



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM
SELECTION & MANAGEMENT COMMITTEE (SMC)
May 28, 2009
Attendance List**

SELECTION & MANAGEMENT COMMITTEE MEMBERS

Dave Breininger
Ross Hinkle
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

Jeff Ellison, CITA Farm property owner
Susan Gosselin, Brevard County Natural Resources Management Office
Vince Lamb, citizen
Jack Lembeck, citizen
Rocky Randals, Procedures Committee

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

*May 28, 2009
Approved June 25, 2009*



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

May 28, 2009
Meeting Minutes

CALL TO ORDER:

Ross Hinkle, Chairman, called the meeting to order at 1:06 PM and reminded the group that today's SMC meeting would be a short one, as there would be a joint meeting between the Selection and Management Committee (SMC) and Procedures Committee (PC) beginning at 2:00 PM.

PUBLIC COMMENT:

None.

MINUTES:

Clarification was provided that the March 27, 2009 minutes were being presented for approval and that the April 29, 2009 minutes were incomplete.

Ross asked for comments to the March 27, 2009 minutes.

Paul Schmalzer commented that a section on page 5 had been highlighted, and asked if the highlighting should be part of the final minutes.

Clarification was provided that the highlighting would be removed in the final minutes.

MOTION ONE:

Kim Zarillo moved to approve the March 27, 2009 SMC minutes, as amended.

Paul Schmalzer seconded the motion.

The motion carried unanimously.

ADMINISTRATIVE REVIEW:

The Administrative Review was reviewed.

Initial Exotic Management Costs Report

Ross clarified that there had been an issue raised regarding the cost of management of EEL Program lands. He explained that there are a couple of factors involved in determining an estimate of how much it will cost to provide land management when a new property is acquired. The first thing that must be considered is the cost for the initial management. This amount is always higher per acre than the cost for routine management because it can include the costs for the original prescribed fire, correction of hydrological issues, and removal of invasive, exotic species. Ross mentioned that the SMC had reviewed draft information on these costs and he said the report highlighted how successful the Program has been in seeking outside dollars for this activity.

Paul mentioned that he had sent in a few minor corrections on the report. He added that he was pleased to see that 81% of the costs reported with initial management specific to invasive exotics, completed on properties currently in inventory, has been provided by grant funding.

Mike explained that one of the Commissioners had noticed the estimate of dollars that would be required for initial management on the Johnson property, and that they just wanted to determine if that amount of initial exotics control was expected to be needed for all properties. He explained that the Johnson property, and the Thousand Islands Conservation Area, have much higher than average, per acre costs for initial management than most properties acquired by the EEL Program.

FIND Property Exchange Update

Mike explained that on May 19, 2009 the Board of County Commissioners (Board) had approved the concept of the Florida Inland Navigational District (FIND) property exchange. The SMC expressed their pleasure with this news. Additional information will be provided on the exchange when it becomes available.

Public Comment

None.

SMC REPORTS

REAC Update

Brad Manley, EEL Program Volunteer/Public Access Coordinator, provided a review of the recent events related to the Recreation and Education Advisory (REAC) Committee:

- The Committee held a publicly noticed field trip to Kings Park on Merritt Island on May 9, 2009, where they walked most of an existing, maintenance type road that runs between Kings Park, which is located on Chase Hammock Road, to Hall Road, near the Johnson property, and the Kabboord Sanctuary. This area is currently under the management of Parks and Recreation. There are plans to put in a multiuse, paved trail on the maintenance road, along with a couple of trails that may shoot off the paved trail.
- At the May 14, 2009 regular meeting, Barbara Meyer, from the County's Transportation Planning Organization, provided overview information on this project to REAC members who did not attend the field trip. She also provided information on the East Coast Rails To Trails project in the north part of the County. The Rails To Trails pathway does not fall on EEL Program property, but there are portions of it which are adjacent to the recently purchased Ag Ventures property, and there are plans tie into a proposed trail on the Scottsmoor Partners property so that trail head can serve as an access site for the Rails to Trails location.
- It is anticipated that the REAC Committee will be reviewing the public access plans for Fox Lake Sanctuary (fka Hunters Brooke property), and the Scottsmoor Sanctuary, at their next meeting, which should be held in August.

Additional Discussion

Paul said that he knew that time was short for the current meeting, but that there had been discussion regarding the area between Kings Park and Hall Road at the March SMC meeting, in addition to the information provided today, and there had been discussion of how the EEL

Program will be involved in the management of these areas, which have not been acquired by the Program. He stated that he felt that this requires some discussion because there are mechanisms in the land acquisition manual for acquiring land, by donation, exchange, or purchase, and, he knew the property being discussed was already County land, but if the Program was going to be involved in managing or partnering with managing of those areas, we probably needed to clarify how that would proceed.

Ross stated that he agreed and asked if that could be a future agenda item.

Mike stated that he anticipated that staff would develop a management agreement that the SMC would see eventually, before any kind of transfer of asset was done, and he would plan discussion for the June meeting.

Dave Breininger reminded the group about the July 27th and 28th meetings to discuss Adaptive Resource Management. These meetings are being held at the Brevard Zoo. The EEL Program will be distributing public meeting notices on these meetings as it is anticipated that more than one SMC member may be in attendance.

STAFF REPORTS:

None.

THE NATURE CONSERVANCY:

Keith Fountain reviewed The Nature Conservancy's May 28, 2009 Report to the SMC:

- Maytown Flatwoods - Honey Hole Ranch, LLC: Unchanged from last time, still trying to sort out some issues with appraisals.
- North Indian River Lagoon - Maggio: Willing seller application signed 5/11/09. Property removed from CELP application.
- Malabar - Rahaman/BAPPI Investments, LLC (fka Hossain): TNC submitted negotiation strategy 5/27/09. About to commence negotiations.
- Jordan Blvd – Coastal Jewel, LLC: Contract draft as to terms has been sent. Discussions on price have not commenced.

Additional Discussion

Keith also explained that TNC has expressed some concern regarding a notice for a Miami Corporation public stakeholder's meeting scheduled for Monday as TNC feels that the notice indicates that that TNC, and the EEL Program, among other parties, are supportive of Miami Corps. "green printing" process, and that at least with TNC, that is not the case. He explained that although a significant percentage of the property is listed as being placed into conservation, the locations of the development pods are scattered over a significant area, which will dramatically impact the landscape, affecting the ability to manage the land, and adversely impacting opportunities for connectivity of conservation areas.

Clarification was provided that Miami Corporation's plans now include some development within Brevard County, which is a change from the information that they originally provided. Part of this development is slated for property previously known as the Membry Hunt Club.

Mike provided additional information on the proposed FIND property exchange, which received conceptual approval from the BOCC on May 19, 2009. He explained that the boundary hiatus involved with the Graham's property has still not been resolved, but if it remains an obstacle,

attempts would be made to redesign the containment basin that FIND will need, within the footprint of the two parcels currently held by the EEL Program. It is anticipated that the EEL Program may need to fund the cost of the containment basin's redesign, but that information was included in the May 19th Board agenda report.

It is anticipated that once contract details have been finalized, and approved by the SMC, everything will need to go back to the Board for final approval.

AGENDA ITEMS:

CITA Farm Property

Mike provided overview information on the 27± acre CITA Farm property, which is located east of the northern part of Marie Street, within the Town of Malabar. The site is almost square in shape and is separated from the Malabar Scrub Sanctuary, by Marie Street. It extends almost to the Florida East Coast Railroad right of way. The property footprint contains a rectangular shaped area, owned by another entity. Easements in the immediate area are unclear. It is believed that other property in the immediate area has been purchased recently and is targeted for development. The site is not within the Brevard Coastal Scrub Ecosystem project.

The owner, Jeff Ellison, has submitted a willing seller application to the EEL Program dated May 7, 2009, and was present at the meeting.

Jeff explained that he had been approached by a developer regarding the possible sale of his land, and that he would like to know if the SMC was interested in acquisition of the site for the EEL Program. He stated that although the picture of the property on the overhead map being used at the meeting showed the area as dry, the site included a lake, that although dried up when the map shot was taken, had contained water for some time, and he felt the lake was a watering hole for wildlife in the area.

The SMC agreed that a site visit to the property would be beneficial. Staff will schedule the site visit. Ross explained that although the site would probably not be considered for acquisition as a stand alone property, its proximity to the Malabar Scrub Sanctuary could enhance the conservation value.

Dave Breininger requested clarification of the ownership of the scrub property located to the north of the CITA Farm site.

Mike thanked Jeff for bringing the property to the SMC for consideration, and for attending the meeting.

Florida Power and Light (FPL) Property

Mike explained that the SMC had completed a site visit to the 6.66± acre FPL property which is immediately adjacent to the south east corner of the Cruickshank Sanctuary, in Rockledge. He noted that there were previous plans by FPL for a substation at the location. Those plans are no longer in effect and TNC has contacted FPL to see if they might be a willing seller at this time. A willing seller application was received on April 14, 2009.

Ross stated his recollection that the property had been considered a priority in the past, but that it was unavailable due to the previous plans for a substation.

Paul reviewed the May 14, 2009 Site Visit Report. The site is bordered on the east and north by new residential development. It is included in the Brevard Coastal Scrub Ecosystem Project (Florida Forever) and it was included in the original Scrub Jay Refugia Project (CARL) in 1993.

Soils and vegetation indicate the site is a remnant of the higher part of the Atlantic Coastal Ridge. The flora is predominantly native and characteristic of scrub; few exotic plants are present. No rare plants were observed, but several active gopher tortoise burrows, and three Florida Scrub-Jays which were banded on the Cruickshank Sanctuary were observed on this property.

Dave confirmed the Jays have expanded from the Cruickshank Sanctuary to this location as he had seen them defending the territory.

Public Comment

None.

MOTION TWO

Paul Schmalzer moved to approve a 1st Majority Vote on the FPL, Rockledge property.

Kim Zarillo seconded the motion.

Additional Discussion

Mike mentioned that staff was planning an SMC review of land acquisition priority rankings as there were currently more #1 properties (highest ranking) on the list than there were available funds for acquisition. Clarification was provided that this property should have a #1 ranking. Mike explained that the SMC would be asked to clarify priority within the #1 group in June.

The motion carried unanimously.

Ross stated that it might be a good idea to ask FPL if they were interested in donating the property.

Kim mentioned that it was possible FPL might need to do some mitigation, and this property might be appropriate for that use.

Sale of TICO Scrub Sanctuary 52+ acres property, Final Contract Review

Mike explained that today's action was a formal SMC review and final approval step, as required by the Land Acquisition Manual (LAM) for the pending sale of the TICO Scrub Sanctuary 52+ acres, which is located off Grissom Road in Titusville.

There is a long history to this action, beginning with a request from the TICO Airport Authority on July 20, 2007 to exchange the EEL Program's 52+ acres with 52 acres of other land owned by the Airport Authority. This request was declined by the SMC as the exchange did not offer a net conservation gain. A number of options for exchange were reviewed between 2007 and 2009.

On February 24, 2009, the SMC moved to approve the sale of this 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 at fair market value.

On April 28, 2009, the Board of County Commissioners authorized the Chairman to enter into a contract to sell the TICO 52+ acres to the TICO Airport Authority at a sale price equal to the most

recent appraisal value of \$1,560,000.00, with the contingency of a final review of the contract by the EEL Program SMC, County Attorney, and County Manager.

General discussion ensued regarding the general terms of the contract. The SMC agreed that everything appeared to be in order.

Public Comment

None.

MOTION THREE

Paul Schmalzer moved to approve the general terms of the contract for the sale of the TICO Scrub Sanctuary 52+ acres property.

Kim Zarillo seconded the motion.

Additional discussion

There was an additional call for Public Comment. No comments or questions were received.

The motion carried unanimously.

Mike explained that the Board has directed staff to clarify the procedures for the sale of EEL Program land. Staff will be working with the SMC and Procedures Committees on this item.

Kim stated she felt that it was not expected that the sale of EEL Program lands would be a common event.

Paul stated that this sale had come about under very unusual circumstances, and that the SMC has previously declined requests for sale, along with some requests for exchanges, as they were not appropriate.

VIERA DRI Tract A Property (AKA Viera Co., off Barnes Blvd.)

Mike explained that this 10.4± property in Rockledge is bordered by the Viera CDD Conservation Easement on the south and Barnes Boulevard on the north. The Cruickshank Sanctuary is directly north of the site, on the other side of Barnes Boulevard. Mike confirmed the issue of the removal of the annual CDD assessment has still not been resolved.

Paul reminded the group that the 1st Majority Vote that was given previously was contingent on confirmation that the annual CDD assessment would not be in effect. Mike confirmed that appraisals will not be ordered until this issue is resolved.

Paul reviewed the report from the May 14, 2009 site visit. The property is bordered on the west by residential development and on the southeast by commercial development. Directly east of the property is a smaller undeveloped tract. It is anticipated that the smaller tract will be donated by Viera Corporation to the Junior League. The property is within the boundaries of the Brevard Coastal Scrub Ecosystem Project, and was identified in the original Scrub-Jay Refugia Project (CARL), as were adjacent properties. Acquisition of this property was pursued in the past, but was not successful.

The eastern part of the site is scrubby flatwoods. The shrub layer is dense in most places with a few sandy openings along an old road or trail. Prescribed burning and reduction in densities of the pine canopy could improve the habitat conditions. Toward the western part of the site there is a band of mesic flatwoods, and then a fairly extensive depression marsh. The overall condition of the wetland is good with few exotic plants observed.

Although the site is small, it is immediately adjacent to the Viera Scrub Conservation Easement. It has scrub and wetland habitats that are in relatively good condition. The close proximity to the Cruickshank Sanctuary also enhances its conservation value.

Dave mentioned that if the site was developed, or became a heavy forest, it might stop the Jays from moving between the Cruickshank Sanctuary and the Viera Conservation Easement, but that the road was a concern, as there are plans to 4-lane Barnes Boulevard. He stated he felt that if the property was cut, burned, and restored, he did not know if it would contribute much carrying capacity for additional birds, but that it would maintain connectivity between the two existing conservation areas, and he thought that although some birds could be lost due to the roadway, providing connectivity to the conservation lands would provide greater benefit.

Consideration of a fly over that would require the Jays to fly higher than the road over the area where the two conservation areas connect was suggested.

Mike reminded the group that this property would be reviewed again during the next Land Acquisition Prioritization review.

Additional Discussion

A letter from the SMC, thanking Ron Hight for his service to the EEL Program was distributed to SMC members in attendance for their review and signature.

NEXT MEETING:

Staff will poll SMC members to determine the date of the next meeting.

ADJOURNED:

The meeting was adjourned at 1:55 PM.

SUMMARY OF MEETING MOTIONS:

- Motion to approve the March 28, 2009 minutes as amended.
- Motion to approve a 1st Majority Vote on the FPL, Rockledge property.
- Motion to approve the general terms of the contract for the sale of the TICO Scrub Sanctuary 52± acres property.