

**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM
RECREATION AND EDUCATION ADVISORY COMMITTEE
August 14, 2008
Attendance List**

RECREATION AND EDUCATION ADVISORY COMMITTEE MEMBERS

Jim Durocher
Murray Hann
Karen Hill
Mark Nathan
Beverly Pinyerd
Doug Sphar

SUB-COMMITTEE MEMBERS

Barbara Meyer, Brevard County, Bicycle/Pedestrian Trail Program Coordinator
Paul Schmalzer, Selection and Management Committee

EEL PROGRAM STAFF

Sandy Carnival
Laura Clark
David DeMeyer
Mike Knight
Brad Manley
Chris O'Hara

GUESTS

Debbie Franklin, Town of Malabar
Bonnie Wilbanks-Free, Town Administrator, Town of Malabar
Suzanne Valencia, citizen

*"Protecting and Preserving Biological Diversity
Through Responsible Stewardship of Brevard County's Natural Resources"
August 14, 2008
Approved November 13, 2008*

**ENVIRONMENTALLY ENDANGERED LANDS PROGRAM
RECREATION AND EDUCATION ADVISORY COMMITTEE
August 14, 2008
Meeting Minutes**

CALL TO ORDER:

Murray Hann called the meeting to order at 6:08 PM.

PUBLIC COMMENT:

None.

MINUTES:

Murray asked for comments to the March 11, 2007 Crane Creek REAC Field Trip minutes.

MOTION ONE

Jim Durocher moved to approve the March 11, 2007 minutes as presented.

Doug Sphar seconded the motion.

The motion carried unanimously.

Murray asked for comments to the May 29, 2008 REAC meeting minutes.

MOTION TWO

Doug Sphar moved to approve the May 29, 2008 minutes as presented.

Mark Nathan seconded the motion.

The motion carried unanimously.

Murray explained that when the February 10, 2008 minutes to the REAC Field Trip to Malabar Scrub Sanctuary were originally presented, the Committee requested that the minutes be resubmitted showing there was approximately 30-40 minutes of discussion with a bulleted list that indicated some of what was discussed. He asked for comments to the revised February minutes.

Paul Schmalzer said that he would suggest clarification of bullet 4, on page 1. He stated that he was not disagreeing with what was written, but the point he would make, for clarification of the history, was that the proposed paved linear trail on the east side of the Malabar Scrub Sanctuary was not brought to the SMC for consideration until February 2007, after the Board of County Commissioners deferred action on the Malabar Scrub Sanctuary Management Plan.

Murray asked for clarification on the date when he and his wife gave the presentation to the SMC. Paul stated it was in February 2007. Murray said OK.

Doug Sphar stated he was supportive of including Paul's comments as an additional revision to the minutes.

Murray asked if anyone had objections to the addition. There were none.

Murray asked if there were any other additions or clarifications. There were none.

MOTION THREE

**Doug Sphar moved to approve the February 10, 2008 minutes as amended.
Jim Durocher seconded the motion
The motion carried unanimously.**

ADMINISTRATIVE REVIEW:

Brad provided an update on past REAC motions and issues.

Clarification was provided that Committee members have the opportunity to bring up topics for discussion at any time.

AGENDA ITEMS:

Malabar Scrub Sanctuary Proposed Public Access Plan

Brad Manley provided a brief recap of the history of the Malabar Scrub Sanctuary Management Plan events:

- REAC reviewed and supported Public Access Plan as presented by staff.
- SMC approved Management Plan, without paved trail.
- BOCC tabled approval of Management Plan to consider citizen request for paved trail.
- A paved trail was proposed for the firebreak on the east side of the Sanctuary's eastern portion.
- SMC overview concerns were forwarded to the REAC committee.
- REAC reviewed and supported revised Public Access Plan, with paved trail on east side.
- SMC approved revised Management Plan, with contingency that paved trail be placed on existing concrete boulevard.
- BOCC approved revised Management Plan, with paved trail placed on east side of sanctuary near Marie Street.
- ARC deferred consideration and asked for additional information.
- BOCC directed staff to bring Management Plan back through SMC and REAC committee process again.
- REAC Field trip to Malabar Scrub Sanctuary – no decisions made during this trip.
- SMC Chairman drafted Proposal to Resolve Bike Path Issues at Malabar Scrub Sanctuary.
- SMC reviewed, revised, and approved SMC Chairman's proposal.

Brad explained that Chris O'Hara, South Region Land Manager, would be giving a presentation on a revised Public Access Plan including updated information about the Sanctuary and then Mike Knight, EEL Program Manager, would talk about the linear trail project. He said that after Committee discussion, staff would be asking the REAC Committee for a recommendation to the SMC, which is the usual process.

Chris O'Hara provided overview information on the Malabar Scrub Sanctuary:

- Comprised of two main parcels, plus a small donation site
 - Tract 1: Acquired in 1993 & 1994 (395+ acres, near Malabar Town Park)
 - Tract 2: Acquired in 2003 (170+ acres, fka WGML and National Heritage)
 - 7+ acre Brookhollow acquisition approximately 2006

- 9 miles of trails
 - Multi Use
 - Bike Only
 - Equestrian Only
- Habitats
 - Scrub
 - Scrubby Flatwoods
 - Pine Flatwoods
 - Sand Pine Scrub
- Notable Species
 - Indigo snake
 - Gopher Tortoise
 - Florida Scrub-Jay
 - Scrub Lizard
 - Sandhill Crane
 - Several rare and endangered plant species
- Parking at several locations

Mike Knight provided additional information on the history and status of the request for the paved linear trail at the Malabar Scrub Sanctuary.

- History
 - When the BOCC directed staff to bring the trail issue back through the EEL Program committee process, staff requested formal documentation from the Town of Malabar and the MPO regarding Right of Way (ROW) limitations for the trail.
- ARC Requests
 - Education center location on map with details on site impacts.
 - More details on site restoration targets.
 - More analysis of paved trail location, impacts, history and permitting requirements.
- FNAI Requests
 - More details regarding Scrub-Jay population decline on site since under County management, with identification of the barriers to management.
 - Add a Management Action under Strategy 7, page 45 regarding how Scrub-Jays will be managed over time.
 - Definition of Core Conservation Area and explanation of why other habitat areas are not under this designation.
 - Determination regarding impact to Scrub-Jays and whether or not mitigation for Scrub-Jay impacts will be required.
- Proposal by Ross Hinkle, Chairman Selection and Management Committee
 - On March 11, 2008 the SMC reviewed, revised, and approved a conceptual proposal for resolving the bike path issues at Malabar Scrub Sanctuary with the following caveats:
 - Receipt of confirmation that there is not sufficient space in the existing right of ways on Marie Street or Malabar Road for the placement of the paved linear trail.

- The trail will be as narrow as possible to meet the needs of the fire control equipment and EEL site management needs.
 - The trail will be built with pervious surface if compatible to structural integrity for equipment access and the free movement of chair bound visitors.
 - The trail will be used as an additional ADA access area – similar to the concrete access trail at Enchanted Forest.
 - A trail monitoring program similar to other sites to determine the user impacts near and off trail with plans to control usage.
 - A plan to eventually remove the concrete road, at least in part, to mitigate some of the hydrological impacts of the paved trail construction.
- Town of Malabar Input
 - The 66' ROW on Malabar Rd. would not allow sufficient width for trail without costly piping of drainage ditches.
 - The blind corner on Malabar Road near the boulevard is not a safe location for pedestrians to cross the street.
 - Malabar Road speed limit is 55 mph.
 - Existing Marie St. ROW is not wide enough to accommodate the trail and the road built to minimal standards.
 - EEL Program staff historically indicated that an easement along Marie Street could be pursued if the Town vacated internal ROWs.
 - The visitor experience would be enhanced by having the trail inside the sanctuary fence.
 - Visitor safety would also be enhanced if separated from the Marie St. ROW.
 - A recent Town survey can help solve a ROW dispute impacting EEL Program boundaries.
- MPO Input
 - EEL Program staff discussion with MPO and Town of Malabar contributed to alignment along Marie Street and inclusion in Master Plan.
 - Malabar advised that sufficient ROW width on Marie Street did not exist.
 - EEL Program staff indicated willingness to pursue providing additional ROW.
 - In 2000, State awarded \$175,000 to Town for trailhead based on alignment.
 - In 2002 & 2004, State awarded Palm Bay \$215,000 for canal trail. EEL Program provided easement for trail.
 - In 2003, \$300,000 was awarded to Palm Bay for trail amenities.
 - MPO provided funding to Palm Bay to construct pedestrian bridge to access trail.
 - MPO has allocated \$275,000 for trail development along Marie Street to the Town of Malabar trail head.
 - Formal trail design is too costly to pursue prior to approval to locate trail.
 - EEL Program and State staff granted approval for location of Al Tuttle Trail in Valkaria mega-parcel area.

- Staff Input
 - EEL Program staff provided significant guidance to trail planners that contributed to current alignment.
 - The SMC was not involved in many of these staff discussions with planners.
 - Significant funding has been spent at the state and local levels based on alignment.
 - Designation as a Category 1 EEL Program Sanctuary is consistent with a higher level of public use that a paved trail would encourage.
 - Expanded public use without unreasonable impacts can facilitate increased support for the EEL Program.
 - Partnerships make good sense, and help offset criticism.
 - A paved trail would create new opportunities for educating visitors about the EEL Program Mission.
 - Approval of the trail would go a long way towards improving EEL Program relationship with the Town of Malabar.
 - Future support from the BOCC for State reimbursement could be impacted due to a lack of control if the land is in State title, rather than County title.
 - Trail location would not restrict management.
 - Permitting for Scrub-Jays would not be required, as it stands at this time. Wetland permitting will be required.
 - A unified support for the trail creates a much more positive story.

Discussion ensued. The following was noted:

- Issues associated with resolution of the request for paved trail issue have delayed approval of the Malabar Scrub Management Plan for an additional year, so far.
- The EEL Program staff recommendation to the BoCC to place the requested paved trail on the east side of the sanctuary was inconsistent with recommendation made by the SMC and caused some concern on the part of the environmental community.
- March 11, 2008 SMC minutes provide recap of SMC discussion regarding Ross Hinkle's Proposal to Resolve Bike Path Issues at Malabar Scrub Sanctuary
- The proposal contained several caveats as outlined above.
- Discussion of the caveats included:
 - Trail width
 - The width of the paved trail is not expected to be less than eight feet, with two feet of stabilization material on each side for a total of 12 feet wide.
 - Murray stated that from a trail user standpoint, 8 feet is the minimum for a comfortable multi-user trail, although it was easier to get funding for a 10 foot trail.
 - Mike stated that he felt that the trail would not need to be wider from a management perspective and that staff's preference would be to have an 8 foot trail.
 - Barbara Meyer stated it is recognizable that we're in an environmentally sensitive area and there were plans to request exceptions to the trail width, where possible.

- Trail surface type:
 - The type of material to be used for the paved trail has not yet been determined.
 - Materials being considered are both pervious and non-pervious.
 - The SMC has provided clarification that their preference would be for the road to be made of a permeable surface, if at all possible.
 - Barbara Meyer stated that she could provide pictures, but a typical cross section of a paved trail was not available. She indicated that an engineer was being hired to ensure that the design was acceptable.
 - Mark Nathan stated he was not a big fan of asphalt.
- Removal of at least part of the existing concrete road
 - Options to provide mitigation to offset some of the impacts of the paved trail were discussed.
 - An estimate for \$70,000 for removing all 4 lanes of the concrete road was received. Significant additional costs would need to be incurred for restoration of the area.
 - There is not a consensus of opinion held by the SMC regarding the discussions of possibility removing part of the concrete road, as of their last meeting.
 - Consideration of a phased approach has been discussed.
 - Funding for any removal of the concrete road would need to come from mitigation sources, as the EEL Program does not have funding for this project.
 - The concrete road has heavy use by citizens and is considered to part of the planned ADA access to the Management and Education Center once it is built.
 - Some folks think it's is not aesthetically pleasing. Others think it's a great place to teach a 5 year old to ride a bike.
- Permitting
 - The habitat along the east side of the sanctuary is currently not occupied by Scrub-Jays, so at this time no Jay mitigation would be required. This may change as time progress. US Fish and Wildlife Service (USFWS) will be the regulator agency for scrub permitting.
 - St. Johns River Water Management District will be the regulatory agency for wetland permitting.
- Location of paved trail
 - Survey by Malabar may assist EEL Program in straightening out sanctuary boundary line.
 - There would be less impact if the paved trail could continue straight south near the south east corner of the sanctuary, instead of moving west, and then south around an existing outparcel. This is one of the items to be addressed during the design phase.
 - Barbara Meyer indicated that the use of curbing might be included in the design of the paved road.

- Bonnie Wilbanks-Free stated if easements are given up or utilized for the paved trail, it could have negative affect on the ability of owners of the properties on the ease side of Marie Street to sell their properties, because the road could not be widened to become a full, standard road. Eventually, the road would need to be widened all the way to the north end of the street to allow access to the properties there. Because of the possible future need to widen the road to meet current codes, and the current documentation of the limitations of the existing right of way, the Town of Malabar shouldn't be giving up any easements.
- Murray Hann stated that according to the surveyors report, there appears to be 15 feet of right of way along most of the sanctuary boundary, and a possibility of 15 feet more that could be secured from local residents. If the trail continues south on Marie Street, and does not go around the outparcel, it would be necessary to acquired land from the owner of the outparcel. There is hope that the FPL easement might be a possibility.
- Murray, Paul, and Mike agreed that going along the front of the property on Marie street is preferable.
- Bonnie Wilbanks-Free mentioned the possibility of leasing the rights to the property for the purpose of the trail as the trailhead has been in place for several years with no apparent impact.
- Murray stated that he had no knowledge of anyone looking into a lease. He stated that he wanted to be sure all the issues were being heard fairly. He commented that when the MPO had asked County staff fo develop a linear trail utilizing existing public lands, the emphasis was to try to utilize a trail on public land so you didn't have to do further acquisition.

Additional Discussion

Paul Schmalzer commented that Mike's information regarding the Boundary Canal Trail required clarification. He stated that it was his understanding that in 1995, there was a discussion between the EEL Program and Palm Bay about the canal on the north of the Malabar Scrub Sanctuary. The City of Palm Bay wanted an easement to maintain the canal. The SMC and the BOCC approved the maintenance easement. He added that in 2001 there was some information provided to the SMC about a plan to pave a trail on that easement, but the records do not indicate that the SMC voted either for or against it. Paul stated there is no indication there was any discussion after that.

Mike Knight stated that in closing, he wanted to clarify that previous EEL Program staff had provided significant guidance to the trail planners, which contributed to the alignment down the east side of the sanctuary. He clarified that the SMC was not involved in the process, but significant funding has been spent at both state and local level already on the Marie Street alignment, and that this site is a Category I site, which is consistent with a higher level of use. He stated that expanded public use without unreasonable impacts can facilitate public support and that approval of the Trail would go a long way towards improving the EEL Program's relationship with the Town of Malabar. Mike stated that in his opinion, unified support for the trail would create a positive story.

Barbara Meyer stated that there were plans for the design process to come through the EEL Program Committees at 30, 60, 90, and 100 percent completion points.

Clarification was provided that the EEL Program would not be responsible for the cost of paving the trail, or for repairs, and that Brevard County Parks & Recreation have indicated they would be responsible for maintaining the paved trail surface.

Clarification was provided that arrangements would be made with the Town of Malabar to help control the trail, and pick up trash, and a group effort would be required to make that work.

There are plans to build a boardwalk approximately 200 feet long across the wetland area on the east side of the sanctuary as the Program does not generally create fire lines through wetland areas. Fire equipment will monitor prescribed fire from each end of the wetland and will not need to use the boardwalk.

Barbara Meyer stated that the project would create an important recreation, education, and transportation corridor.

The group discussed Paul Schmalzer's March 14, 2008 Analysis of Impacts report and the need for monitoring.

- No plant listed species are located in the planned location for the paved trail along the east side of the sanctuary. Monitoring of populations of species in the area was suggested.
- Additional reasons monitoring should be required include
 - Trails can become corridor for invasive exotic species.
 - Carrying capacity has not yet been determined.
 - Possibility of road kill of endangered species and other animals
 - Possibility of unwanted secondary trails
- Clarification was provided that at this time, no one knows if these topics, or others, will become a concern, but monitoring will be needed to ensure that we are able to identify and deal with unexpected issues.

Jim DuRocher stated that signage can be very beneficial in educating trail users.

Chris O'Hara, EEL Program South Region Land Manager, clarified that he would develop a monitoring plan and it would be included in the revised Malabar Scrub Management Plan as it was submitted to the SMC.

Barbara Meyer clarified that there is a full investigation process to research concerns, and there have been times in the past where trails were closed, problems were resolved and the trails were reopened.

The group discussed Ross Hinkle's proposal of March 6, 2008 which was reviewed, revised, and approved by the SMC on March 11, 2008.

Doug Sphar stated he wanted to comment on Paul Schmalzer's analysis of habitat loss. He provided information from Florida Statutes Section 259 which indicates the Legislature intends for these lands to be managed and maintained for the purposes for which they were acquired, and for the public to have access to and use these lands where consistent with the acquisition purpose, and which would not harm the resources the State is seeking to protect.

Doug stated it has been his understanding that when there is a loss of habitat, then there should be compensatory mitigation and that he would not be able to support the trail unless he saw compensatory mitigation. He stated that Dave Breininger, of the SMC, had suggested

consideration of the possibility that the EEL Program might be able to assist the Town of Malabar in managing the 100 acre Cameron Preserve that connects the northern portions of the Malabar East and Malabar West portions of the sanctuary as scrub habitat.

Staff will meet with the Town of Malabar to discuss consideration of this option.

Debbie Franklin from the Town of Malabar clarified that if the Town was to change the management philosophy of the Cameron Preserve, it would have to receive prior approval from Florida Communities Trust.

Doug stated if managing the Cameron Preserve for scrub was not an option then other ideas should be considered.

Murray stated that Ross Hinkle had worked very hard on his proposal to resolve the paved trail issues and that he, personally, was supportive of the proposal.

Additional discussion ensued regarding the wording of the motion the committee wished to express. A consensus was reached.

MOTION ONE

Mark Nathan moved to approve Ross Hinkle's March 6, 2008 Proposal to Resolve Bike Path Issues at the Malabar Scrub Sanctuary; to yield to the SMC for all trail approvals, with consideration to all potential impacts on EEL Properties; monitoring is key; all problems to be addressed to EEL satisfaction, if there are any; and to explore mitigation for the consequences of the trail, as the SMC would approve, as the REAC committee would like for the SMC to have oversight on that issue.

**Karen Hill seconded the motion.
The motion carried unanimously.**

Mike and Murray thanked everyone for their time and hard work.

NEXT MEETING:

To be determined.

ADJOURNED:

The meeting was adjourned at 8:35 PM.