



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

**October 8, 2008  
Attendance List**

***SELECTION & MANAGEMENT COMMITTEE MEMBERS***

Dave Breininger  
Ron Hight  
Ross Hinkle  
Paul Schmalzer  
Kim Zarillo

***EEL PROGRAM STAFF***

Laura Clark  
David DeMeyer  
Mike Knight  
Chris O'Hara  
Scott Taylor

***THE NATURE CONSERVANCY***

Keith Fountain  
Anne Mayer

***GUESTS***

Daniel Breininger, citizen  
Susan Gosselin, Brevard County Natural Resources Management Office  
Carole Pope, Preservation and Education Trust  
Suzanne Valencia, citizen

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

*October 8, 2008  
Approved November 18, 2008*



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

October 8, 2008  
Meeting Minutes

### CALL TO ORDER:

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

### PUBLIC COMMENT:

None.

### MINUTES:

The September 16, 2008 minutes were presented for approval.

Ross asked for comments to the September minutes.

Paul Schmalzer provided the following comments:

- Page 4, Grissom Mitigation Donation, par.1: 3 blocks of land shown on map.

Clarification was provided by staff that the Morris Property, Grissom Mitigation Donation site included 9 individual parcels in three blocks, and that they total approximately 11.75 acres.

Paul provided the following additional comments:

- Page 4, Grissom Mitigation Donation, par.2: change *Florida Rosemary* to *Florida rosemary* as the common names of plants are not typically capitalized, except for proper names.
- Page 5, Waters Mark, par. 2: Needs period at end of sentence.
- Page 6, par. 8: Change *North Indian River Lagoon Project* to *Indian River Lagoon Blueways Project* as what was rated within the Top 21.

He also stated his understanding of project boundaries for items in Page 8, under Prioritization:

- Honey Hole Ranch is not yet within BCSE.
- Lokay/Forbes is in the IRL Blueways.
- Vistar is in the IRL Blueways.
- Waters Mark is in the IRL Blueways.

Clarification was provided by staff that the 4 items above were correct.

Staff will revise the September minutes and prioritization sheet distributed at the meeting, as noted above.

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

### MOTION ONE:

**Paul Schmalzer moved to approve the September 16, 2008 minutes as amended.**

**Ron Hight seconded the motion.**

**The motion carried unanimously.**

## Public Comment

None.

## **ADMINISTRATIVE REVIEW:**

### Ag Ventures LLC / Honeybrook Dev. Corp and Scottsmoor Partners LLC Properties

The SMC expressed congratulations on the recent closings for the acquisitions of the Ag Ventures, LLC / Honeybrook Dev. Corp. and Scottsmoor Partners, LLC properties. Ross mentioned that from the SMC perspective, this was one of the most important acquisitions ever acquired by the EEL Program.

### SMC Reappointments

Reappointments for all current members of the Selection and Management Committee were approved by the BoCC on September 30, 2008. Ross asked if any of the other members had an interest in serving as Chairman. SMC members in attendance expressed their support for Ross remaining as Chairman.

### Sams House Phase II

Phase II renovation of the Sams House at Pine Island Conservation Area was approved by the BoCC on September 30, 2008. It is anticipated that completion of this project will take approximately nine months and will include:

- Interior of main house.
- interior and exterior of attendant house.
- Driveway and parking area.
- Construction of a pavilion including a screened area for eating and cooking, which will be used by Americorps groups and visiting scientists.
- A small 2-bay maintenance/storage facility.

Construction is scheduled to begin within the next 30 days.

### CELP Grant

The formal submission of the Coastal and Estuarine Land Conservation Program (CELP) Grant was approved by the BoCC on September 30, 2008.

### Bonding Update

It has been determined by the County Manager's Office that the EEL Program will not be able to bond the remaining capacity in the 2004 referendum at least until the County can regain its ability to get short-term credit.

### Additional Discussion

Mike explained it is anticipated that the Kabboord Sanctuary Management Plan will be submitted to the BoCC in the near future. A review of County guidelines regarding the naming of facilities was requested to ensure that the EEL Program is in compliance with County policy as this Sanctuary has been named after the person from whom it was purchased. Clarification was provided that the property was purchased as a bargain sale with the caveat that the Sanctuary keep the previous owner's name.

Staff will research guidelines and provide additional information in the future to assist with the naming of EEL Program sanctuaries north and south of the 528 Causeway.

Public Comment

None

**SMC REPORTS**

REAC Update:

None.

Other SMC Reports:

Ron Hight reported that he recently attended a FFWC conference on global warming in Orlando.

Ross explained that he felt the issues associated with the anticipated rise in sea levels as a result of global warming will have a significant impact on coastal areas. Ross informed the group that he will be attending a National Research Council Workshop in Washington DC related to biodiversity and global warming in the near future.

Dave Breininger stated he and Xavier De Seguin, EEL Program North Region Land Manager, met with Carl Miller from the Florida Fish and Wildlife Conservation Commission recently at the South Lake Conservation Area and that Xavier and his staff have been working hard to be sure the area is ready for the Florida Scrub-Jays that are scheduled to be translocated to the South Lake Conservation Area in November.

Public Comment

None.

**STAFF REPORTS:**

**South Beach Region**

Ray Mojica, Land Manager for the EEL Program's South Beach Region, provided an overview of recent events in that area including:

- Attendance: 8,772 people in the first 100 days since the Barrier Island Center's (BIC) opening on May 10, 2008.
- Grand Opening: 700 people in attendance.
- Caribbean Conservation Corps. Turtle Walks.
- Caribbean Conservation Corps. Summer Camps.
- Tour De Turtles.
- Damage from Tropical Storm Fay.
  - Building design flaw being corrected at no cost to County.
  - C-54 canal water release picture showing debris off the beach.
- Public Work Days including the planting of native vegetation on the beach.
- School groups, Boy Scouts and Cub Scouts, now visiting the Center.
- Environmental Education Program: Coastal Systems Investigators (CSI) teaches children to solve the mystery of the Barrier Island.
- Other programs including Sea Beans & Rivulus.
- Maritime Hammock Sanctuary Caretaker Facility close to completion. Previous facility damaged. Rebuilt with FEMA funding. Facility will also store equipment for South Beach Region.

- Two full size pick up trucks broke through 3 gates and caused significant damage to Maritime Hammock Sanctuary Stormwater Project Trail Loop.
- Gopher Tortoise survey indicates significant populations already exist on South Region EEL Program sites at this time.
- BIC Brochure ready to be produced.
- Citizen volunteer Andy Bankert assisting with compilation of bird list in South Beach Region.
- Gift Shop activity coming along well.

## **South Region**

Chris O'Hara, South Region Land Manager gave a presentation on the South Region:

- South Region Wildfires and Fireline Rehab.
  - Over 13,000 acres burned in area.
  - 2,185 EEL Program acres burned (parts of Jordan, Micco, and Grant Flatwoods Sanctuaries).
  - EEL Program lands recently burned during Prescribed Fires stopped the spread of fire in several key locations.
    - Press Release
  - In addition, over 10 miles of new plow lines created on EEL Program managed lands during wildfire containment efforts.
    - Restoration has included one month of work with front-end loader and Supertrak
- Wildfire Mitigation Team Work.
- Cooperative management effort with the Town of Malabar Fire Department regarding prescribed fires.
- Grant from Bureau of Invasive Plant Management for treatment of invasive exotic plants.
- Tropical Storm Fay.
  - South Brevard received huge amounts of rain.
  - Some areas still flooded including Grant Flatwoods Sanctuary trail head.
  - Some trees down in Malabar West Scrub Sanctuary.
- Attended Grant-Valkaria comp plan meetings.
- Hiring two Land Management Techs.
- Redmargined zepherlily – Florida threatened species, showed up after fire.

## **THE NATURE CONSERVANCY:**

Keith Fountain discussed The Nature Conservancy's October 8, 2008 report to the SMC.

- Maytown Flatwoods
  - Ag Ventures LLC / Honeybrook Development Corp. and Scottsmoor properties: closings are complete. TNC donation complete.
  - Honey Hole Ranch, LLC Conservation Easement: Appraisals are still in review.
- North Indian River Lagoon
  - Reichman – EEL Program will order new appraisals.
- Fox Lake
  - Two inholdings are still active.

- Jordan Blvd.
  - Coastal Jewell (fka Skora): Appraisals received and under review.
- TNC Property (fka St. Lucie/Stilley): Revised contract sent yesterday.

The SMC commented that acquisition of the Ag Ventures and Scottsmoor Partners properties had been quite an accomplishment. Keith agreed that everyone had worked hard to accomplish that goal.

Dave Breininger asked about the timeline for the Coastal Jewell property.

Keith stated he wasn't sure when the review process had started, but that he thought they were within a couple of weeks of getting the review done and then negotiations could commence.

Mike explained that prior to that, the new rules in Brevard County Policy AO-37 required that the land acquisition committee will need to meet to review the highest and best use and make sure that the Committee is all comfortable with it as stated. In the past the Clerk of the Court has raised concerns about the highest and best use determination by the appraisers, so the process was changed to include the Clerk and an intermediary step before the final determination is made as the County wants to confirm that everyone agrees with the highest and best use and zoning that the appraisers are using to determine the value.

Dave asked how the Town of Malabar felt about the possible acquisition of the Coastal Jewell property.

Mike stated that the EEL Program's process is to send a letter to a municipality when the Program is considering a new acquisition within the municipality boundary, and that letter had been sent. The Town of Malabar notified the EEL Program that the Town Council had tabled the discussion so their staff could do further research on the property before they responded. The response from the Town of Malabar will be part of the information submitted to the Board of County Commissioners in the event that a contract for acquisition is submitted to them for consideration.

Ross asked if Coastal Jewell was the site where the EEL Program had suggested a possible joint land acquisition so part of the property could be purchased for conservation by the EEL Program and part could be purchased by the Town for their new Town Hall.

Mike confirmed it was, and explained that he has received information from the Town Administrator that their preference is to have their facilities located on property within the existing EEL Program's Malabar Scrub Sanctuary which is adjacent to the Town's Malabar Park. Mike reminded the group that the Malabar Scrub Sanctuary is in State title as they were a funding partner during the acquisition, and he stated that the EEL Program and the State have not been supportive of that request. He explained that the EEL Program has indicated support of a possible Town Hall that would be located within the Park, near the existing fire station, by possibly including some aspect of the boulevard, but any arrangement of that type would need to go through a formal approval process.

Ross stated that it would be nice if the Program could work out some type of arrangement on the Coastal Jewell property.

### Additional Discussion

Keith mentioned that he felt the first candidate for DEP reimbursement would be the Hunters Brooke property.

## **AGENDA ITEMS:**

Mike Knight asked the group if anyone would have a concern if the order of the agenda items was changed to allow for discussion on the Windover Preserve Property to occur at that time. No concerns were received.

### **Windover Preserve Property**

Mike explained that the EEL Program has received a willing seller application dated September 16, 2008 on property referred to as Windover Preserve from Carole Pope. Ms. Pope, President of the Preservation and Education Trust, Inc. is listed on the application as the property owner's representative.

The application references 8.54 acres described as a burial pond adjoining hardwood hammock wetlands along the western boundary of Bird Lake Marsh in Titusville. The application indicates one of the lots is the location of the Windover Archaeological site.

A letter from the Preservation and Education Trust, Inc. was also included with the willing seller application. This letter indicates that the Preservation and Education Trust, Inc. has been in the process of restoring the H.S. Williams house in Rockledge as a house museum and the funding has not been sufficient to finish the project. The letter states that when the Windover property was donated to the Preservation and Education Trust, Inc., it had been the Trust's intention to open the site to the public as a quiet nature preserve, with simple educational panels near the burial pond depicting the importance of the site, but they had not been able to achieve that goal due to the cost of liability insurance. The letter also indicates that the Preservation and Education Trust, Inc. board has decided to open conversations with various organizations that might be capable of purchasing the site and opening it to the public. The letter states that while the current Preservation and Education Trust, Inc. board is dedicated to seeing the site preserved intact, it would be possible for future boards to sell part of the property for development purposes, since the burial pond encumbers only one of the five lots. The letter also mentions that the environmental diversity, in addition to the historical importance of the property, make it truly unique.

Mike explained that it was his understanding that the Preservation and Education Trust, Inc. originally received the property as a donation from Jim Swann, the developer of the Windover Farms development in Titusville, and the original intention had been to have the site opened for some amount of public access and appreciation, but they had not been able to do so due to the high cost of liability insurance. He stated that there was an interest in seeing the site go to a group that could afford the insurance and management expenses.

Clarification was provided that the Windover Preservation site is adjacent to the 600± acre Bird Lake Marsh which was donated to the St. Johns River Water Management District as mitigation property and is covered by a conservation easement.

Paul noted that the property was outside any existing State Project. Mike confirmed the information.

Paul stated that the Windover Preservation site was certainly a very important archaeological site, but that the EEL Program's primary consideration for acquisition would have to be on the property's value as natural communities.

Clarification was provided that cultural resource aspects of potential sites may be considered as part of the acquisition evaluation process, but that these criteria are lower in priority than protection of biodiversity and the EEL Program's primary focus is the conservation value of the natural habitat.

Paul stated his feeling that it would be problematic for the EEL Program to purchase property that was donated to the Preservation and Education Trust for preservation.

Mike stated he would share the same concerns.

Carole Pope stated that Jim Swann had approached her in 2001 asking for help in preserving the property because she has been active with some other preservation organizations state-wide. She stated they had contacted SJRWMD and were in the process of contacting some other groups at the time, but that Mr. Swann had decided he did not want to sell the property, he wanted the tax deduction and that's why there had been a quick changeover in title as they were a 501-C3 not-for-profit organization. Ms. Pope stated that Mr. Swann told her that if their group could not get the property open to the public, that they could continue to search for an appropriate organization that would purchase the property as a fundraising for their private not-for-profit organization. She stated that the H.S. Williams house is actually a Brevard County-owned property that was purchased by the Beaches & Riverfront Referendum in the 1980's so if the EEL Program chose to pursue acquisition, the funding received from the sale of the Windover Preserve would go toward funding another County project. Ms. Pope stated that she was not an expert in environmental diversity, but that the site was beautiful and suggested the SMC visit the area. Ms. Pope stated that there was huge enthusiasm when the site was donated, and that the Brevard Museum currently did small field trips to the site when they had an appropriate group, and that the Brevard Museum has an exhibit on the Archeological Dig.

Ross stated that he lived on the other side of Bird Lake Marsh, across from the Windover site, and that he has been all over the marsh kayaking when the water is high. He stated that the Hammock near the pond was small, but nice.

Ross stated that he felt that the EEL Program would be hard pressed to justify acquisition for the purpose of biological diversity, but that he felt that if there was any way to partner from the perspective of educational programs through the Enchanted Forest Sanctuary it could be beneficial for all.

Kim Zarillo asked who was responsible for the management of Bird Lake Marsh.

Clarification was provided that SJRWMD is responsible for management of the Marsh.

Kim suggested that perhaps it would be better for SJRWMD to acquire the Windover Preservation site so it could be managed along with the Marsh and that perhaps it could be an entry way into property already managed by SJRWMD.

Mike agreed.

Ross stated that was a good point.

Kim stated she felt that the SJRWMD seemed a better match than the EEL Program. Paul agreed.

Mike asked if there was any potential for the Windover Preservation site to be sold for development.

Ms. Pope stated that the site would not be sold for development as long as she was involved with it, and she asked what protection was afforded to properties acquired by the EEL Program if a future County Commission Board wanted to sell the land.

Clarification was provided that, according to the EEL Program's Land Acquisition Manual, the SMC would have to approve any transfer, or sale of County owned property, and the transfer or sale would also have to be approved by the Board of County Commissioners. Clarification was also provided that the State would also then need to approve any transfer of any property that is titled to the State as result of partnership funding. Clarification was also provided that the SMC is governed by strict criteria in terms of the qualifications for people who serve on the Committee.

Ms. Pope stated that the pond was protected as a National Landmark. but the potential for development was the fact that the pond is right next to the road and the two lots that are right on the marsh were some of the most beautiful in the area. She stated that a former member of their board had previously raised the question of possibly selling the lots. She stated that Jim Swann had trusted her, and trusted the Preservation and Education Trust to do what was right by the property and didn't give them any restrictions in writing so there was no formal conservation easement or deed restriction on the property, other than what was on the pond.

Ms. Pope stated that the primary focus of their group was building preservation and they did not see the Windover Preserve site fitting in with their program. She stated that to preserve the property the way that they wanted to, as a simple, quiet preserve, they could not generate income with it and they needed to be able to charge because their group does not get any government subsidies and has done everything with State grants so far.

Mike stated that if there is a potential that their group ever wanted to consider donating the property, to get out from underneath it, he personally felt that was something that might be an option, and that possibly then the EEL Program could manage if for some level of public access.

Ms. Pope stated that if they were to donate the site, they would have people standing in line and they would be able to pick and choose who they would donate it to, but that they would keep that in mind.

Ross stated that he felt that SJRWMD was also an option because it was possible they could place a conservation easement on the property to assist with protection.

Ms. Pope said they would need to gather additional information before that could be considered. She said that their group came to the EEL Program because they knew about the Program from the work at the Sams House at the Pine Island Conservation Area on Merritt Island and because an archeological site had been included in the purchase of the Indian Mound Sanctuary in Titusville.

Clarification was provided that the Sams House and the Indian Mound BR-9 existed on properties that were part of large acquisitions by the EEL Program, which carried a different weight than the purchase of a cultural aspect on a small site.

Ms. Pope suggested the SMC visit the site to become more familiar with the area.

Ross stated that he was familiar with the area, but that if others wanted to see it, that was fine.

Mike stated that a motion from the SMC would be beneficial.

## **MOTION TWO**

**Paul Schmalzer moved to decline purchase of the Windover Preserve Site.**

**Ron Hight seconded the motion.**

### Additional Comment

Ross asked if there were any questions or comments. There were none.

**The motion carried unanimously.**

Ross reminded everyone that the SMC motion does not leave out the option of having SJRWMD consider acquisition of the site, or the option of having the EEL Program partner in some way with educational outreach, it was just that the SMC could not support purchase of the site.

Ms. Pope said she understood and thanked the SMC for their consideration.

Mike and the SMC thanked Ms. Pope for her presentation.

## **Boyd and DiChristopher Properties Interim Management Plan**

Scott Taylor, Central Region Land Manager explained that the Boyd and DiChristopher properties Interim Management Plan had been distributed to the SMC for review prior to the meeting.

The Boyd and DiChristopher properties are located on the east side of Sykes Creek in Merritt Island. They are north of the Ulumay Wildlife Sanctuary and south of SR 528. The site consists of 2 adjoining parcels totaling approximately 295 acres. The site is salt marsh and mangrove wetlands with limited spoil piles from past ditching. The general area of approximately 1,200 acres was impounded by Mosquito Control approximately 40 years ago, but has since been reconnected with culverts. The impounded area is flooded during summer to control mosquito breeding and the culverts are opened in the fall to allow connection to Sykes Creek.

The site includes passive recreational opportunities including canoeing, kayaking, bird watching and fishing. Heavy use by wading birds and waterfowl has been documented.

Immediate management needs are to incorporate management of the Ulumay Wildlife Sanctuary and public-owned parcels to the north and devise a management agreement with Brevard County Mosquito Control, along with the removal of invasive exotic plants from the mosquito dike on the west shoreline and compilation of a species inventory. There is a large amount of Brazilian pepper in the area.

A Public Access Plan which includes a possible hiking/biking trail that may extend from the Ulumay Sanctuary to SR 528 is being drafted at this time.

Scott mentioned that Paul had provided comments to the draft interim plan.

Discussion ensued regarding the possible impact to waterfowl from pedestrians and mountain bikers including clarification that studies are showing that bicycles or joggers moving quickly through a waterfowl area are considered to be a threat by wildlife.

It was suggested that an evaluation of the passive recreation opportunities be done after the removal of the Brazilian pepper and other invasive, exotic species.

Scott explained that a Public Use Category has not yet been determined for this site. A Category II level was discussed as a possibility.

Mike explained that it is possible that these properties will become part of the Ulumay Wildlife Sanctuary, and that preliminary discussions have occurred regarding a cooperative management strategy between Parks and Recreation, the EEL Program, and Mosquito Control.

Clarification was provided that a cooperative management strategy for the Kabboord Sanctuary and Kings Park area in north Merritt Island will probably be the pilot project for this type of cooperative management plan. Additional information will be provided in the future.

Ross reminded the group that the Sanctuary Management Manual requires that public use needs to be monitored and evaluated on an ongoing basis because public use is considered to be an environmental impact to natural areas.

### **MOTION THREE**

**Kim Zarillo moved to approve the Boyd and DiChristopher Interim Management Plan as amended.**

**Paul Schmalzer seconded the motion.**

**The motion carried unanimously.**

### **Request for Land Exchange Parks & Recreation W. W. James Park / EEL Program Vero-Pittsburg Partners, LLC (Enchanted Forest Sanctuary) Properties**

Mike noted that on May 13, 2008, the SMC had approved Option #2, of the Parks & Recreation Department's suggestions as possible options for an exchange of land between the W. W. James Park, and the Vero-Pittsburg Partners, LLC property, which is a recent addition to the Enchanted Forest Sanctuary in Titusville. Option #2 provides for the EEL Program to give up 10± acres of disturbed land adjacent to the Park in exchange for 23± acres of land adjacent to the Enchanted Forest.

Mike explained that arrangements for the exchange were moving forward and that a final review was needed at this time. He asked if there were any final questions or comments on the proposed exchange.

It was noted that the number of acres in the exchange were uneven and clarification was requested as to whether or not there was any potential for someone to come back to the EEL Program at a later date to request additional dollars related to the exchange.

Clarification was provided that the previous SMC approval was given for an even exchange with no approval, or need for, additional financial compensation on either part.

Paul stated that of the three options, #2 had the best habitat and option for connectivity.

Paul said that the May 13, 2008 minutes stated that a Gopher Tortoise Survey would be done and asked if it had been completed.

Mike explained that when the land was transferred to Parks and Recreation, any permitting requirements would be their responsibility.

The group agreed that Option #2 provided a net conservation benefit to the EEL Program.

Ross asked if there were further questions or comments. There were none.

#### **MOTION FOUR**

**Paul Schmalzer moved to approve the land exchange requested by Parks and Recreation allowing for 10± acres of the Vero-Pittsburg LLC property to be exchanged for 23± acres of W.W. James Park property as described in Option #2 with the caveat that there would be no future request for exchange of funds related to this exchange, as the exchange provided a net conservation benefit to the EEL Program.**

**Kim Zarillo seconded the motion.**

**The motion carried unanimously.**

A copy of the proposed exchange Option #2 is provided as an attachment to these minutes.

#### **Florida Forever Project Boundary**

Mike explained that staff has been working to assemble a general footprint for a new project funding request for the Acquisition and Restoration Council (ARC) and he provided preliminary information to the SMC regarding possible areas that he felt might be appropriate to include. He explained that it has been determined that the anticipated target area is too large to be considered a boundary amendment, so the request will be a separate project.

The following was noted:

- It is anticipated that the project area will be located in the northern part of the County.
- Ag Ventures & Scottsmoor Partners properties will be included.
- Representatives from the Miami Corp. have indicated a willingness to work with the EEL Program and Volusia County environmental organizations in a cooperative effort.
- Areas adjacent to county borders should be considered by both counties.
- A possible joint project with Volusia County was considered to be a good idea.
- A corridor connecting the Merritt Island National Wildlife Refuge with the St. Johns River has been a long term goal of the EEL Program.
- Undeveloped property, including pasture and groves would require restoration, but should be considered for acquisition in some cases.
- Conservation easements should be considered.
- Staff will work with representatives from Miami Corporation and Volusia County to see if they might be able to attend the next SMC meeting.

Additional information will be provided as it is received.

#### **Viera East Community Development District Property**

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The group reviewed the September 24, 2008 letter from the Viera East Community Development District (VECDD) which references a 330± acre tract extending as a contiguous unit from Viera Boulevard north to approximately 900 feet south of Barnes Boulevard as a possible donation to the EEL Program. The property is a portion of the VECDD land preserves commonly referred to as the "Scrub-Jay habitat". The letter indicates that a management fee totaling \$60,000, payable in three consecutive annual installments of \$20,000 would accompany the donation. In addition, the letter states that the VECDD would seek concurrence and/or approval from both the Corps Of Engineers and Fish and Wildlife Service, and would required the County to take assignment of, and assume the obligation under, the SJRWMD and US Army Corps of Engineers. The letter, written by Jack McGinn, Chairman of VECDD, indicates a response would be appreciated within 30 days of the EEL Program's receipt of the offer.

Paul Schmalzer noted that the property is within the Brevard Coastal Scrub Ecosystem Project and was identified as important habitat in 1991 as part of the original CARL Project. He reminded the group that the EEL Program historically considered much of the Viera area as important habitat, and efforts were made to purchase property in this area, but the Program was not able to acquire much, partly because the area was acquired by developers.

Dave Breininger stated he believes that this property currently has the most contiguous number of Florida Scrub-Jay families anywhere along the Atlantic Coastal Mainland.

Ross expressed his strong support for accepting the donation.

Kim Zarillo expressed her strong support for accepting the donation.

Ross asked for comment on the \$60,000 management fee donation being offered in addition to the 330± acres of land.

Paul stated that the property has already had a significant amount of restoration work completed, and that it does still need some work, but it would not need the level of restoration normally required on most donated property.

Dave commented that he felt some timbering would be beneficial, and that the mesic flatwoods next to the houses should probably be chopped to get the fuels down to help protect the adjacent housing development, but that the property was occupied Scrub-Jay territory in a location where the Program had attempted to purchase land and he emphasized his support for acceptance of the donation.

Ross commented that the timbering would generate revenue.

### **Public Comment**

Suzanne Valencia asked what would prevent the Viera Company from managing the property.

### **Additional Discussion**

Clarification was provided that the property being offered for donation to the EEL Program is not owned by the Viera Company, but by the VECDD Homeowners Association.

Dave commented that while the 330± acres were set aside for conservation, the specific management requirement guidelines were not set to the level that would be best for optimum Scrub-Jay habitat. He commented on the possibility of requesting grants to assist with management costs.

Paul stated that he was supportive of the regulatory agencies' recent decisions to require lands donated for conservation to be donated to public ownership, rather than private groups. He stated that this was an opportunity to get a significant area of scrub into public ownership and management where it can be monitored.

Mike confirmed the property is already fenced and the fire lines are in good shape.

Ross stated that the way he saw it, the Program was getting 330± acres of good conservation habitat and getting \$60,000 to take it, so he was strongly supportive of accepting the donation.

Paul commented that there were major populations of endangered and threatened plants on the property as well.

Dave explained that scrub species require certain burn regimes and careful management, and that he did not feel the area was currently protected for the biodiversity the Program is trying to protect.

Ross agreed. He stated the area could be kept as forest or green space, but that it might not be maintained as good scrub habitat without careful monitoring and management.

Dave spoke of the importance of educating folks on how important appropriate management was to maintain the healthy scrub habitat required to support biodiversity.

The SMC asked for clarification of the regulating agencies management requirements to ensure that the Program knew exactly what responsibility it was accepting.

Staff will research and provide the information.

Ross asked if there were additional comments or questions. There were none.

#### **MOTION FIVE**

**Paul Schmalzer moved to approve acceptance of the donation of 330± acres of Scrub-Jay habitat from the Viera East Community Development District and to accept the \$60,000 in management funds.**

**Kim Zarillo seconded the motion.**

**The motion carried unanimously.**

#### **Balkany Property**

The Balkany property received final approval for acquisition from the SMC on June 17, 2008 and it was approved for acquisition by the Board of County Commissioners on July 29, 2008. The 21± acre property is located within the Town of Malabar, and it abuts the Jordan Scrub Sanctuary.

Mike explained that the closing of the Balkany property has been held up as a result of the discovery of a title defect which states that the adjacent landowner has an easement to access and remove soils from the lake that is located on both properties. The easement expires in 2016. It was previously anticipated that the adjacent site, known as the pending Cochran donation was going to be donated to the EEL Program as a mitigation donation, but the donation may not occur.

Although the owner of the adjacent property has declined to dissolve the easement, it has been determined that a \$1 million dollar liability policy naming the owner of the Balkany property as an additional insured would be required in the event that the easement owner desired to remove soils from the lake. Limitations on the method of removing soils are imposed to protect the shoreline.

The easement owner would also be required to restore any damage, other than to the lake bed, caused by removal of fill. Easement access is restricted to the area where the lake abuts Mr. Cochran's property and there is no access to the lake through the Balkany property.

The SMC was asked to determine if they were still in support of acquisition of the property, with the title exception in place.

Discussion ensued regarding the terms of the easement.

Clarification was provided that the Balkany property, which includes a portion of the lake referenced above, is part of the Brevard Coastal Scrub Ecosystem Project and the Program has pursued acquisition of the property for a long time.

Kim stated that she felt it was important to move forward with this acquisition.

**MOTION SIX**

**Paul Schmalzer moved to approve continuing to move forward with the acquisition of the Balkany property, including the easement.**

**Kim Zarillo seconded the motion.**

**The motion carried unanimously.**

**Micco Scrub Sanctuary Review**

This item was tabled until a future meeting due to time constraints.

**NEXT MEETING:**

The next meeting was scheduled for November 18, 2008.

**ADJOURNED:**

The meeting was adjourned at 4:10 PM.

**SUMMARY OF MEETING MOTIONS:**

- Motion to approve the September 16, 2008 minutes as amended.
- Motion to decline purchase of the Windover Preserve Site.
- Motion to approve the Boyd and DiChristopher properties Interim Mgmt Plan as amended.
- Motion to approve the land exchange requested by Parks and Recreation allowing for 10± acres of the Vero-Pittsburg LLC property to be exchanged for 23± acres of W.W. James Park property as described in Option #2 with the caveat that there would be no future request for exchange of funds related to this exchange, as the exchange provided a net conservation benefit to the EEL Program.
- Motion to approve acceptance of the donation of 330± acres of Scrub-Jay habitat from the Viera East Community Development District and to accept the \$60,000 in management funds.
- Motion to approve continuing to move forward with the acquisition of the Balkany property, including the easement.

# EEL Program Enchanted Forest Land Exchange Counter Proposal (EEL trades 10 acres for 23 acres)

