribution.

Clarification was provided that at this time, EEL Program available funding has been encumbered by existing highest priority properties that have willing sellers, but members of the SMC were interested in receiving additional information about the plans for the project if it receives approval from the State. Clarification was also provided that the SMC was interested in review of possible participation with other partners in a possible funding match of some type, if funding is available in the future.

The citizens will come back to the SMC with additional information in the fall. A site visit will be scheduled in the near future.

Public Comment

None.

W. W. James Park Property / Vero-Pittsburg Partners, LLC Property Exchange Request

On June 27, 2007 the SMC received preliminary information relative to a Brevard County, Parks & Recreation Department (Parks & Rec) request for an exchange of EEL Program property purchased from Vero-Pittsburg Partners, LLC, north of the Enchanted Forest in Titusville with property near W. W. James Park, which is in the same vicinity. The SMC indicated they were agreeable to the overall concept, but that additional information would be required. It was determined that a site visit would be beneficial.

A site visit was held on July 13, 2007.

At the July 31, 2007 SMC meeting, the Site Visit Report for the Vero-Pittsburg Partners, LLC property was reviewed and discussed. The group reviewed three proposals with different options for the exchange of property and provided input on the options.

Mike provided information on the 3 maps that were distributed at the current meeting. One map represented how Parks & Rec planned to expand development of the W. W. James Park if no exchange could be coordinated. The other maps provided 2 different options for exchange.

The following was noted:

- ❖ A Gopher Tortoise Survey will need to be done and the Parks and Rec. staff should be responsible for permitting and surveying requirements.

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- ❖ If the SMC agrees with the exchange, staff will work out the legalities and bring a final document to the SMC for review before the agreement is presented to the Board.
- ❖ The designation on the County's land use plan should be changed.
- ❖ Any sale or exchange of land by the EEL Program requires approval by the SMC per the Land Acquisition Manual.
- ❖ The majority of the Vero Pittsburg Partners LLC property, which currently totals approximately 40 acres, is good habitat.

After careful consideration, the SMC determined that they preferred Option 2, which provided for cleaner boundaries and protects the southern end which is intact habitat. It calls for giving up 10 acres of disturbed land within the Vero-Pittsburg Partners site and getting 23 acres of park property. This is also the option that was preferred by Parks & Rec, EEL Program staff, and was recommended in the site visit report.

Public Comment

None.

MOTION #1:

Paul Schmalzer moved to approve the land exchange request with Parks & Recreation on the Vero Pittsburg Partners, LLC property as indicated on the draft plan as Option # 2.

Kim Zarillo seconded the motion.

The motion carried unanimously.

Ross asked if there anyone would have concerns with moving the Acquisition Prioritization discussion to the end of the meeting. No concerns were expressed.

Coastal Jewell Property

Dave stated that the last time the SMC had done an extensive analysis of priorities, they were at the point of not having enough land in that area for a viable Florida Scrub-Jay population, and that acquisition of the Coastal Jewell Property pushed the available land over the threshold of what would be needed for that viable population. He said that the SMC had considered the Coastal Jewell property as extremely important for more than 15 years; and that because of it's importance in expanding the property available for Scrub-Jays in that area to what would be needed for a viable population, it should remain as the very highest of importance, now that a willing seller application had been resubmitted.

Mike agreed and said the only reason he was bringing the property before the SMC at the present time was re-confirmation of the 2nd Majority Vote.

Motion #2

Paul Schmalzer moved to approve a 2nd Majority Vote on the Coastal Jewell Property based on its known ecological value.

Dave Breininger seconded the motion.

Ross asked if anyone had any questions or comments. There were none.

The motion carried unanimously.

Mike confirmed that the map in the packet represented the property footprint and that it was the same footprint that had been considered by the SMC previously. He informed the SMC he met with representatives from the Town of Malabar to inquire about the possibility of a joint purchase

of this property with some of it being used as a Town Hall. Mike explained that the Town Manager expressed, the Town's preference for the Town Hall to be located in the Malabar Scrub Sanctuary area in order to be near the Fire Department and to consolidate resources. Staff is submitting the normal request for input from the Town on this property, as is done with all properties within municipality boundaries.

Lokay / Forbes Property

Public Comment.

None.

Mike provided overview information on the Lokay / Forbes property application which was received on April 29, 2008. The property is 80± acres, adjacent to the northwest corner of the Kabboord Sanctuary which is north of Hall Road and east of North Courtenay Parkway on Merritt Island. Most of the property is outside of the impoundment and it contains a dike that would be beneficial for access if the Program placed trails in the area. Mike reminded the SMC that available funding was already allocated and mentioned that consideration of something new would mean taking away from something that was already on the table.

Scott Taylor, Central Region Land Manager said that he the property appears to be mostly hydric hammock, similar to Kabboord Sanctuary, and it contains a significant amount of exotic invasive plant species. There are two of ponds on the site, according to the map.

It was determined that a site visit to the area would be appropriate. Staff will schedule a site visit.

Ross asked if staff could check with St. Johns River Water Management District to see if they would be interested in partnering on the site.

Clarification was provided that the property to the east of the Lokay/Forbes property is currently owned by the County. There are plans to request transfer of that property to the EEL Program to consolidate management efforts.

Johnson Property Interim Management Plan

Scott Taylor provided a brief overview of the Johnson property Interim Management Plan which was distributed to the SMC for review prior to the meeting. This 99± site is located off Hall Road in North Merritt Island, north of the Kabboord Sanctuary and one half mile west of the Merritt Island National Wildlife Refuge.

This property is a mixture of hardwood hammock, hydric hammock, depression wetlands and freshwater marsh. There are currently large monoculture stands of Australian pines and Brazilian pepper infestation and the current major management issue is removal of exotic invasive species. The Central Region currently has money budgeted for this purpose.

The site will be proposed as Category 2, with limited public access. The potential for public access, such as trails and a parking area will be evaluated at a later time due to the need for significant exotic species management, but will focus around passive recreation activities such as hiking and nature observation.

Public Comment

None.

MOTION #3

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Randy Parkinson moved to approve the Johnson Property Interim Management Plan as proposed by staff.

Paul Schmalzer seconded the motion.

The motion carried unanimously.

Acquisition Prioritization

Mike provided information on the availability of funding while the SMC reviewed a listing of current properties and their current acquisition priority levels. He explained that the receipt of the Coastal Jewell property willing seller application would have an impact on the priority rankings. He explained that although this property had a "highest" landscape priority, staff was requesting clarification of acquisition priority, as it was anticipated that the Program currently had more "1" acquisition priority rankings than available funding. He also explained that the \$3,000,000 grant previously offered by TNC for the Ag Ventures and Scottsmoor Partners properties was no longer available to the EEL Program as it had been committed to another project when the Ag Ventures and Scottsmoor Partners were declined by the Board.

Ross said that priorities for acquisition had been established and were ongoing and that he felt that trying to second guess the process every step of the way would be confusing.

Dave said that he felt they could prioritize as needed and he reemphasized the importance of the Coastal Jewell property.

Ross explained that the Coastal Jewell property priority ranking needed to be clarified because there wasn't a recent willing seller application until now.

Mike stated that clarification was also needed on the Honey Hole Ranch Conservation Easement due to the back and forth history regarding the owner's preference for a conservation easement or fee simple acquisition.

Paul asked for an update on the funding that Anne Birch from TNC had been researching from NOAA.

Rebecca clarified that the funds would need to be appropriated on the Federal level first, and then at the State level, but that they were currently lobbying for Federal appropriations at this time.

Mike explained that the Department of Environmental Protection had asked the EEL Program to prioritize the North Indian River Lagoon properties since that had made the State's Top 21 listing and those reimbursements had the greatest chance of being received.

Paul stated that the EEL Program needed to move forward with Boundary Amendments or new Projects soon, now that the State Legislature had approved continuation of the Florida Forever Program for the next 10 years.

Mike explained that the work was underway.

Mike mentioned that at this time, clarification of priority was only needed for Coastal Jewell and Honey Hole Conservation Easement.

Dave said that if they had to choose between the two, the obvious choice to him was that Coastal Jewell should be the priority.

MOTION #4

Paul Schmalzer moved to assign a Priority 1 ranking to the Coastal Jewell Property.

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Dave Breininger seconded the motion.

Discussion

Ross clarified that Coastal Jewell had always been a top priority, but that they previously just didn't have a recent willing seller application, so now they were formalizing the Priority 1 listing.

Ross asked if there was any further discussion or questions. There were none.

The motion carried unanimously.

Mike provided clarification that since the owners of the Honey Hole Ranch had confirmed that they were interested in a Conservation Easement instead of a fee simple sale, acquisition ranking should be reconsidered and clarified in order to continue with negotiations.

MOTION # 5

Randy Parkinson moved to change the priority ranking on the Honey Hole Ranch Conservation Easement from a Priority 2 to a Priority 1.

Kim Zarillo seconded the motion.

Ross asked for discussion or questions. There was none.

The motion carried unanimously.

Clarification was provided that the new properties of RJM Investment and Wasileski / Woodland Ranch property had been considered to have a Priority Ranking Listing as Priority 1 by staff, even though they had accidentally been left off the grid, because they were inholdings to Hunters Brooke.

A recap of the final determination of priority rankings is shown below.

- ❖ Ag Ventures - 1
- ❖ Balkany – 1
- ❖ Boyd - 1
- ❖ Bohne/Coleman – 1
- ❖ Bornstein – 3
- ❖ Centerlane – 3
- ❖ Coastal Jewell - 1
- ❖ Communities Finance – 2
- ❖ DiChristopher -1
- ❖ Gal – 1
- ❖ Honey Hole Ranch Conservation Easement – 1
- ❖ Hossain -1
- ❖ Mega-Parcels – 1 (Valkaria, Ten Mile Ridge, S. Babcock, Micco, Grissom – need to be prioritized within parcel area)
- ❖ Miami Corp. – 2
- ❖ Micco Eastern Holdings (IRS) - 3
- ❖ MLCI / David Lee – 3
- ❖ Morris – 1
- ❖ Nail – 3
- ❖ JJ Parrish – 1
- ❖ RJM Investments, Inc. - 1
- ❖ Reichman – 1
- ❖ Scottsmoor Partners, LLC – 1
- ❖ St. Lucia Consulting - 1
- ❖ Vero Beach Estates – 2
- ❖ Vistar – 3

- ❖ Wasileski / Wooland Ranch Co. - 1
- ❖ White II - 2

Additional Discussion

Paul asked for clarification regarding differences in the property list provided in the TNC report and the priority ranking spreadsheet prepared by EEL Program staff.

Clarification was provided that some of the listings on the TNC spreadsheet did not yet have willing sellers, and that some of the listings had willing sellers and were scheduled for SMC review at the next meeting.

The SMC requested specific clarification of differences, and that properties needing SMC review be discussed at the next meeting.

NEXT MEETING:

The next meeting will be held on June 17, 2008.

ADJOURNED:

The meeting was adjourned at 3:05 PM.

SUMMARY OF MEETING MOTIONS:

- Motion to approve the land exchange request with Parks & Recreation on the Vero Pittsburg Partners, LLC property as indicated on the draft plan as Option #2.
- Motion to approve a 2nd Majority Vote on the Coastal Jewell property
- Motion to approve the Johnson Property Interim Management Plan as proposed by staff.
- Motion to assign a Priority 1 ranking to the Coastal Jewell Property.
- Motion to change the Honey Hole Ranch Conservation Easement Priority ranking from a Priority 2, to a Priority 1.