



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM
SELECTION & MANAGEMENT COMMITTEE (SMC)
September 16, 2008
Attendance List**

SELECTION & MANAGEMENT COMMITTEE MEMBERS

Mark Bush
Dave Breininger
Ross Hinkle
Paul Schmalzer
Kim Zarillo

EEL PROGRAM STAFF

Jenny Ashbury
Sandy Carnival
Laura Clark
Mike Knight

THE NATURE CONSERVANCY

Anne Mayer

GUESTS

Susan Gosselin, Brevard County Natural Resources Management Office (NRMO)
Jim Eagan, citizen
Afi Fareon, City of Titusville
Rodney Hunnicutt, citizen
Lisa Smith, citizen
Richard Stillwagon, City of Titusville
Suzanne Valencia, citizen

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

*September 16, 2008
Approved October 8 2008*



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

September 16, 2008
Meeting Minutes

CALL TO ORDER:

Ross Hinkle, Chairman, called the meeting to order at 1:02 PM.

PUBLIC COMMENT:

Jim Eagan, citizen, commented that he was a member of the Partnership for a Sustainable Future, and that the group wanted to express support and appreciation for everything the SMC has been doing. He stated that education of citizens and candidates regarding the mission of the EEL Program was important and that if there was anything their group could do to assist, to please let them know.

Suzanne Valencia, also from the Partnership, and a member of the Sierra Club, stated that it was her understanding that at the last REAC meeting, the Committee had expressed support for the revised Malabar Scrub Public Access Plan and the proposal by Ross Hinkle to resolve issues associated with the request for a paved trail at the Malabar Scrub Sanctuary. She explained that Doug Sphar, had asked her to reiterate that his vote of support had been contingent on investigation of mitigation to offset the effects of the paved road. She asked what actions had been taken so far.

Mike explained that the EEL Program was planning a meeting with the Town of Malabar to discuss the possibility of the EEL Program assisting with the management of the Cameron Preserve prior to the date that this topic would be brought back to the SMC.

Mark Bush stated that Florida Institute of Technology has formed the Institute of Climate Change Adaptation to focus on how social and natural systems will be affected by climate change in Florida.

Kim Zarillo mentioned that a memorial service for Margaret Hames was scheduled for October 18, 2008 at the American Homesteading Foundation in Melbourne Village. Margaret Hames was a strong supporter of conservation in Brevard County and she will be missed by all who knew her.

Among her work with the Environmentally Endangered Lands Program is a CD walking tour of the Malabar Scrub Sanctuary, and she will always be remembered by staff when they pass her favorite tree at the Enchanted Forest, which has become known as "Margaret's Tree".

MINUTES:

The July 30, 2008 minutes were presented for approval.

Ross asked for comments to the July minutes.

Paul Schmalzer stated the following:

- Page 5, Florida Scrub-Jay Translocation Request, line 3. Change "South Lake Sanctuary" to "South Lake Conservation Area".

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- Page 8, Summary of Motions, 4th bullet. Change property listed in this bullet from “Scottsmoor Partners” to “Ag Ventures” as the motion for Scottsmoor Partners is listed twice, and the one for Ag Ventures is missing.

Paul also commented that he would like for his memo to Xavier de Seguin of July 28, 2008 regarding the Florida Scrub-Jay Translocation Request be included as part of the July 30, 2008 SMC minutes.

Ross asked for additional comments to the July minutes.

MOTION ONE:

Paul Schmalzer moved to approve the July 30, 2008 SMC minutes as amended.

Kim Zarillo seconded the motion.

The motion carried unanimously.

ADMINISTRATIVE REVIEW:

Ag Ventures LLC / Honeybrook and Scottsmoor Partners properties.

Mike reported that the Ag Ventures, LLC. and Honeybrook property, and the Scottsmoor Partners, LLC. property were both approved for purchase by the BoCC on August 5, 2008. Closings are expected to occur before the end of September.

Cochran Donation

Mike reported that the US Fish and Wildlife Service (USFWS) mitigation permit that covered the pending Cochran donation near the Jordan Scrub Sanctuary has expired which means that the donation might not come to the EEL Program as originally anticipated. The Cochran property is located to the east of the Balkany property which was approved for acquisition by the BoCC on July 29, 2008. The Cochran property contains an easement over both the Balkany and Cochran properties which would allow the mining of sand from the lake that is partially located on both sites. The easement creates a title defect for the pending Balkany property closing. Additional information will be provided as it is received.

Paul Schmalzer asked if the Cochran property had been covered by a conservation easement.

Jenny Ashbury stated that a small corner in the northwest portion of the Cochran property was covered, and a larger area would have been covered by a conservation easement, if the donation had been completed, but there has been no closing on the donation, so the larger easement has not yet been recorded.

Dave Breininger stated that it was his understanding that USFWS had not let the donation lapse; they had just not been able to enforce compliance.

Mike stated that it was his understanding that the issue was under consideration within the USFWS legal department.

Florida Scrub-Jay Translocation Update

Mike reported that the North Region staff were working to complete management details related to the arrival of the Florida Scrub-Jays that would be translocated to the South Lake Conservation Area.

Dave Breininger stated that a decision had been made to postpone the translocation efforts until after the hawk migration.

SMC REPORTS

REAC Update

Mike explained that the REAC Committee had a lengthy meeting with a lot of discussion regarding paved trail issues but that ultimately, they had expressed their support for Ross's Proposal to Resolve the Issues Associated with the Request for the Paved Trail.

He stated that beginning in mid-November, the DEP Division of State Lands, will provide the Acquisition and Restoration Council (ARC) members with 90 days to review items being presented for consideration. This means that if the revised Malabar Scrub Sanctuary Management Plan is not submitted to ARC by mid-November, it may be January or March before a final determination is received. This information has been passed on to Barbara Meyer.

It is anticipated that the revised Malabar Scrub Management Plan will be submitted to the SMC for consideration at their next meeting.

Additional Information

Paul Schmalzer reported that he would be leading the following Florida Native Plant Society Field Trips to EEL Program Sanctuaries:

- October 11, 2008 - Buck Lake Sanctuary
- November 8, 2008 - Dicerandra Scrub Sanctuary
- December 6, 2008 - Pine Island Conservation Area

Ross will be leading a field trip to South Lake Conservation Area on October 11, 2008 as part of the EEL Program's promotion of National Trails Month.

St. Johns River Water Management District (SJRWMD) Conservation Easement at Grant Flatwoods Sanctuary.

On August 28, 2008 the BoCC approved a conservation easement over the portions of the Grant Flatwoods Sanctuary which are County-owned (formally a portion of the MEP purchase). The easement was required by SJRWMD to allow a restoration mitigation project to occur on site. This action provides free management to the County and also provides protection in perpetuity for a site that is not under State title.

TNC Contract Renewal

On August 28, 2008 the BoCC approved a three-year extension of the acquisition services contract with The Nature Conservancy. Staff is pleased to report that TNC has done an exceptional job providing acquisition services to the EEL Program and we look forward to another three years of a great working relationship.

STAFF REPORTS:

None.

THE NATURE CONSERVANCY:

No Discussion. Report distributed prior to meeting for review by SMC.

AGENDA ITEMS:

Grissom Mitigation Donation – Morris Property

Public Comment

None.

Paul Schmalzer reviewed the report from the September 10, 2008 site visit to property being proposed as a mitigation donation under the Brevard County Landscaping, Land Clearing and Tree Protection Ordinance. The potential donations include 9 parcels that total approximately 11.57 acres. The parcels are not contiguous. They are located east of Grissom Parkway and south of Canaveral Groves Blvd. They are part of a largely undeveloped block of native vegetation between Grissom Parkway and a Florida Power & Light electric transmission line. This area was identified as being important for scrub in the Scrub Conservation and Development Plan, but is not within the boundaries of the Brevard Coastal Scrub Ecosystem Florida Forever Project.

The western section is mesic flatwoods with pond pine as the dominant species. The eastern part is scrubby flatwoods with slash pine and some sand pine in the canopy, saw palmetto, scrub oaks, ericaceous shrubs, and scattered Florida rosemary in the understory.

Sue Gosselin stated that this is the second mitigation request the EEL Program has had under the new ordinance. Future mitigation donations are likely in this area, and NRMO is suggesting folks look in the Mega-parcel region. This particular mitigation is for unoccupied scrub habitat.

Concerns were expressed related to whether or not it would be possible to acquire sufficient contiguous areas, primarily through mitigation, to form a viable and manageable conservation area. Fire management and reducing pine densities will be management issues on the site. There has been some dumping of trash. There is some ATV use of trails.

The Veronica Estates and J&S Curb properties, which are under Fish and Wildlife Conservation Commission (FWCC) management are in the general vicinity of these properties.

Ross said that if it was felt that a substantial area, that could be viable, could be received through mitigation, consideration should be given to accepting the donation.

Clarification was provided that properties accepted as mitigation donations could not be considered for swap when rounding out borders in the Mega-parcel area.

Sue Gosselin indicated that there would not be an immediate need to perform management on the site.

Dave stated it was difficult to determine the thresholds required to ensure a viable habitat, but in his mind, if a larger area could be acquired, this property has good potential as future scrub jay habitat.

Kim Zarillo spoke of the benefits that could be obtained if a local land trust could be established that could take some of the smaller properties and work in unison with the EEL Program to act as a holding group.

Sue said that NRMO was exploring that at this time, but they were still working out the process of how to handle the management fees.

Kim said it was her feeling that the EEL Program should go ahead and accept the donation, given that the surrounding area has potential, even though it is acknowledged that management cannot be performed at this time.

Ross said even if we can't manage it right now, it was still green and would allow for ground water recharge.

Kim agreed.

Ross asked if this area was a target that NRMO would suggest to folks looking for mitigation properties.

Sue confirmed that it was.

Ross stated he thought it would be in the EEL Program's advantage to accept the donation.

MOTION TWO

Paul Schmalzer moved to accept the Morris property mitigation donation.

Kim Zarillo seconded the motion.

The motion carried unanimously.

Waters Mark Development Property

Mike provided information on the 120± acre willing seller application dated June 16, 2008 for the Waters Mark Development property off Hall Road on Merritt Island. This property would connect the Brevard County Parks & Recreation's Kings Park to the recently purchased Johnson property.

Access to the site might be difficult as it appears to be very wet. It was suggested that a helicopter fly over be considered to assist in evaluating the property.

Staff will provide clarification of whether or not it is within the Blueway Project boundary.

It was suggested that the property receive a 1st Majority Vote as a Priority 2, similar to the vote on the Lokay/Forbes property.

Ross stated it offered connectivity.

MOTION THREE

Paul Schmalzer moved to approve a 1st Majority Vote on the Waters Mark Development Property, with the caveat that appraisals should not be ordered until the property is brought back to the SMC.

Ross asked for additional discussion or comments.

There were none.

Kim Zarillo seconded the motion.

The motion carried unanimously.

Staff will visit the site and provide additional information to the SMC.

Acquisition Prioritization

Ross asked for updated information on the status of bonding.

Mike stated that staff had researched the possibility of requesting additional bonding around the time of the last prioritization, but had received clarification from County Administrative staff that it would be preferable to wait until after January, when the State made its decision regarding

property taxes. He confirmed staff has recently pursued this topic again due to the decline in the real estate market, and although it is acknowledged that it might not be a popular time to consider bonding, the Program did have the authority to bond up to an additional \$15 million dollars and he was seeking input on whether or not the Program would be allowed to do so.

Mike expressed his concern regarding misinformation that has been generated about the EEL Program and confirmed that other than the Thousand Islands purchase, which was negotiated by The Conservation Fund, the EEL Program has never paid above appraised value for any property.

He also expressed his concern regarding a misconception that the Florida Department of Environmental Protection (DEP) certified appraisers apply an elevated "conservation value" to properties being purchased. He confirmed that no appraiser used by the EEL Program uses a "conservation value" to elevate the value of land being considered for acquisition.

Mike explained that staff was working with the Florida Today newspaper to try to correct some of these misconceptions.

The group reviewed the Bond Proceeds Report from September 16, 2008.

Paul asked if the \$8 million dollars which resulted from subtracting the anticipated pending closings from the funds available for land purchases shown on page 3 was the amount available for acquisition.

Mike explained that the \$8 million dollars also included funding for capital expenses for the construction of the Malabar Scrub Sanctuary Management and Education Center, finishing the Sams House restoration at Pine Island, and first time property management on some new acquisitions. He explained that these expenses had been budgeted for the FY 08-09 year and that the FY08-09 budget would be reviewed by the BoCC in the near future. Mike explained that if you subtracted those budgeted expenses, which came to about \$2.5 million dollars, approximately \$5.5 million dollars was remaining for future land acquisition, unless additional bonding was approved. He stated that it was possible that the budgeted capital expenses could be cut back to allow for additional funding for acquisition.

Mark Bush asked if it was anticipated that the EEL Program would receive reimbursement from the State on any properties within State Project boundaries. Mike explained that it was unlikely at this time, unless something was received for the Indian River Lagoon Blueways Project, which had been rated in the top 21.

Kim asked about the timeframe for finding out if the Program would be able to submit a request to the Board for additional bonding. Mike explained he hoped the information would be received within the next 30 days.

Kim suggested consideration of a phased request for additional bonding and expressed her hope that the CELP grant could provide additional funding.

Discussion ensued regarding land acquisition priorities. The following was noted:

- Mike stated that it was staff's perception that Coastal Jewell and the Honey Hole Ranch Conservation Easement were the two biggest priorities.
- Dave stated that he felt the Coastal Jewell property was the highest overall priority, especially due to the issues related to the pending Cochran donation and Balkany purchase, as it was

needed to put the available habitat in that area over the threshold to hopefully prevent extirpation (local extinction) of the Florida Scrub-Jay in that part of the County.

- Paul agreed that the Coastal Jewell property was key and stated that this is the first time in a long time that there has been a willing seller application on this property.
- Mike reminded the group that they would also need to consider the Falcon Woods property.
- Kim stated the SMC had agreed to consider support for the project, but had not agreed to acquisition.
- Paul stated there had been no agreement to expend funds on the project. Kim agreed.
- Ross stated the Program did not have the funds available to acquire the Falcon Woods property.
- Dave relayed information about concerns that have been expressed in Indian River County regarding the purchase of a conservation easement. He also stated he was not against a conservation easement, he was just relaying information he had heard.
- Paul said it was important to get the Maytown area into a project as soon as possible.
- Kim said she thought the SMC had already approved that.
- Paul said a project has not been presented to the BoCC.
- Sandy Carnival asked if the \$5.5 million dollars they were discussing as available for land acquisition needed to be reduced by the \$3 million dollars designated as matching funds for the CELP grant application. Clarification was provided that funding for the Reichman property had already been deducted, and that the CELP grant was submitted with clarification that EEL Program participation was dependent on availability of funding.
- Dave asked how far away the Program was from negotiating on Coastal Jewell. Clarification was provided it was expected that negotiation would begin in approximately 30 days.
- Clarification was provided that the EEL Program currently has five properties with active negotiation strategies:
 - Hunters Brooke Inholdings (2)
 - North Buck Lake (Morris)
 - NIRL-Reichman
 - Rhaman - Hossain
- Ross stated he felt things will just have to be considered as they come to the table.
- Owners of the Rahman-Hossain property have been working with the EEL Program for an extended period of time.
- Paul said he felt the Program should maintain its commitment to the North Indian River Lagoon.
- Kim agreed, and stated that hopefully there will be two possible funding partners.
- Clarification was provided that it would be possible to temporarily postpone the South Region Management and Education Center if those funds were needed for land acquisition.
- Mark said he didn't feel that an additional center similar to the Margaret Hames Center was needed in the South part of the County.
- Mike confirmed the focus of the South Region Center will be for land management.

- Mike mentioned that there was a possibility that a willing seller of several hundred acres in the TICO area might be coming forward.
- Paul said if that occurred, they would have to re-evaluate, but couldn't act on that at this time.
- Mark and Dave asked about the status of the (Florida Inland Navigational District) FIND project. Mike stated that USFWS and the FIND agency were still willing to participate in an exchange, and that Angela Klug, with TNC was working on the project.

Results of the discussion are summarized as follows, with the very highest priority items shown in bold, and with Coastal Jewell, and the Honey Hole Conservation Easement being underlined as most important:

- **Bohne/Coleman – 21.91± acres / NIRL: Priority 1**
- Bornstein – 1.25± acres / near USFWS Dusky area: Priority 3
- Centerlane Holdings – 3170± acres / South Region: Priority 3
- **Cherven – 11.4± acres / NIRL: Priority 1**
- **Coastal Jewel – 191± acres / BCSE: Priority 1**
- Communities Finance – 11± acres / North Buck Lake Inholding: Priority 2
- **Gal – 34.53± acres / NIRL: Priority 1**
- **Honey Hole Ranch Conservation Easement – 378+ / not within existing project boundary: Priority 1**
- Lokay / Forbes - 80± acres / near Kabboord Sanctuary IRL Blueways: Priority 2
- **Mason / Miller - 15.8± acres / NIRL: Priority 1**
- **Morris – 1± acre / North Buck Lake: Priority 1**
- MLCI / David Lee – 760± BCSE: Priority 3
- Nail Ranch – 850± BCSE: Priority 3
- **JJ Parrish – 14.76± NIRL: Priority 1**
- **Rahman-Hossain – 1.47± BCSE: Priority 1**
- **Reichman – 23.92± NIRL: Priority 1**
- RJM Investments – 30± BCSE, Hunters Brooke Inholding: Priority 1
- Woodland Ranch – 10± acres BCSE, Hunters Brooke Inholding: Priority 1
- **TNC fka St. Lucie Consulting – 8± acres IRL: Priority 1**
- **Valdyke – 12± acres NIRL: Priority 1**
- Vero Beach Estates – 197± BCSE: Priority 2
- Vistar – 79± acres adjacent to Hog Point Sanctuary IRL Blueways: Priority 3
- Waters Mark – 120± acres adjacent to Johnson Property on MI IRL Blueways: Priority 2
- White II – 11.36± acres North Buck Lake: Priority 2
- Willow Creek – 80± acres BCSE: on hold
- **Mega Parcels – Valkaria: Priority 1**
- **Mega Parcels – Grissom: Priority 1**

Mike stated that it would be beneficial for the SMC to pass a motion of clarification regarding the priority ranking.

MOTION FOUR

Paul Schmalzer moved that the SMC maintain all existing Priority 1 rankings shown on the prioritization information sheet distributed at the meeting.

Mark Bush seconded the motion.

The motion carried unanimously.

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Gopher Tortoise Surveys

The December 12, 2006 Natural Resource Management Office (NRMO) Gopher Tortoise Phased Relocation Plan was provided to the SMC for their review at the meeting. This plan was approved by the BoCC on January 9, 2007.

The SMC reviewed maps showing locations of existing Gopher Tortoise burrows on EEL Program Sanctuaries. Clarification was provided that staff felt that all EEL Program sanctuaries with appropriate habitat had significant populations of tortoises, partly because the tortoises had migrated to available land as their original landscapes became developed.

It is felt that it may be possible for additional suitable habitat to become available as management activities are performed on newly acquired properties.

Staff will circulate a draft of the memo to the BoCC in response to their request for determination of which EEL Program sites, if any, are potential relocation sites for tortoises.

Proposed Falcon Woods Project

Mike stated that the next item on the agenda would be the review of the proposed Falcon Woods project.

Ross stated there has been discussion about the possibility of providing some type of incentive for this project which is sponsored by the City of Titusville, but the SMC has not yet determined what that might be. He explained that Paul Schmalzer, Ron Hight and he had attended the August 1, 2008 site visit.

Richard Stillwagon from the City of Titusville explained that the City had been working on a Florida Communities Trust (FCT) application with possible owner participation as the City did not have funds available to put toward the purchase of this property at this time. He explained that they ended up in a "Catch 22" situation because FCT would not negotiate based only on the owner's willingness to make a contribution, and the owner was not willing to commit to a specific contribution until he knew what price was being offered, which was perfectly rational. None of the details could be worked out before the FCT deadline and the application was rejected.

Richard stated that they were hopeful that Florida Forever would be willing to do at least one appraisal. He also explained that the landowner has proceeded with engineering plans for development of part of the site along Garden Street as the owner is considering building apartments on the site.

Richard stated that the City of Titusville was hopeful that if the project was successful, the EEL Program would assist with management in some way either with technical assistance, or by actually managing the property.

Clarification was provided that when Florida Forever added this project to the Brevard Coastal Scrub Ecosystem Project Boundary, the City of Titusville was named as the applicant and managing entity, and the County was not obligated.

Lisa Smith, citizen, stated that she has been in touch with several potential corporate partners, but they have not received commitment from any at this time. She also stated the original asking price for the 95 acres had been \$10 million dollars but the owners had paid \$7.7 million for the property, and she felt they were willing to negotiate.

Discussion ensued. The following was noted:

- It is anticipated that the proposed apartment complex would cover approximately 32 acres, which would leave about 63 acres remaining.
- It is expected that the apartment complex would be located along Garden Street and that this would make public access to the remainder of the site difficult.
- Although the property is on the Florida Forever "A" list, if the EEL Program contributed funds towards acquisition it would probably be at least two years, before any reimbursement would be received and the reimbursement is not guaranteed.
- Available acquisition funding is already targeted for existing highest priority properties, but it is possible that the EEL Program might be able to participate in some way if the Program is allowed to bond the remaining \$15 million authorized by the 2004 Referendum.
- Any request for bonding additional funds would need to be approved by the BoCC, which will change members with the November election.
- It is possible that the State might be willing to pay for an appraisal of this property.

It was suggested that clarification be received regarding whether or not the State would pay for an appraisal of the site.

Lisa Smith stated she would check.

MOTION FIVE

Kim Zarillo moved that the SMC recommends requesting that the State order an appraisal for the Falcon Woods property, and, for the Committee to then consider incorporating any matching funds to come from future bonding.

Mark Bush seconded the motion.

The motion was unanimous.

Additional Discussion

Clarification was provided that no dollar amount had been determined related to matching funds.

NEXT MEETING:

It is anticipated that the next meeting will be held on October 2, 2008.

ADJOURNED:

The meeting was adjourned at 4:10 PM.

SUMMARY OF MEETING MOTIONS:

- Motion to approve the July 30, 2008 SMC minutes as amended.
- Motion to accept the Morris property mitigation donation.
- Motion to approve a 1st Majority Vote on the Waters Mark Development property, with the caveat that appraisals should not be ordered until the property is brought back to the SMC.
- Motion that the SMC maintain all existing Priority rankings shown on the prioritization information sheet distributed at the meeting.

- Kim Zarillo moved that the SMC recommends requesting that the State order an appraisal for the Falcon Woods property, and, for the Committee to then consider incorporating any matching funds to come from future bonding.