



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM
SELECTION & MANAGEMENT COMMITTEE (SMC)
February 24, 2009
Attendance List**

SELECTION & MANAGEMENT COMMITTEE MEMBERS

Dave Breininger
Ron Hight
Ross Hinkle
Randy Parkinson
Paul Schmalzer
Kim Zarillo

EEL PROGRAM STAFF

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

THE NATURE CONSERVANCY

Keith Fountain
Anne Mayer

GUESTS

Matt Chestnut, Space Coast Economic Development Commission
John Evans, citizen
Bonilyn Wilbanks-Free, Town of Malabar
Tom Leggins, citizen
Jack Lembeck, Friends of Ulumay, Brevard Historical Commission
Robin Lurye, 1st Equity Dev.
Michael D. Powell, Titusville Cocoa Airport Authority
Maureen Rupe, citizen
W. Roger Smith, 1st Equity Dev.
Doug Sphar, REAC Committee Member
Suzanne Valencia, Sierra Club



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM
SELECTION & MANAGEMENT COMMITTEE (SMC)
February 24, 2009
Meeting Minutes**

CALL TO ORDER:

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

PUBLIC COMMENT:

None.

MINUTES:

The November 18, 2008 and January 29, 2009 minutes were presented for approval.

Ross asked for comments to the November minutes.

Paul Schmalzer provided the following information:

- Page 3 - Education Outreach: Need to identify CIP acronym.
- Page 4 - Zajdel Property, 2nd paragraph: insert comma after "Land Acquisition Coordinator".
- Page 5 - Town of Malabar, 2nd paragraph: The Coastal Jewell property is adjacent to "Jordan Scrub Sanctuary", not "Malabar Scrub Sanctuary".
- Page 6 – Paragraph 13, Insert comma after "Education Coordinator".
- Page 8 – Typo: "Motion Four"
- Page 10 – Paragraph 2: Suggest deleting "back" from "back owed monies" as it is redundant.
- Page 11 – Need to clarify: Red-Cocaded Woodpeckers prefer to nest in mature pine trees. They will sometimes use next cavity boxes installed in a large pine tree.
- Page 12, Paragraph 4: Fix Typo "back into fire rotation", not "info".

Clarification was provided that the acronym CIP stands for Certified Interpretive Planner.

Staff will revise the draft minutes as noted.

Ross asked if there were any questions or additional comments. None were received.

MOTION ONE:

Paul Schmalzer moved to approve the November 18, 2008 SMC minutes as amended.

Ron Hight seconded the motion.

The motion carried unanimously.

Ross asked for comments to the January 29, 2009 minutes:

Paul Schmalzer noted the following:

- Page 1 - Call to order clarification: Time was around 1:00 PM not 4:00 PM.
- Page 5 – Web site address is: <http://www.spacecoastclimatechange.com>

- Page 7 – Additional Discussion, item 4: Correct spelling is *Ardisia*.
- Page 9 – Line 2: Ray identified the vine as “dodder vine” ,not “daughter”. However, the common parasitic vine on the South Beaches is “love vine” (a different genus).
- Page 9 – Hog Point Cove, item 3, Plant is *Lantana depressa var. floridana*.
- Page 9 – Hog Point Cove Sanctuary, item 2, Plant is *Lantana depressa var. floridana*.
- Page 10 – Barrier Island Management and Education Center, item 2: Typo “Brazilian”

Staff will revise the draft minutes as noted.

Ross asked if there were any questions or additional comments. None were received.

MOTION TWO

Ron Hight moved to approve the January 29, 2009 minutes as amended.

Paul Schmalzer seconded the motion.

The motion carried unanimously.

ADMINISTRATIVE REVIEW:

The Administrative Review was reviewed.

As noted in the Administrative Review, the Board of County Commissioners (Board) approved the Thousand Islands Management Plan on February 3, 2009.

SMC REPORTS

REAC Update

Brad Manley, EEL Program Volunteer / Public Access Coordinator, explained that a Proposed Public Access Plan Public Meeting for the Capron Ridge Sanctuary in Melbourne was held on February 4, 2009 at the Capron Ridge Clubhouse and that the meeting had gone very well. This 22+ acre sanctuary, which is adjacent to the Capron Ridge Subdivision, was donated to the EEL Program as mitigation property. Mike also provided an overview presentation on the EEL Program at this meeting.

Brad also explained that the Capron Ridge Sanctuary Proposed Public Access Plan had been reviewed by the Recreation and Education Advisory Committee on February 12, 2009. He stated that the REAC Committee expressed their support of the plan as presented by staff at the meeting.

The following was noted related to plans for the Capron Ridge Sanctuary:

- The 22+ acre sanctuary is located near Viera Boulevard and east Murrell Road, near the Viera CDD Conservation Easement.
- One ½ mile hiking trail runs east-west through the Sanctuary.
- Hikers can use the firebreaks.
- Restoration is going well.
- Florida Scrub-Jays visit this site.
- Respect for neighbor privacy in public sanctuary.

Public Comment

None.

SMC Updates

Paul stated that he led a Florida Native Plant Society Field trip to the Coconut Point Sanctuary and that the site looked very good.

Paul Schmalzer stated that he and Tammy Foster of Dynamac Corporation are working on a dendrochronology project analyzing tree ring records in sections of myrtle oaks, and that they wished to express their thanks for the assistance of David Demeyer and Xavier DeSeguin who helped them gather samples of tree rings in sections of Malabar West, North Buck Lake and Indian Mound Sanctuaries which are targeted for mechanical reduction as part of the restoration process. There is a surprising degree of variability in rates of growth between sites.

Dave Breininger stated that the Florida Fish and Wildlife Commission hosted a meeting on mainland Florida Scrub-Jays a couple of weeks ago and that he felt that review of the meeting's summary information would be beneficial to the SMC. He stated that impediments to management efforts are having a significant effect on the Florida Scrub-Jay population and land management needs to take place as soon as possible as there are concerns that their populations may not be recovered without improved habitats.

Ross voiced his support for SMC review of the final FWC meeting documents, when they have been completed.

This item will be scheduled for SMC review and discussion at a future meeting.

Ron Hight requested a status update on the Florida Scrub-Jays that were translocated to the EEL Program's South Lake Conservation Area.

Dave stated that so far, the translocation project appears very successful.

Public Comment

None.

STAFF REPORTS:

None.

THE NATURE CONSERVANCY:

Keith Fountain reviewed The Nature Conservancy's February 24, 2009 Report to the SMC.

Highlights include:

- Maytown Flatwoods: Honey Hole Ranch – appraisal site inspection a couple of weeks ago, hope to be in a position to start negotiating on conservation or fee simple acquisition in a couple of months.
- Maytown Flatwoods: Clay Henderson and Glen Storch met with some of the TNC folks and updated them on Miami Corporation's Comprehensive Plan Amendment which also includes the Swallowtail LLC (formerly Goodwin) property. Keith explained that he had reiterated to the Miami Corporation folks that The Nature Conservancy had not yet endorsed their current development plan at this time.
- North Indian River Lagoon (NIRL): Cherven – updated willing seller application received 1/22/2009.
- NIRL: Fetzer Schlitt (fka Turnbull Corp.) – owner declined to update willing seller application.

- NIRL: Ngo (fka Dolce) – TNC contacted new landowner 1/20/2009: he will consider submitting a willing seller application.
- NIRL: Reichman – TNC obtained an updated willing seller application 2/11/2009.
- NIRL: Xynidis – Landowner remains interested in updating willing seller application.
- Fox Lake: Wasileski – Landowners rejected offer on 2/18/2009 and declined to counter offer. Negotiations considered terminated.
- Fox Lake: RJM Land, LLC – TNC presented offer 2/23/2009; waiting for response.
- Coastal Jewell, LLC (fka Skora) – Contract terms in negotiation

Additional Discussion

Mike explained that representatives from the US Air Force have contacted the EEL Program to confirm that they continue to be interested in working with the EEL Program as a possible land acquisition funding partner in the amount of \$900,000 for properties that would meet both EEL Program land acquisition criteria and US Air Force mitigation guidelines. It is anticipated that an overview Agenda Item will be presented to the Board of County Commissioners (BOCC) in the near future regarding this potential cooperative effort.

AGENDA ITEMS:

Ross asked if there would be any concerns if the TICO Request for Property Exchange item was moved up in the agenda so that it followed the review of the Malabar Scrub Sanctuary Management Plan. No concerns were received.

Malabar Scrub Sanctuary Management Plan

Public Comment

Doug Sphar, citizen and REAC Committee Member stated that the EEL Program had purchased this property in partnership with the State of Florida and that from his perspective, outside pressures for recreational planning and capital improvements may have compromised the intent of Florida Statute 259 which states that the resource should have priority over other uses. He expressed his feeling that future activity planning for EEL Program sites should have the protection of biodiversity as the primary focus.

Tom Leggins, citizen stated that he would like to see a bigger mixture of uses for EEL Program Sanctuaries, especially camping, hunting and All Terrain Vehicles (ATVs). He stated his impression that all sanctuaries were fenced off from public use shortly after acquisition and expressed concern that he has heard, that if you catch a fish at an EEL Program Sanctuary, you might have to throw it back.

Additional Discussion and Public Comment

Ross explained that many considerations go into the development of Sanctuary Management Plans including: input from the Public regarding requested uses - which is received from public meetings, and during a period of public review; along with Recreation and Education Advisory Committee (REAC) suggestions during their review of the Proposed Public Access Plan, in addition to the reviews and approvals by the SMC and BOCC. He stated that to his knowledge, ATV activity was not considered an approved use at any EEL Program Sanctuary at this time.

Mike confirmed Ross's understanding.

Paul stated that as required by the 1990 and 2004 Referendums, EEL Program lands are acquired for conservation first, and that recreational activities must be compatible with the

conservation goals of the Program. He stated that ATVs cause a lot of damage and that is why they are not considered appropriate for use on EEL Program conservation lands.

Clarification was provided that fishing is considered an appropriate use at some EEL Program sanctuaries, including the Pine Island Conservation Area (PICA).

Ross explained that the properties are fenced based on the conservation use of the land and to identify property boundaries, but public access for the purpose of passive recreation is encouraged at many sanctuaries. He stated that he understood the public's desire for a place where they could use ATVs, but that at EEL Program sanctuaries, conservation is first and activities which cause damage or significant environmental impact are not allowed on EEL Program properties. He stated it is the SMC's responsibility to review all suggested uses in terms of environmental impact against the goal of conservation. Ross also suggested that it might be beneficial for citizens interested in establishing a place where ATVs could be used to contact the County's Parks and Recreation Department.

Tom asked about feral hog hunting.

Mike explained that there are volunteers who trap feral hogs at some sites, but hunting is not allowed due the County Ordinance against having weapons at parks. Mike explained that in some circumstances in other areas, hunting is sometimes allowed as a management tool when native species become overpopulated, but that this is not the case at EEL Program sites at this time.

Tom expressed concern that motorized watercraft have now been eliminated from an area off Hall Road on Merritt Island where he used to visit in his canoe with a 4 horse power motor, or a trolling motor.

Mike stated that it was his understanding that this change had been a product of air boat issues in the area, but that EEL Program staff would get clarification of the acceptable uses and provide that information to Tom.

Maureen Rupe, citizen, stated that she understood that ATV folks want a place where they can ride, because everyone has their own interests, but that she had been part of a group of people who got together and worked very hard to establish a conservation program for Brevard County and that perhaps it would behoove the ATV community to work together to do the same thing for a place where ATVs could be used. She emphasized that the EEL Program sanctuaries were purchased for conservation and that the public didn't mind passive recreation, but ATVs needed large tracks of land that could receive a significant amount of disturbance to ride on.

Ross thanked everyone for their comments and asked if anyone had additional comments or questions. None were received.

Discussion on Malabar Scrub Sanctuary Management Plan

Mike explained that EEL Program staff met with Bonilyn Wilbanks-Free and representatives from the Town of Malabar related to the Town's request to provide timely comment on the Management Plan. He stated that staff was suggesting a couple of additional revisions to the Management Plan as a result of that meeting.

Ross stated that the revisions had been e-mailed to SMC members the day before and he had reviewed them, and received some comments from the Town of Malabar which he had discussed with Mike. He asked for discussion on the pending Management Plan.

EEL Program Selection and Management Committee Meeting

February 24, 2009

Page 6 of 17

Approved April 29, 2009

Mike stated that it had been approximately a year and a half since the Malabar Scrub Sanctuary Management Plan was returned by the State's Acquisition and Restoration Council (ARC) in Tallahassee, and it was hoped that final approval of the Plan could be expedited as quickly as possible.

Public Comment

Doug Sphar asked if the details of the revisions could be provided to guests as the meeting. The information was provided.

Additional Discussion

Ross stated that the changes to the pending Management Plan would be identified for the record:

Change #1

Section C – Hydrology

The 4th paragraph currently reads: "A small area along the southern boundary and east of the entry road holds water during the wet season due to slightly lower topography and restriction of natural flow patterns.

The following language will be added: "The EEL Program will work with the Town of Malabar and Florida Department of Transportation regarding flooding concerns along Malabar Road".

Mike provided clarification that this change was recognition that, because of the urban nature of the sanctuary, the landscape did have impact on its neighbors, and we (the EEL Program) were just trying to indicate that we would be a good neighbor to the best of our ability in addressing drainage issues and working with the Town and the Department of Transportation to help solve the problems where ever possible.

Change #2

Section C - Hydrology

The 5th paragraph currently reads: "During site visits in December 1998, a substantial amount of standing water was observed on the "Boulevard". Based upon visual observations, it appears that much of this road is considerably lower than Malabar Road, which makes it impossible for the Malabar Road stormwater system to function as a positive outfall for this project. The MSS also receives water from the south side of Malabar Road. Three culverts under Malabar Road help bring water to both tracts of the sanctuary. This existing condition will need to be remedied in conjunction with the development of the environmental learning center to meet the stormwater treatment and storage requirements identified by the Town of Malabar and the St. Johns River Water Management District.

The following language will be added: "During significant rain events, water can accumulate along the sanctuary boundary along Marie Street. The design and construction of the paved linear trail along the east fireline will present an opportunity to explore drainage issues in this location".

Ross stated that he understood this section to mean that when the trail was built, drainage issues with the sanctuary and trail would be reviewed.

Paul expressed his concern with the wording of Revision #2. He explained that as the SMC went through the discussion of the proposed paved linear trail, and agreement was reached; as noted in the Proposal to Resolve Bike Path Issues at the Malabar Scrub Sanctuary dated March 8, 2008,

EEL Program Selection and Management Committee Meeting

February 24, 2009

Page 7 of 17

Approved April 29, 2009

approved by the SMC on March 11, 2008, supported by the REAC Committee on November 13, 2008, and referenced on page 5 of the December 18, 2008 SMC minutes, the agreement includes the following caveat:

Recommended Solution, Item 1biii – The trail will be built with pervious surface if compatible to structural integrity for equipment access and free movement of chair bound visitors.

Paul stated that there is no retention within current proposed footprints and that St. Johns River Water Management District had suggested that initial plans would require some retention. He clarified that if retention is required it must occur outside the boundaries of Malabar Scrub Sanctuary, and he expressed his concern that the language in Revision #2 might be at variance with the Proposal.

Mike stated that it had not been staff's intention for the language in Revision #2 to be in conflict with the Proposal, and that they were not trying to indicate that the trail could solve the water retention issues, they were just recognizing, that through the design process, staff would explore any options that might be able to be of benefit regarding water retention issues. He confirmed that per BOCC direction, the trail design will be brought back to the SMC for reviews and comments before any commitments are made.

Paul reemphasized that if retention was required as part of the proposed paved linear trail, it would need to be done outside the boundary of the Malabar Scrub Sanctuary, and he acknowledged that no one knew yet whether it would be a requirement or not.

Ross stated that he was comfortable with the language, as long as the SMC had the opportunity to review the trail design and have a chance to consider environmental impacts.

Ron Hight stated he saw the pre-existing concerns from the Town of Malabar as a different issue than the possible retention issues that may come from the proposed paved linear trail, and that those two issues might be mutually exclusive. He asked for clarification regarding whether or not staff was looking to solve an existing problem that's adjacent to the sanctuary within the sanctuary, or simply saying we want to work together, providing no specifics at this time, and perhaps bringing something back in the future.

Mike stated that first and foremost, the language was to clarify that the EEL Program wanted to work together with the Town on issues that might arise. He stated the Malabar Scrub Sanctuary is surrounded by development, and provided information related to issues in Rockledge associated with Tropical Storm Fay. He explained that although the Cruickshank Sanctuary did a tremendous service to the community by holding and absorbing a large amount of water because it was not developed, when the land became completely saturated, and water drained downhill to some of the nearby low lying developed areas, there was perception by some people that the sanctuary was the cause of local flooding in the area and there could always be the perception that EEL Program sanctuaries are somehow responsible for what happens with water from the sanctuaries and that it was the Program's best interest to work with the Town of Malabar on their concerns and that was the intent of that language.

Bonnie Wilbanks-Free, Administrator for the Town of Malabar stated that they recognized that Tropical Storm Fay was a 100 year rain event, and that those didn't occur often, so there might not be a major water retention issue. She mentioned that perhaps adding a slight swale which they were doing in some other areas would be sufficient and that it might be something that they could put in phases adjacent to the trail on their side.

Bonnie stated that she just wanted the issue to be considered and that's why the Town of Malabar requested the language.

Ross stated that he did not feel that anyone was in a position to solve the drainage problem now because at this time no one knew fully what it was. He said that he read Change # 2 as an intent to put on paper the spirit to work together to solve the problem, in the long term. He clarified he would not be comfortable with any language that did not bring it back to the SMC for review, but as it stands now, he had no problem with it.

Paul stated he had just wanted to clarify the intent of the language.

Ross agreed that it was important to do that. He stated that there were a couple of more small changes and that they needed to be noted for the record.

Change #3

Section A. Public Access and Passive Recreation

The 5th paragraph will be revised as follows: Hiking trails are designed to follow existing firebreaks, roads and older existing trails. Hiking trails are located to give visitors the opportunity to experience the diverse habitats within the Sanctuary, and will be split between short trails and longer, more difficult trails. These hiking trails, bring visitors through the diverse habitats of the MSS, from wet flatwoods to xeric oak scrub. Informative signs will be placed along the trails, and any research or restoration projects that may be ongoing (such as prescribed fire) will be included in the signage. With the addition of the paved linear trail, a boardwalk will need to be constructed over an existing wetland.

Laura Clark 3/17/09 4:00 PM

Deleted: will

Laura Clark 3/17/09 4:01 PM

Deleted: will be

Laura Clark 3/17/09 4:01 PM

Deleted: will

Mike also explained that clarification had been added that confirmed that approval from the Board of County Commissioners will be required to contract with an architectural and engineering firm to design the facility for the South Region.

Change #4

Section A. Public Access and Passive Recreation

The following information will be added after the 6th paragraph: "It is anticipated that the proposed facility will be designed to facilitate regional management and environmental education programming for the community. Approval from the Brevard County Board of County Commissioners will be required to contract with an architectural and engineering firm to design the facility."

Ross asked if there were any further comments or questions. None were received.

MOTION # THREE

Ron Hight moved to approve the Malabar Scrub Sanctuary Management Plan as amended.

Dave Breininger seconded the motion.

The motion carried unanimously.

Additional Discussion

It was determined that the next item for discussion should be the request from TICO Airport.

Request for TICO Property Exchange

Mike Knight, EEL Program Manager, and Michael Powell, TICO Airport Director provided information on the history of this topic.

EEL Program Selection and Management Committee Meeting

February 24, 2009

Page 9 of 17

Approved April 29, 2009

The majority of the TICO Scrub Sanctuary property is located west of, and immediately adjacent to, TICO Airport's Runway #9 which runs in an east – west direction. Revisions in Federal Aviation Agency (FAA) guidelines have changed the acceptable height of vegetation immediately adjacent to the ends of runways, and while the Sanctuary's scrub habitat used to be considered within the acceptable range, it now exceeds the new safety requirement, which is now considered to be a grassy field.

On July 31, 2007, the SMC considered a request from the TICO Airport Authority to exchange the 52± acres known as the TICO Scrub Sanctuary with 52 acres of property located south of Perimeter Road and east of Grissom Parkway, which is owned by the Airport.

The July 2007 proposal was declined by the SMC as the exchange did not provide for a net conservation benefit as there was not an equal number of scrub acres included in the proposed exchange.

During a November 8, 2007 BOCC Workshop with the Airport Authority, the BOCC directed the EEL Program to consider other options for exchange of property.

Additional options were reviewed and discussed by the SMC during December 5, 2007, March 11, 2008 and April 8, 2008 meetings. The SMC provided clarification at the December 5, 2007 meeting that they were in favor of considering the big landscape picture in a spirit of cooperation to determine options.

As EEL Program Staff and TICO Airport personnel worked together to come up with possibilities for an exchange of other properties owned by the Airport Authority, it became apparent that it would not be possible locate another 52 acres of scrub in a single location within the Airport's ownership.

EEL Program Staff and TICO Airport personnel continued to work together in an effort to provide a solution that worked for everyone, including possibilities of properties outside the Airport's ownership going to the EEL Program as part of a 3-way exchange. During this time, clarification was received from the Federal Aviation Agency (FAA) that the Airport Authority would only be able to do a direct purchase for property which directly benefits the Airport.

Michael Powell explained that the FAA guideline for the requirement of a direct purchase for property which directly benefited the Airport would remove the option of a 3-way exchange.

Mike Knight clarified that none of the previous options which had been considered were workable.

Ross stated that when the EEL Program had acquired this property during the early part of the Program's history, the entire general area had been considered to have a high conservation value and there were hopes that additional properties in the vicinity could be purchased as well. He explained that unfortunately, the EEL Program has not been able to acquire land immediately adjacent to the 52± acres in the TICO Scrub Sanctuary and it is becoming more and more isolated from other conservation lands due to development in the surrounding area.

Mike Powell stated that Mr. Evans, who was present at the meeting, had contacted him and that Mr. Evans has a client with approximately 118 acres in the Scottsmeer/Mims area. Mr. Powell explained that he thought that the EEL Program had previously considered the property, and that he did not know if the property had the criteria that the SMC was looking for, but that he did know the land was in direct proximity to property held by the EEL Program and that the owner, who was

also in attendance at the meeting, was interested in a possible sale. Mike Powell suggested that perhaps the SMC might be interested in purchasing part of the 118 acres in the Scottsmeer/Mims area with funds that could be received from the Airport, if the Airport could purchase the 52 acres at the end of the runway from the EEL Program.

Mike Knight clarified that the SMC had done a site visit to the 118 acre property Mike Powell had suggested and that the area was mostly improved pasture and watermelon fields.

Paul Schmalzer indicated he remembered the site visit.

Mike Knight clarified that the SMC had previously considered the property as it once offered part of a potential east-west connection, but that it had been ruled out because it was mostly pasture.

Paul agreed that the property had not been considered a priority for acquisition.

Ross stated that the bottom line was that the SMC plan for acquiring a manageable section of Florida Scrub-jay habitat in the TICO area was not realizable, because additional properties had not been able to be attained.

Discussion ensued regarding unsuccessful previous attempts in acquiring additional properties near the TICO Scrub Sanctuary.

Paul stated that the quality of habitat in the TICO Scrub Sanctuary has declined due to isolation and difficulty in management.

Randy commented that any sale of EEL Program property could be controversial, and if the Program was going to consider the sale of the TICO Scrub Sanctuary to the TICO Airport Authority, he felt that the sale had to be justifiable on its own merit, due to ecological and practical rational, not just because the Airport Authority felt they needed the land. He said he felt that it was important to note that in the long term, sale of any EEL Program property needed to be based on the fact that it was a prudent move on the Program's part; to reorganize the distribution of land, to get continuity, increase size, or improve management options. He stated that if these goals were met, and a sale would also benefit the Airport, then an agreement to sell the property could be beneficial to both the Program and the Airport.

Ross stated that he felt that it could be a good thing to accept funding from the sale of land that was isolated and difficult to manage and use it to acquire land of appropriate habitat with good manageability and connectivity options.

Discussion ensued regarding the Coastal Jewell property. Clarification was provided that at this time, it is not known if the ongoing negotiations on the Coastal Jewell property will be successful.

Ross and Randy stated that they felt it was important that any funding that might be received for sale of the TICO Scrub Sanctuary be used for acquisition of similar habitat.

Ron Hight stated that he felt that because the TICO Scrub Sanctuary was at the end of an airport runway, along other roads and within a developing area, it had become very difficult to manage.

Confirmation was provided that both the recent appraised values exceeded the purchase price of the property.

Ron stated that he also wanted to emphasize that the SMC did not want to set a precedent that might indicate any and all EEL Program properties could be available for purchase or removal from the EEL Program Sanctuary system, but in reality, acquisition goals were a moving target

and you win some and you loose some. He stated he felt he could be supportive of a sale of the TICO Scrub Sanctuary 52 acres at this time.

Dave Breininger stated he was not comfortable with consideration of giving up scrub and getting different type habitat. He stated he felt any exchange or possible sale of property needed to involve getting like habitat for like habitat.

Dave asked for clarification on how much time had been spent researching ownership and possible willing sellers near the recently acquired Scottsmoor Sanctuary.

Mike Knight and Keith Fountain stated they were under the impression that ownership in that area was made up of many small parcels with the exception of the Honey Hole Ranch and Jacobson properties. Additional discussion ensued regarding the general landscape in north Brevard County.

Paul stated that he felt that using monies from the sale of the TICO property to acquire Coastal Jewell would be ideal because that would increase the size of the existing Jordan Scrub Sanctuary to a point where it would provide enough landscape to achieve a sustainable threshold of Jay population in south Brevard. He stated he would also be supportive of using the funds to acquire appropriate scrub habitat near the Scottsmoor Sanctuary.

Dave stated that he agreed completely. He stated that he felt that appropriate scrub property in Brevard County could be acquired, if the TICO property was sold.

Ron asked if the TICO property was sold, could the money be used for any other purpose except acquisition of additional EEL Program property?

Mike Knight stated that the County Attorney's office have confirmed that the any funds received from the sale of the TICO property could not be used for anything other than acquisition of additional EEL Program property.

Clarification was requested regarding the Airport Authority's time constraints.

Michael Powell stated that in order for the FAA to hold funding, he needed a written commitment of intentions as soon as possible.

Mike Knight stated that it was his perspective that the BOCC would like to see the issue resolved as soon as possible.

Paul stated that the EEL Program has never exercised the option to sell land, but he believed the possibility of that action was covered in the Land Acquisition Manual (LAM). He noted that page 2-17, #2 of the EEL Program's Land Acquisition Manual, under the duties and responsibilities of the Board of County Commissioners, states "approves in writing, as a Board response to an agenda item, land acquisition, land sale, and project development proposals, made by the EEL Program Selection and Management Committee. The Board may approve or deny any acquisition contract, for acquisition proposal, proposed by the EEL Selection and Management Committee, however, the Board may not add, or expand projects identified within the acquisition strategy, or presented in the acquisition or sale list."

Mike Knight agreed with Paul's statement.

Consideration was given to linking the timing of the sale of the EEL Program's TICO Scrub Sanctuary property with the acquisition of alternate, appropriate habitat.

Michael Powell provided clarification that his window of opportunity for funding was very time sensitive.

Additional discussion ensued regarding the pending land swap with the Florida Navigational District (FIND).

Dave emphasized that he did not feel it would be beneficial to continue trying to work an exchange or coordinated purchase of property in the TICO Industrial Area due to increasing development in the region.

MOTION # FOUR

Randy Parkinson moved to approve recommending the sale of the TICO Scrub Sanctuary 52 acres property based on the fact that it has become increasingly isolated and more difficult to manage, and as a result, having decreasing ecological value; with the intent of acquiring habitat with equal or greater ecological value with a net gain; that the acquired property be in the same Florida Scrub-Jay genetic unit; and that the sale take place a fair market value.

Paul Schmalzer seconded the motion.

Public Comment

Doug Sphar suggested that the contract should stipulate that the EEL Program land being sold to the TICO Airport Authority won't be cleared, and should remain as scrub habitat until the new land acquired is acquired.

Additional Discussion

Randy stated that it would be difficult to enforce the stipulation that Doug Sphar had requested, because if it was included, it would defeat the Airport's purpose for getting the land in the first place.

Michael Powell stated the requested stipulation would be exceptionally difficult from the Airport Authority perspective because if they were able to purchase the land, the FAA would expect them to begin the transition process immediately as they would want to see the direct aeronautical benefit right away.

Paul Schmalzer stated that it should be understood that the EEL Program was not involved in any mitigation requirement that might occur from whatever agencies the Airport Authority had to deal with in clearing the land, such as permits from the Endangered Species Office, or Fish and Wildlife Commission, and that those requirements were not affected by the EEL Program's willingness to sell the property.

Ross asked if there were additional questions or discussion. No questions or comments were received.

The motion carried unanimously.

Additional Discussion

Ross stated that there had been a request to present the Brevard Hardwoods Property before the CELP Grant Review. No objections were received.

Brevard Hardwoods Property

Mike stated that the owners of the Brevard Hardwoods Property had submitted an unsolicited, updated willing seller application for 2.4 acres of property including the old Malabar School House, which is considered to be an historic building. He explained that the SMC had considered this site

previously, beginning in 2001, and that the County performed a fairly extensive evaluation researching costs associated with the possibility of acquiring the site, and restoring the facility as a possible Management and Education Center for the South Region. During review, analysis indicated that anticipated restoration costs substantially exceeded the available funding for the South Region's Center. In addition, although the site was adjacent to the Malabar Scrub Sanctuary, much of the property around the facility had been cleared. On July 7, 2003, the SMC stated that although they acknowledged that the facility was a great old building, and an historic site, the primary goal of the EEL Program is acquiring and managing endangered lands and the SMC voted to not pursue acquisition of the site.

Paul stated that the facility was a nice old building, and that property around the facility had generally been cleared, but that the restoration requirements associated with the project had been cost prohibitive.

Public Comment

Bonilyn Wilbanks-Free, Administrator of the Town of Malabar stated that the owners had also offered sale of the property to the Town of Malabar.

Additional discussion

Ross stated that he had liked the original concept of possibly using the old building as a possible Management and Education Center for the South Region, but that it just didn't work out from a conservation perspective.

MOTION # FIVE

Paul Schmalzer moved to decline further consideration of the Brevard Hardwoods site, based on the information discussed during the meeting.

Ron Hight seconded the motion.

The motion carried unanimously.

CELP Grant Review

Mike explained that the Coastal Estuarine Land Conservation Program (CELP) Grant application originally approved by the SMC on July 30, 2008, and which received final approval by the BOCC on September 30, 2008 had been declined at the Federal Level. This grant provided for matching funds for protection of the North Indian River Lagoon, (NIRL) which is one of the most biologically diverse estuaries in North America. All properties included in the grant are within the State's Blueways Project.

Grant reviewers at the State level suggested that the grant request be scaled down and resubmitted. A new grant application has been prepared which only includes the following 5 areas: Xynidis, Mason, Tucker, (one each) and Valdyke, (two properties), which are all adjacent to existing EEL Program acquisitions.

Paul Schmalzer stated he thought the revised proposal was very well written and that the indicated properties have been considered important for conservation for a long time.

MOTION # SIX

Paul Schmalzer made a motion to approve submittal of the revised CELP grant application.

Dave Breininger seconded the motion.

Additional Discussion

Ross asked if there were any comments or questions. None were received.

The motion carried unanimously.

Citizen Request re: Gopher Tortoises

Mike explained that staff has received correspondence from Suzanne Meyer, citizen, expressing her concern regarding possible negative impacts to Gopher Tortoise burrows during mechanical reduction of fuel loads in preparation for a prescribed fire at the North Buck Lake Sanctuary. He explained that Suzanne was involved in a volunteer effort to survey burrows about a year ago and when she became aware that heavy equipment was being used in the Sanctuary to remove trees and some of the underbrush during the restoration of scrub habitat, she expressed her concern that some of the entrances to the Tortoises burrows could be covered up, making it difficult for them to enter or exit the burrows. Mike read an e-mail from Suzanne to the SMC.

Mike stated that clarification has been provided to Suzanne that the EEL Program follows "Best Management Practices" established by FWC during restoration activities, and that the FWC General Policy Statement regarding Gopher Tortoise Enforcement does not require a permit for activities intended to improve native wildlife habitat. He also explained that EEL Program staff have provided confirmation to Suzanne that staff is cognizant of the possibility that some Gopher Tortoise burrow opening may be covered up during this process, but that Tortoises have the ability to dig out if this occurs, and that the larger benefit comes from an improved habitat, which is also easier for the Tortoises to dig new burrows in, because it is less dense. Other scrub species benefit from the improved habitat, as well.

The SMC clarified that they understood the concern that Suzanne felt because mechanical treatment for reduction of fuel load can seem severe, and they expressed appreciation for her volunteer efforts to the EEL Program. They indicated support for the "Best Management Practices" procedures that were followed by staff during the restoration of the North Buck Lake Sanctuary's habitat, and with staff's response to her concerns.

Discussion ensued on the importance of proper education for citizens regarding land management activities and prescribed fire. Emphasis was placed on the importance helping citizens understand that while the original activities of mechanical treatment to reduce fuel load, and subsequent prescribed fire, have what appears to be a severe impact on the landscape, scrub habitat responds very quickly, frequently in a matter of a few weeks; and that precautions are taken to ensure that the activities are completed as safely as possible, for surrounding property owners, as well as for the Gopher Tortoises and other scrub species.

Viera Property

Mike explained that he had been contacted by the Viera Company regarding a parcel on the south side of Barnes Blvd. across the street from the Cruickshank Sanctuary and with a southern connection to the Viera CDD Conservation Property. He asked if the SMC would be interest in receiving a willing seller application on the property. He explained the SMC had been interested in possible acquisition of the property in the past, but acquisition could not be pursued due to the annual assessment held on the property as part of the Viera CDD.

Paul Schmalzer requested clarification regarding the status of the pending donation of the Viera CDD Conservation Easement property. Mike explained that, we were in a holding pattern, and that the EEL Program had sent a letter to the Viera Corp., accepting their offer to donate, but that County rules required that a donation include a survey and phase 1 assessment, and that the

EEL Program Selection and Management Committee Meeting

February 24, 2009

Page 15 of 17

Approved April 29, 2009

Viera CDD. was asking if there would be some way to waive those items. Mike stated that staff has requested the most current survey on the property from the Viera CDD and staff will ask the County Attorney's office to review it to determine if it is an appropriate survey for the conditions of the donation.

Kim asked about the status of the Phase 1 Environmental Assessment. Mike explained that this is usually done by the owner donating the property.

Mike stated that it is the position of the Viera Co. that the parcel on Barnes Blvd. has already been mitigated for impacts and that at least the scrub part of the parcel could be developed.

Paul stated that he felt the donation of the Viera CDD Conservation Easement property was a very important item and that he felt the SMC would want it to move forward.

Dave Breininger agreed with Paul. He stated there were previously 27 families of Florida Scrub-Jays on that site, and that it was probably the largest contiguous group of Jays left on the Atlantic Coast. He congratulated the EEL Program staff on the restoration of the habitat in the Cruickshank Sanctuary and indicated his group had recently banded about 10 young birds at the Cruickshank Sanctuary.

Kim stated it was her recollection that the Program could never get clarification about whether or not the annual assessment could be waived, and that acquisition could not be considered without the assessment being waived on a permanent basis.

Clarification was provided that during 2002, the annual assessment on the property was \$33,000.

Ross asked whether or not Dave felt that putting a building on the Viera Corp. parcel Mike was asking about would prevent Jays from traveling between the Conservation Easement and the Cruickshank Sanctuary. He stated it was his impression that the parcel would be very expensive.

Dave stated that if the upland part of the property was developed, and the wetland portion became forested, it could have an impact on Scrub-Jay travel between the two locations.

Members of the SMC indicated they would like to receive a willing seller application on the property. Staff will contact the owners.

NEXT MEETING:

It was determined that the next meeting would be held on March 27, 2009.

ADJOURNED:

The meeting was adjourned at 3:45 PM.

SUMMARY OF MEETING MOTIONS:

- Motion to approve the November 18, 2008 minutes, as amended.
- Motion to approve the January 29, 2009 minutes, as amended.
- Motion to approve the Malabar Scrub Sanctuary, as amended.
- Motion to approve recommending the sale of the TICO Scrub Sanctuary 52 acres of property based on the fact that it has become increasingly isolated and more difficult to manage, and as a result, having decreasing ecological value with the intent of acquiring habitat with equal or greater ecological value with a net gain; that the acquired property be in the same Florida Scrub-Jay genetic unit; and that the sale take place a fair market value.

EEL Program Selection and Management Committee Meeting

February 24, 2009

Page 16 of 17

Approved April 29, 2009

- Motion to decline further consideration of the Brevard Hardwoods site, based on the discussion during the meeting.
- Motion to approve submittal of the revised CELP grant application.