



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM
SELECTION & MANAGEMENT COMMITTEE (SMC)
December 18, 2008
Attendance List**

SELECTION & MANAGEMENT COMMITTEE MEMBERS

Dave Breininger
Ron Hight
Ross Hinkle
Paul Schmalzer

EEL PROGRAM STAFF

Jenny Ashbury
Laura Clark
Mike Knight
Brad Manley
Chris O'Hara

THE NATURE CONSERVANCY

Angela Klug
Anne Mayer

GUESTS

Rex Adams, Citizen
Don Cassidy, Citizen
Robert Day, Land Management Committee, City of Cocoa Beach
Ken Allen, Citizen
Doug Spahr, citizen, REAC Committee Member
Dena Thornbloom, Citizen
Bonnie Wilbanks-Free, Administrator, Town of Malabar

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

*December 18, 2008
Approved January 29, 2009*



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December 18, 2008
Meeting Minutes**

CALL TO ORDER:

Ross Hinkle, Chairman, called the meeting to order.

PUBLIC COMMENT:

None.

MINUTES:

No minutes were presented for approval. The November 18, 2008 minutes are outstanding.

ADMINISTRATIVE REVIEW:

The Administrative Review was reviewed.

Paul Schmalzer asked if the 46 CELP grants represented a state, or nation-wide figure.

Mike Knight confirmed he was under the impression that there had been 46 nation-wide projects, that the EEL Program's application was ranked as number 17, and that it was likely that only the top 8 would be funded this year.

Staff plans to re-submit the application for next year's funding cycle.

Mike also explained that EEL Program staff has met with representatives from the Town of Malabar regarding a draft joint use agreement to determine whether it would be possible for the EEL Program and the Town of Malabar to work together to cost share on A&E (Architect and Engineering), construction, permitting and other requirements for a Management and Education Center for the South Region which might be constructed in the general vicinity of a Malabar Town Hall facility. The draft agreement is currently in review.

Mike and Dave Breininger provided information on the recent Florida Scrub-jay translocation experiment which moved Jays that previously lived on property near the Pineda Causeway, which is being developed, to the EEL Program's South Lake Conservation Area. These Jays have already been covered under a take permit, which means that they would have had to fend for themselves on other property and may not have survived.

Dave confirmed that there has been a successful capture and release of 4 birds (one family) and that the experiment's success will be measured in small steps along the way. He spoke of the benefit that could come from streamlining the permitting, as that process currently takes several months and the Jays in some parts of the County are nearing extirpation (local extinction) due to loss of habitat.

SMC REPORTS

Ross provided information on his attendance at the National Council for Science and the Environment (NCSE) Conference: *Biodiversity in a Rapidly Changing World* which was held

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recently in Washington D.C. He explained that approximately 1,100 people attended the conference and a portion of the group broke off into working groups which put together over 200 recommendations for conserving biodiversity which were then presented to the Energy and Environment Transition Team of the incoming Obama Administration.

Ross explained that one of the recommendations that came up was consideration that the Federal Government should use land trust organizations and other mechanisms to purchase lands to help complete a national conservation landscape which provides resistance and resilience to climate change and protects ecosystem services, as well as assisting in the recovery of the real estate market. He explained, in other words: combining conservation and economics together for the long term goal of protecting the nation's biodiversity.

He shared his appreciation for the enthusiasm which folks, including Bruce Babbitt, former Secretary of the Interior, and several congressmen, were involved in discussions which included the importance of biodiversity to the economic well being and long term stability of the U.S.

Ross also stated that he was very happy to take the EEL Program discussion to those meetings and that he feels the fact that Brevard County has this type of program shows how forward thinking the County is. He also said he felt that grass roots organizations would be one of the most important future aspects of conservation in the country.

STAFF REPORTS:

None.

THE NATURE CONSERVANCY:

Angela Klug reviewed The Nature Conservancy's December 2009 Report to the SMC.

- Honey Hole Ranch Conservation Easement: Requires additional appraisal work.
- Balkany Property: Closing anticipated mid-January.
- Coastal Jewell: Expect to start negotiations very soon.

Angela also reported that TNC is in the process of obtaining requests for updated willing seller applications on all the North Indian River Lagoon properties, but that they were not yet listed on the TNC report.

Public Comment

None.

Mike asked if anyone would have a concern if the order of the agenda items was changed so that consideration of the Florida Space Needle Property could be reviewed as the first item. No concerns were received.

AGENDA ITEMS:

Florida Space Needle Property

Mike provided an overview on the Florida Space Needle Property which is located in Cocoa at the northeastern intersection of I-95 and State Road 528. The willing seller application dated November 20, 2008, was submitted by Ken Allen. The property consists of 248± acres which includes a 14± acre retention pond. Mr. Allen stated he owns title to the bottom of the pond. Mr. Allen also indicated that the property has 160± usable acres and has been approved for 500 homes with access to sewer and water.

Clarification was provided that the owner had given information on soil reports, appraisal values, tortoise surveys, and wetland surveys to the EEL Program.

Clarification was provided that the area is within the proposed mass transit corridor from Orlando to Port Canaveral.

Ross asked about the probability of rare species. Dave and Paul indicated there was a very low probability that rare species would occur in this area.

Mike explained that the EEL Program currently has a larger number of high priority items identified for acquisition than it has available funding. He said that although the Florida Space Needle Property might be suitable for a Florida Communities Trust (FCT) grant, the State's funding was severely limited in that area as well, and any State reimbursement to the EEL Program for acquisitions within project areas was expected to be several years in the future.

Dave Breininger and Ron Hight stated that it wasn't that the property didn't have potential conservation or recreational value; it was just that the existing available funding for acquisition has already been allocated to projects which have been determined to have the highest conservation value.

Public Comment

Dena Thornbloom spoke about her preference that the area remains undeveloped.

Ken Allen expressed his understanding that his asking price was higher than the current budget for EEL Program land acquisition.

Additional Discussion

MOTION ONE

Paul Schmalzer moved to decline a 1st Majority Vote on the Florida Space Needle property.
Ron Hight seconded the motion.
The motion carried unanimously.

Clarification was provided to the owner that he would receive written correspondence from the EEL Program regarding the SMC's motion.

Thousand Islands Conservation Area Management Plan

Public Comment

None.

Mike stated that he would give a quick recap of work on the Thousand Islands Conservation Area Management Plan and he invited Bob Day from the City of Cocoa Beach Land Management Committee to add any comments he felt might be beneficial.

Mike stated that the Thousand Islands Conservation Area Management Plan process had been going on with the Cocoa Beach Land Management Committee for about a year and that he felt that we were at that point, environmentally and politically, with a Plan that we could put through the process. He stated that it might not be a perfect Plan, ecologically, but that it was his perspective that we currently have the best opportunity to move forward here, and to have as much consensus as possible. He explained that the Exotics Species Removal Plan had been added to the preliminary Thousand Islands Conservation Area Management Plan which was previously approved by the Selection and Management Committee in order to meet deadlines required to comply with the Florida Communities Trust (FCT) funding grant.

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Mike provided the following information:

- The Exotics Species Removal Plan is considered to be a phased Plan.
- The initial phase focuses on the North Crawford area, part of 4th Street and that general area.
 - Includes mechanical and hand treatment for removal of Australian pines, Brazilian pepper, and other invasive exotic species.
 - Material will be burned on site, or left standing after it has been treated.
- Phase Two will begin three years after the start of the initial phase and focuses on Southern Crawford area, near Ramp Road, and that general area.
 - Equipment comes out to this sanctuary for the 2nd time.
- Phase Three will begin two years after the start of Phase Two and covers the rest of the Sanctuary.

Mike stated that we have expressed our concerns throughout the process, the Land Management Committee certainly recognizes those concerns, but after tremendous amount of debate, we all feel comfortable that this is the best mechanism to see it get through the process, while at the same time, allowing us to take advantage of the funding through the Bureau of Invasive Plant Management which runs out in June. It is our intention to make the City aware that there are some additional costs with doing a second mobilization of equipment and making sure the City is comfortable with the EEL Program paying that cost and that the County Commission is comfortable with paying that additional cost. He stated that we anticipate that additional cost at this point to be somewhere in the neighborhood of \$30,000 – \$50,000 dollars.

Dave Breininger expressed strong concern related to the East Coast Diamondback Terrapin which is found in the Thousand Islands Conservation Area and asked if it could be the focus of a possible recovery effort.

Paul Schmalzer spoke of his concern that the EEL Program's Central Region staff might be expected to patrol the area for trash, especially around 4th Street.

Clarification was provided and that a few minor changes had been made to the original Management Plan and that a formal agreement with the City of Cocoa Beach regarding the activities expected at the 4th Street site will be considered as needed in the future.

Bob Day stated he felt it was probable that City of Cocoa Beach personnel would be able to assist with general patrolling and the collection of trash.

Paul Schmalzer stated he had e-mailed a few technical items to Scott Taylor, Central Region Land Manager as comments on the final Management Plan.

Clarification was provided that there are no provisions for camping in the existing Management Plan.

Clarification was provided that Paul's comments had been received by Scott and that they would be incorporated.

Clarification was provided that retreatment of areas treated for the removal of invasive exotic plant species was included as part of the planned management of the site.

Mike stated that if the SMC approved the Management Plan at today's meeting, the City of Cocoa Beach would hold a public meeting where EEL Program staff would give a presentation regarding

the planned management of the Thousand Islands Conservation Area on January 12, 2009 and that the plan would be presented to the Cocoa Beach City Commission for their approval on January 15, 2009, before being sent to the Board of County Commissioners, and to the Florida Communities Trust.

MOTION TWO

Ron Hight moved to approve the Thousand Islands Conservation Area Management Plan, as amended.

Dave Breininger seconded the motion.

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

The motion carried unanimously.

Revised Malabar Scrub Sanctuary Management Plan

Mike stated that there was a long history associated with the preparation of this plan, and that since the last time the SMC had seen the Malabar Scrub Sanctuary Management Plan, the State Acquisition and Restoration Council (ARC) had deferred consideration and sent it back to the County level. The Board of County Commissioners directed the EEL Program to take the Plan back through the Committee process. Ross Hinkle, SMC Chairman, drafted a *Proposal to Resolve Bike Path Issues at Malabar Scrub Sanctuary* which was reviewed, revised and approved by the SMC, and then passed to the Recreation and Education Advisory Committee (REAC) who also supported it. This proposal, in addition to SMC and REAC minutes related to discussion of the proposed paved trail, plus resolution of a few other questions raised by the ARC have been incorporated into a revised Management Plan that is being presented to the SMC today for their approval.

Public Comment

Dough Sphar spoke of a white paper created by Paul Schmalzer discussing the environmental impact of the trail. He stated that a sandy firebreak is considered habitat and that pavement is not. He stated the REAC meeting minutes would confirm that his support for Ross's proposal was contingent on his feeling that there should be compensatory mitigation for the loss of habitat if the paved road was installed. Doug stated he had previously asked if an arrangement could be made with the Town of Malabar so that the EEL Program could assist the Town in managing the Town's Cameron Preserve and requested clarification of whether or not any steps had been taken in that direction.

Additional Discussion

Clarification was provided that the SMC is not considered to be the regulatory agency relative to requirements for compensatory mitigation, permitting or permitting issues.

Clarification was provided that although it is possible that a cooperative management agreement between the Town of Malabar and the EEL Program could be mutually beneficial, the agreement should not be a formal part of the Malabar Scrub Management Plan.

Dave Breininger expressed his support of an arrangement of this type and offered his expertise on Scrub-Jay habitat as assistance.

Public Comment

Bonnilyn Wilbanks-Free stated that the Town of Malabar had not had an opportunity to provide input, or review the Malabar Scrub Sanctuary Management Plan and asked if they could have an opportunity to do so.

Additional Discussion

Clarification was provided that the EEL Program has a Sanctuary Management Manual process in place which allows for input from all stakeholders.

Clarification was provided that Steve Rivet represented the Town of Malabar at the EEL Program June 30, 2006 Public Meeting on the Malabar Scrub Sanctuary and that Mr. Rivet has recently rejoined the Town's Administrative Group.

Public Comment

Doug Sphar spoke of his support for and clearly defined management plan process as well as the benefits that can come from interaction with local municipalities.

Bonnilyn Wilbanks-Free spoke of her support for a cooperative effort between the Town of Malabar and the EEL Program.

Additional Discussion

Ross mentioned the EEL Program's *10 Principles of Management* as noted on the Sanctuary Management Manual. Representatives from the Town of Malabar were provided with a copy of this information.

It was agreed that EEL Program staff would provide the Town of Malabar with 3 copies of the Management Plan, on CD, by the next day, and that the Town of Malabar expected to be able to review the document and provide their comments within 30 days.

Mike spoke of the importance of keeping the Management Plan approval process moving forward.

Clarification was provided that the EEL Program does incorporate formal input from each municipality during the Management Plan process. In this case, significant time has passed since the last review by the Town.

Ross reminded the group that there are still issues on the table of building cooperative management partnerships, but that those were issues that should be worked out of the Management Plan approval process.

Chris O'Hara stated that the EEL Program has a strong working relationship with the Town of Malabar Fire Department doing prescribed burns.

Dave Breininger mentioned that he would like to see the following items put on the agenda for future meetings:

- Florida Inland Navigation District (FIND) land swap
- Brevard County Landscape Ordinance and EEL Program land management
- Finding ways to streamline approval of Scrub-Jay Translocation process.

NEXT MEETING:

It was determined that the next SMC meeting will be held on January 29, 2009.

ADJOURNED:

The meeting was adjourned at 3:20 PM.

SUMMARY OF MEETING MOTIONS:

- Motion to decline a 1st Majority Vote on the Florida Space Needle property.
- Motion to approve the Thousand Islands Conservation Area Management Plan, as amended.

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