



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM
SELECTION & MANAGEMENT COMMITTEE (SMC)
December 8, 2009
Attendance List**

SELECTION & MANAGEMENT COMMITTEE MEMBERS

Mark Bush
Dave Breininger
Sue Hann
Ross Hinkle
Randy Parkinson
Paul Schmalzer
Kim Zarillo

EEL PROGRAM STAFF

Laura Clark
Xavier de Seguin des Hons
Mike Knight
Brad Manley
Ray Mojica

THE NATURE CONSERVANCY

Anne Mayer
Rebecca Perry

GUESTS

Vince Lamb, Friends of Ulumay
Jack Lembeck, Brevard County Historical Commission
Linda Manner, District 3 Commission Office
Amy Tidd, Sierra Club
Suzanne Valencia, Sierra Club

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

*December 8, 2009
Approved January 8, 2010*



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

December 8, 2009
Meeting Minutes

CALL TO ORDER:

Ross Hinkle, Chairman, called the meeting to order at 1:05 PM.

PUBLIC COMMENT:

None.

MINUTES:

No minutes were presented for approval. The September 18, 2009 minutes are incomplete.

ADMINISTRATIVE REVIEW:

The Administrative Review was reviewed.

Paul Schmalzer stated that he felt that the information which was included in the second item of the Miscellaneous Administrative Review, regarding BOCC direction to staff to broaden the criteria for membership on the Selection and Management Committee (SMC) to include at least one member associated with the Economic Development Commission, or Tourism Development Commission, with eco-tourism in mind, required clarification. He stated that the process for amending the EEL Program's Land Acquisition Manual (LAM) is that any revision to the manual requires the approval of both the Procedures Committee (PC) and the Selection and Management Committee (SMC) before it can be sent to the Board for final approval.

Mike explained that wording for that section of the Administrative Review had come from the Board documents and that page 1-12 of the LAM which explains this process was included in the meeting's handouts. He also confirmed that staff intends to follow the process as established by the LAM.

Paul also stated that was his understanding from the October 20, 2009 Board meeting, but that it had appeared to him that during the November 10, 2009 Board meeting discussion regarding the recent SMC appointment, there had been some discussion that seemed to indicate that the Board might feel that the provisions already in place regarding the Recreation and Education Advisory Committee (REAC) might satisfy the Board's desire.

Mike confirmed that he has asked for clarification on this issue.

Paul reminded the group that there is already a provision in the guidelines for the REAC Committee for a representative from the Tourist Development Council and Economic Development Council, or other appropriate agency to participate in a non-voting advisory capacity.

Mike stated that it was anticipated that the Cochran donation might be coming to a close in the near future.

The group expressed their pleasure in this news.

Mike also provided confirmation that the Coastal Jewel property acquisition closing is anticipated to occur in the near future.

SMC REPORTS

REAC Update – Indian Mound Station Sanctuary

Brad Manley provided an update on recent events in the REAC Committee. He explained that on August 10, 2006, the REAC Committee had reviewed public access plans for the Indian Mound Station Sanctuary based on the anticipated acquisition of additional property, but that the additional acquisition had not taken place. He explained that a meeting was also held on September 23, 2009 to gather public input on plans for the Indian Mound Station Sanctuary, and that on October 8, 2009 staff had presented a revised public access plan to REAC. Brad explained that although the Committee had passed a vote to support the plan as presented by staff, there were several committee members who expressed concerns regarding the use of firebreaks as trails. Staff is reviewing the trail plan to see if other trail options exist that will receive greater support from a larger majority of the REAC members. It is anticipated the plan will come back to the SMC after it is discussed by REAC.

Clarification was provided that although this plan does not need to go to the State for final approval, because the land is in County title, the Sanctuary is within the boundary of the Brevard Coastal Scrub Ecosystem (BCSE) Project and could be submitted for partnership funding in the event that additional Florida Forever Funding becomes available.

Paul expressed concern regarding the possible level of impact to the small 85 acre site, if another trail system was added in addition to the fire lines.

Kim Zarillo stated that she agreed with Paul and that she would prefer that additional trails not be added around the perimeter of the site and that one path to the Mound should be sufficient.

Mike confirmed that there were no plans for additional major trails, just possibly a few foot paths to enhance the visitor experience.

Paul stated that travel on the fire breaks immediately after they have been plowed might not be pleasant, but that he has lead many field trips to EEL Program sites and that staying on the firebreak/trails had not generated any complaints.

Dave mentioned that animals also walk the firebreaks and leave signs, and that rare plants sometimes show up there, as well.

Clarification was provided that Xavier will continue with the management plan approval process and when a new, revised Public Access Plan has been reviewed by REAC, it will come to the SMC.

Additional Discussion

Paul Schmalzer stated that he would be leading a Florida Native Plant Field Trip to the Pine Island Conservation Area on January 9, 2010 and that anyone was welcome to attend. He reminded everyone of the Birding and Wildlife Festival which will be held from January 27 – February 1, 2010. He also stated that the Festival field trip to South Lake that he, Dave Breining, and Xavier would be leading has already filled.

Clarification was provided that the EEL Program has participated in the Birding and Wildlife Festival for many years and that it brings many visitors to the EEL Program sanctuaries.

Ross explained that at least 3 or 4 members of the SMC were extremely involved in the initiation of the Space Coast Birding and Wildlife Festival, and in developing hikes to the EEL Program sanctuaries, and that a company that he worked for at the time provided significant funding to help support those community efforts. He stated that he felt there was a misconception regarding the SMC's capacity to understand eco-tourism value in terms of the sanctuary networks.

Ross also explained that he is preparing a matrix regarding issues / perceptions / and reality related to some of the issues the EEL Program is currently facing and that he would be asking Mike to distribute it to the SMC for their review and comment, and that the final document would be submitted to the Board for their information.

Randy Parkinson stated he had attended the Barrier Island Bash and he felt the event was very successful.

STAFF REPORTS:

None.

THE NATURE CONSERVANCY:

Rebecca Perry and Anne Mayer reviewed The Nature Conservancy's December 8, 2009 Report to the SMC.

Maytown Flatwoods: Scottsmoor Partners In holdings –25 land owners, 30 parcels, totals approximately 50 acres. About half have signed willing seller applications.

Maytown Flatwoods: Honey Hole Ranch, LLC – Offer made to landowners on 12/3/2009 for both full fee and conservation easement.

Maytown Flatwoods: Gail Morris/North Buck Lake in holding – preparing negotiation strategy now, should be able to make offer within a week or so.

NIRL: Maggio Patrick eastern parcel, Mason and Miller, Parrish III / Price, Reichman, Jason, Valdyke, Trustee – appraisals due by end of January 2010.

NIRL: Xynidis – to be appraised soon. Appraisal will be separate from other properties.

PICA: The Nature Conservancy – BOCC Agenda item has been delayed.

Rockledge: Florida Power and Light – Appraisals due this week, will prepare negotiation summary soon.

Rockledge: Viera Company, Tract A – Appraisals due this week, will prepare negotiation summary soon.

Malabar: Bappi Investments, LLC/Rahman – BOCC approved acquisition contract October 20, 2009. On schedule for closing.

Malabar: Coastal Jewel – It is hopeful closing will occur in near future.

Additional Discussion

Paul asked if notification had been received regarding the CELP Grant application. Rebecca will follow up.

Mike confirmed that the folks at the Florida Navigation Inland District are working on due diligence related to mitigation issues related to the FIND property swap.

Public Comment

None.

AGENDA ITEMS:

Election of Officers

Ross commented that he has been appreciative of the wonderful support he has had as Chairman of the SMC since Hillary Swain resigned in 1995. He also stated that Randy Parkinson has served as Vice-Chairman during this time and that he would like to take this opportunity to nominate Randy as the next Chairman, if Randy would be willing to accept the nomination.

Randy stated that he would accept the nomination, if that was the decision of the Committee. Ross asked if there were additional nominations. No additional nominations were received.

Motion One

Ross Hinkle moved to nominate Randy Parkinson as Chairman of the SMC.

Paul Schmalzer seconded the motion.

Public Comment

None

The motion carried unanimously.

Motion Two

Paul Schmalzer moved to nominate Ross Hinkle as Vice-Chairman of the SMC.

Randy Parkinson seconded the motion.

Public Comment

None

The motion carried unanimously.

Additional Discussion

Ross stated that there has been a request to have the 3 management plans presented together as the presentations were stored on the same computer. No concerns were received regarding a change in the order of the agenda items.

North Buck Lake Scrub Sanctuary Management Plan

Xavier de Seguin des Hons, the EEL Program's North Region Land Manager, provided an overview of the North Buck Lake Scrub Sanctuary Management Plan which was being presented to the SMC for approval at the meeting.

This 169 acre site is located directly north of the St. Johns River Water Management District's Buck Lake Conservation Area and directly west of I-95 near Mims. The site is primarily upland communities with scrubby flatwoods and scrub on the west with a smaller wetland area on the east side.

State listed species on site include Gopher tortoise (Endangered) and spreading pinweed (Threatened) *Lechea divaricata*.

In addition, the State listed orchid Lacelip ladiestresses *Spiranthes laciniata* was found during a recent plant survey.

The site burned in the 1998 wildfires, but has had rapid re-growth in most areas since that time.

There are currently 3 gates for public access to the site, in addition to the access from the Buck Lake Conservation Area. There are plans to stabilize a small area for parking.

Management efforts have focused on restoration in order to prepare the site as suitable habitat for a Florida Scrub-Jay translocation effort, which is expected to begin within the next year.

Major sections of the site have received mechanical reduction, chopping, and timbering to assist in making the site safe for the application of prescribed fire. Much of the site has been burned and is recovering well. The majority of this work was completed with funding from a \$25,000 grant received from USFWS to enhance the upland habitat on this site. Approximately half of the grant funding is still available for future use.

Management activities have been planned to work around the privately owned in-holdings that are within the sanctuary footprint.

Clarification was provided that the BOCC recently gave final approval for the EEL Program to accept management of the Communities Finance property which is located directly north of the Sanctuary, if the site is acquired by the State. There are plans to reopen discussion with willing sellers in the area if this occurs. An amendment to the current management plan will be required if the State does accept the site for donation.

Staff will continue to stay in contact with the Tourism Development Council that plans to expand the I-95 rest stop near SR 5A into a Welcome Center. It is anticipated that the Center may display an exhibit created by the EEL Program and that a trail from the Center may run through part of the North Buck Lake Scrub Sanctuary.

The site currently has minimal invasive exotic species. There is a lot of equestrian activity on this site.

Paul commented that the re-growth rates for scrub oak can be quite variable and that a scrub oak that was 3-4 inches diameter might be 20 years old and it might be 50 years old.

Dave Breininger stated that since Xavier has become the North Region's Land Manager, he has completed an incredible amount of restoration work. The SMC congratulated Xavier on this accomplishment.

Sue Hann stated that she had a concern regarding the language which stated that trails would not be stabilized. She said that she understood that at this time, there are no plans to stabilize any of the trails, but she suggested consideration of remaining silent on the stated language, as there may become a time when it might be desirable, specifically when the site is connected to the planned Welcome Center.

Sue also stated that the Plan stated there were plans to monitor the impacts of bicycling, but that the data she has seen indicates that equestrian use is more damaging than bicycling and she requested clarification regarding the monitoring plans.

Ross confirmed that the EEL Program's Sanctuary Management Manual (SMM) requires that any type of passive recreation, which may be determined to be appropriate for each particular site, is monitored for negative impact to the natural community as part of the EEL Program's adaptive management process.

Mike Knight confirmed that staff would ensure that a reference to the need for monitoring for each type of use was included in each section of the North Buck Lake Management Plan, in the event that the information was not already included.

A question was raised regarding whether or not information related to ensuring that the need for monitoring for each type of access was included in each section of the North Buck Lane Management Plan should be included in the motion.

Ross stated that he felt it would be appropriate for the motion to indicate that the plan was approved with editorial comments added, rather than making specific motions for specific items.

Sue mentioned that there had been previous discussion during the meeting regarding the joint use of trails and firebreaks, which she felt was a concern, and that she hoped that the group would be working on that issue in the future.

Xavier provided clarification that the fire lines at the North Buck Lake Sanctuary were sugar sand, which is very soft and that they had rarely needed to be disked. He also confirmed that fire lines in sugar sand required very little maintenance, due to the composition of the soil. He explained that a similar situation would be occurring at the Scottsmeer Scrub Sanctuary, where existing ATV trails were quite wide.

Additional clarification was provided that the North Buck Lake Scrub Sanctuary is a Category II site, which is designed for minimal capital improvement.

Additional discussion occurred regarding the wording which indicated that trails would not be stabilized.

Sue Hann questioned plans to stabilize for cars, but not stabilizing for non-motorized vehicles.

Mark Bush explained that the purpose of stabilizing a parking area for cars is to make it easier for citizen's to access a site, but that stabilizing trails for non-motorized vehicles was potentially favoring one particular user group.

Mike confirmed that the Management Plan could be amended, if the need arose.

Paul provided clarification that the North Buck Lake Scrub Sanctuary Management Plan would not need to go to the State at this time but the area is included in the Brevard Coastal Scrub Ecosystem Project and reimbursement could be pursued in the future, if the State receives additional Florida Forever funding.

Mike explained that a change in statutes at the State level changed some of the requirements for Management Plans which need to go to the State and that one of the changes relates to Arthropod Control, which in most Florida counties relates to mosquito control.

Mike explained that staff has been working with Mosquito Control to develop a plan and that there would be additional discussion later in the meeting on this topic when staff asked the SMC to review and approve the document which had been previously sent out to the SMC for review. He explained that if the document was approved by the SMC, staff would like to insert it into Management Plans that have been approved by the SMC, but have not yet gone through the complete Management Plan Approval Process.

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

MOTION THREE

Paul Schmalzer moved to approve the North Buck Lake Scrub Sanctuary Management Plan, with the addition of the Arthropod Control Plan, and with editorial

comments as noted in the minutes, and to authorize forwarding the Plan to the Board of County Commissioners for final approval.

Kim Zarillo seconded the motion.

The motion carried unanimously.

Hog Point Cove Sanctuary Management Plan

Ray Mojica, EEL Program Land Manager for the South Beach Region provided overview information on the Hog Point Cove Sanctuary Management plan which was presented to the SMC for approval at the meeting.

- South Beach Region has eight sanctuaries. Management plans for six sanctuaries are complete. Two management plans are being presented for approval today. This plan does not need to be approved by State as the County holds the title to this property.
- Hog Point Cove Sanctuary was received as part of a donation from the Mellon Foundation in 2002.
- The Sanctuary consists of three non-adjacent parcels located in the same general area.
- Sanctuary parcels are surrounded by residential and other conservation areas.
- Habitats within the Sanctuary are almost entirely maritime hammock.
- Management activities primarily involved removal of Brazilian pepper.
- Three of the eight sanctuaries in the South Beach region have a trail system. This site does not.
- Site is very similar to Coconut Point Sanctuary, which is located about a half a mile away, and which does include a trail system.
- Site contains a Caretaker Facility and previously contained abandoned clam farm structures which have been demolished.
- A 70 acre submerged land lease was also donated to the EEL Program by the Mellon Foundation.
- Research and education activities related to Board approved Memorandums of Understanding (MOU) between the EEL Program and Florida Institute of Technology (FIT), and between the EEL Program and Oceanic Applied Sciences and Environmental Solutions, Inc. (OASES) are conducted on the parcel which previously contained the abandoned clam farm.

Additional Discussion

Paul commented that the issues he had pointed out with the first draft had been resolved.

Randy asked why the Program was hosting a research facility on the property.

Clarification was provided that the FIT project regarding bio-fouling is expected to begin soon and that it will be compatible with research on water quality in the Indian River Lagoon, which affects the entire ecosystem. He also confirmed that the EEL Program has not expended any funding related to the FIT project.

Clarification was provided that OASES is a non-profit, scientific research and educational organization which cultivates plants that are used in EEL Program restoration efforts.

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Ray provided additional clarification that both agreements relate to the EEL Program's directive regarding education outreach, and providing collaborative efforts with other organizations.

Ross stated it appeared the current activities were considered appropriate, and he suggested that staff should always be prepared to answer questions regarding how Memorandums of Understanding with different agencies regarding potential utilization of EEL Program properties related to the Program and the Program's goals. He provided additional clarification that anything that provided manipulation of habitats could be a real issue and that the SMC needed to ask the types of questions that staff had received.

Xavier stated a research project which released a parasitic fly at the Enchanted Forest in an attempt to control an invasive, exotic bromeliad weevil had received approval from the SMC before it was implemented.

Public Comment

Jack Lembeck stated that he felt it was important that the SMC set the parameters of research on EEL Program sites.

MOTION FOUR

Randy Parkinson moved to approve the Hog Point Cove Sanctuary Management Plan, with the inclusion of the Arthropod Control Plan, and to authorize forwarding the Plan to the Board for final approval.

Mark Bush seconded the motion.

The motion carried unanimously.

Barrier Island Sanctuary Management Plan

Ray provided overview information on the Barrier Island Sanctuary Management Plan including:

- The Management Plan currently being presented for approval is an update to the original plan to bring it in line with the current format and to address deficiencies.
- The 34 acre Barrier Island Sanctuary, which straddles A1A was received as a donation from the Mellon Foundation.
- Grant funds were used to remove the invasive, exotic Brazilian pepper and Australian pine trees that were previously found on site.
- A small natural marsh on the west side of A1A which had been previously impounded has been reconnected to the lagoon via 2 culverts.
- Restoration efforts have been very successful and the biodiversity of the site has been significantly increased.
- A one mile loop trail was established in 2005 on the west side of A1A.
- Trail includes a boardwalk, a bridge, several kiosks and benches, and a haul in kayak launch.
- Plans include a covered pavilion which can be used as a staging area for student field trips to the lagoon area.
- Barrier Island Center was opened in May of 2008.
- Visitors to Center since opening 43,000. This number is on target with expectations.

Last Saturday, the Barrier Island Center was used as a USFWS meeting location. Attendees at the meeting included Ken Salazar, US Secretary of the Interior; Tom Strickland, Assistant Secretary of the Interior for Fish, Wildlife and Parks and Sam Hamilton, USFWS Regional Director, Southeast Region. Secretary Salazar, Assistant Secretary Strickland, and Director Hamilton toured the Center and were very complimentary of their visit.

Public Comment

None.

MOTION FIVE

Paul Schmalzer moved to approve the Barrier Island Sanctuary Management Plan, with the inclusion of the Arthropod Control Plan, and to authorize forwarding the Plan to the Board for final approval.

Dave Breininger seconded the motion.

The motion carried unanimously.

Land Acquisition Manual Language Revision regarding Sale of Land

Mike stated that when the EEL Program submitted the sale of the 52 acre TICO Sanctuary property to the Board for final approval in April of 2009, the Board requested consideration be given to providing better, more detailed language in the LAM that addresses how the process should work if there is ever a need to sell land in the future. He explained that staff has prepared draft language, which has been reviewed and approved by the County Attorney, and which will be presented to the Procedures Committee for their review and discussion as a starting point for the possible revisions, and he asked the SMC if they had any comments or suggestions.

Sue Hann stated that she had a comment on paragraph 2, regarding the need to obtain a super majority vote in order to move a contract for sale on to the Board. She stated that her thought was that depending on circumstances, it may be beneficial for the Board to hear a request and the SMC's recommendation, but not preclude the Board's hearing a request that had not received a super majority vote by the SMC. She stated that a circumstance that might fall into that category would be if the Town of Malabar was requesting a piece of the scrub sanctuary that they want to use for some municipal purpose, or something along those lines, and that perhaps that would be inconsistent with the SMC's vision of the management of the property, but the circumstance may have other considerations that the Board may be interest in.

Sue stated that perhaps, any exchange, or sale proposal should be reviewed by the SMC, and then forwarded to the Board with the SMC's recommendation.

Paul stated that EEL Program land acquisitions require a 2nd Majority Vote, which is a vote of 5 of 7 members, and that a land acquisition can only move forward to the Board for final approval, if it is support by a super majority of the SMC and that he would think that the sale of property which had been acquired would required the same majority. He indicated he would not be supportive of a lesser majority and would not support weakening it.

Ross stated that the consideration was that land which might be sold had to result in acquisition of equal or greater conservation value in order to meet the obligations under the referendum. He stated that the groups needed to be very sure that what is approved and goes into the LAM does not set a precedent that is contrary to the objectives of the referendum.

Ross added that acquisition is based on conservation value, and sale is based on loss of conservation value and replacement, which was the case with the TICO sale, where the dollar value was to acquire scrub with equal or greater conservation value.

Mike provided clarification that any funds received from the sale of EEL Program property had to be used to acquire new property. He added that a portion of the funds from the sale of the TICO property had been earmarked for the pending FIND site exchange, and that there had been some discussion regarding the use of the TICO sale funds to help contribute to the Coastal Jewel property acquisition.

Mark Bush stated he felt it would be helpful to include explicit language which confirms that the proceeds of any land sale go directly back to the EEL Program, in order to provide that information to someone who might not know the guidelines quite as well and might think that someone could sell EEL Program land to make money and spend it on something else.

Paul agreed with Mark's suggestion.

Sue stated that there could be a piece of property whose conservation value has diminished over time, and that it was no longer of high value, and that perhaps the Town of Malabar wanted the land for a fire station or something like that and was willing to pay fair market value.

Mark stated that in that case, they would have to come back and make their case to the SMC, and it would require a super majority vote, just as it would be for an acquisition.

Ross and Kim agreed.

Ross stated that it was really the same procedure, the only thing that was changing was the direction the process was going.

Kim stated that the SMC has a responsibility to the public, and the 1990 referendum which established the EEL Program. She explained that the first referendum in 1989 did not pass, but the second one in 1990 did, as a result of changes between the two referendums.

Paul stated that the SMC has received previous requests for land exchanges, which were not approved by the SMC because of the conservation value of the land that was offered for exchange.

Ross stated that the conservation value of land is the basis of the evaluation process the SMC is charged as a Committee to consider. He stated that there have been public land acquisition programs in other states, where due to a change of circumstances, conservation lands have been sold and we have to be careful of that, and be sure that with regard to the EEL Program sanctuary lands, there is a procedure in place that requires very careful consideration of the possible sale of property, not that it isn't appropriate in some cases, just that it can't be easy.

Sue stated she felt that she would agree with everything the others had said, with the exception that the prerogative really rests with the Board. She stated it is the Board's decision whether to sell or exchange property, and that she sees it a little differently - that the SMC is an advisory committee to the Board; versus the gatekeepers where the Board doesn't have any authority if the SMC didn't approve the super majority vote.

Kim stated that she thought the members of the SMC were aware of their place in the world and the position in the food chain, but that she felt they all took their duty very seriously about making recommendations, with the understanding that the Board has the final say.

Ross stated he wanted to be clear on the guidelines. He stated it was his understanding that with regards to the acquisition of land, the Board can not use EEL Program funds to buy land that has not been approved for conservation value by the SMC. He stated that the SMC could recommend acquisition, but could not force the Board to purchase, and that the Board could buy - with the SMC's recommendation. He asked if the same held true for selling.

Paul stated that he would say yes.

Ross stated he would think so, too.

Paul stated that was his reading of the existing LAM, and that the purpose of possible revision was a matter of clarifying the language within. He said that sales are mentioned within the LAM, but it was not considered something to be frequent, so it was not laid out in detail, but the LAM is very clear that the BOCC can not purchase lands under the EEL Program, except as recommended by the SMC.

Ross agreed.

Paul added that the original LAM was in place before the 1990 referendum and that in his view, the 1990 referendum was contingent on the LAM.

Public Comment

Amy Tidd stated that she intended to see that the PC should make the language in the LAM regarding the sale of land a more strict standard, because you need a high standard to buy the land, but once it is held for public good, she felt that it was possible that a unanimous vote to sell land should be required, because a super majority could be impacted by future appointments. She stated that land held for the public good should be seen as very, very valuable, and only sold or traded under the most important situations.

Jack Lembeck stated that the land wasn't just held for the public good, but it was held for a specific purpose, and that it is stated in the statutes that the land is held for that purpose, in perpetuity to begin with and he asked how could anyone change perpetuity without a unanimous vote.

Suzanne Valencia stated that the EEL Program was sold to the public on its scientific basis, and that the County Commission changes every few years; but this scientific committee has been the backbone of the Program and it is what the citizens bought into and are happy to pay for. She stated she understood the Board has the final approval on everything, but she put a lot more trust in this Committee than she did the Board.

Ross stated that he thought the procedure was in place, and confirmed that the SMC would need to consider whatever the Procedures Committee came up with, but in the end, both committees had to approve the final language before it was sent to the Board.

Randy stated that the Board looked to the SMC to make good decisions and he liked the idea of a super majority vote because it showed confidence in the decision. He stated that the requirements for a vote to sell land should be equal, and perhaps greater to those which were required to purchase it.

Ross explained that conservation values could change because of the changes in surrounding or urbanized areas and that in some ways, conservation value could be a moving target.

Ross requested confirmation that the current task at hand was for the Procedures Committee to look at the language of the LAM regarding the requirements for the sale of land acquired by the Program.

Mike stated that was correct.

Ross asked for clarification that the draft document which was distributed at the meeting was what staff would be presenting to the Procedures Committee for consideration.

Mike stated that was correct and that the Procedures Committee would likely ask what does staff think, and what does the SMC think, and then deliberate and then they would send something back to the SMC.

Ross stated that he would like to recommend that something of this potential should be handled through a joint meeting of the Procedures Committee and the SMC, so the discussion could be held, real time, to eliminate the back and forth.

Mike stated that would be acceptable.

Paul stated he thought that would be a very good idea.

Mike stated that there were plans to have a separate Procedures Committee meeting before the joint meeting as the Procedures Committee meeting also needed to deal with the issue of the Selection and Management Committee membership criteria.

Ross said he thought it would be nice if the SMC could be in on that discussion, too.

Mike stated if the group wanted to have it all together, that would be fine and the only thing that jumped out at him was whether or not it was an issue to have the SMC discussing their own criteria.

Ross stated he did not see why it would be, because the SMC had developed the criteria.

Kim stated she did not think it mattered.

Paul stated it was part of the LAM.

Ross stated that he recognized that it might seem a little circular, but that was intentional.

Mike confirmed that any changes to the Land Acquisition Manual require the approval of both committees.

Ross agreed.

Public Comment

Jack Lembeck asked if the meeting would be a public meeting.

Additional Discussion

Confirmation was provided that all meetings of the SMC, PC, and REAC committees are public meetings.

January 8th was suggested as a possible meeting date. Staff will poll members of both committees to determine if that would work out.

Mike stated that if anyone had any other thoughts to send to him, he would try to compile things and have them documented for the meeting.

Public Comment

None.

Final Scrub Management Guidelines

Mike explained that the SMC had reviewed and approved the draft Florida Fish and Wildlife Conservation Commission (FL FWCC) *Scrub Management Guidelines for Peninsular Florida: Using the Scrub-Jay as an Umbrella Species* during the June 25, 2009 SMC meeting. He confirmed that the final Agency Guideline Document, dated June 30, 2009 had been sent to the SMC prior to the meeting and that staff was requesting approval of the final document so it could be forwarded to the Board for implementation.

Paul stated that the guidelines had been reviewed at length and that he felt the guidelines were the scientific consensus for the scrub ecologists in the State at this point.

Ross stated that the document has been reviewed by many reviewers and that he thought it was good to have guidelines like these in place to assist with operations.

MOTION SIX

Paul Schmalzer moved to approve the FL FWCC Scrub Management Guidelines for Peninsular Florida.

Randy Parkinson seconded the motion.

Additional Discussion

Kim Zarillo stated her support of the Guidelines.

Sue Hann requested additional information related to fireline maintenance activity and the use of empty roller drums versus disking.

Clarification was provided that the roller drum provides greater vegetation reduction capacity when it has more water, and that in some situations, a light roller drum would provide enough impact, and other times, a heavy roller drum was required to achieve the objectives and management goals for a specific area.

Xavier de Seguin des Hons stated that a wide group of machines are used in land management activities to achieve the desired result.

Ross commented that the term guidelines was important, and that particularly on EEL Program lands, the land managers discuss management vision and goals with the SMC as part of the Sanctuary Management Plan.

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

The motion carried unanimously.

Florida Fish and Wildlife Conservation Commission Cooperative Management Memo of Understanding

Mike explained that a Memo of Understanding (MOU) between the EEL Program and the FWCC Terrestrial Habitat Conservation and Restoration Section, Division of Habitat and Species Conservation, (THCR) has been prepared to facilitate a cooperative effort for prescribed burning and other land management activities at the FWCC Salt Lake Wildlife Management Area (SLWMA) and the adjacent EEL Program's Fox Lake Scrub Sanctuary in north Brevard.

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Ray stated this agreement was similar to an agreement for prescribed fires within the Archie Carr Refuge and other places with a proximity to FWCC properties.

Paul stated it makes good sense to coordinate management efforts to jointly use resources to achieve compatible ends. He said it was important to remember in terms of these MOUs with other agencies that we are looking at sharing resources for ends that are compatible, things like habitat Management, and Prescribed burns which often require more resources than one agency can bring in at a given time. He stated that the EEL Program would not be taking over management of their lands, and they were not taking over our lands, it was a shared effort where appropriate and where both parties contribute and both benefit.

Ross agreed and stated that the Sanctuary Management Manuals provide for cooperative management agreements with other groups.

Ray Mojica stated that the agreement would provide cost savings to both groups.

Kim mentioned that a cooperative effort would also help both groups keep their skills up to date.

MOTION SEVEN

Kim Zarillo moved approve the FWCC THCR Memo of Understanding regarding land management activities at Salt Lake Wildlife Management Area and Fox Lake Scrub Sanctuary.

Dave Breininger seconded the motion.

Public Comment

None.

The motion carried unanimously.

Arthropod Management Plan

Mike reviewed that a change in statutes at the State level changed some of the requirements for Management Plans which need to go to the State and that one of the changes related to Arthropod Control, which in most Florida counties relates to mosquito control.

An Arthropod Control Plan provided by Brevard County Mosquito Control was distributed to the SMC for review prior to the meeting.

Mike confirmed that there are a few issues which need to be worked out in the future, regarding non-target impacts of adulticiding for mosquitos on EEL Program sites but that staff was requesting the SMC review the document to determine if it could be adopted by the EEL Program as a standard Arthropod Control Plan in order to expedite the approval process for the Management Plans.

He also provided clarification that the changes in the statute require a new checklist, which was included in the North Buck Lake Sanctuary Management Plan. This multi-page list documents where the Arthropod Plan is included within each Management Plan, in addition to clarifying where a few other new requirements (as an example - documentation that the Plan complies with the County's Comprehensive Plan), are included in each Management Plan.

Mike explained that if the Arthropod Control Plan was approved by the SMC, staff would like to insert the Plan and the new checklist, into a few management plans which the SMC has approved, but which have not yet completed the entire Management Plan approval process. He confirmed that on occasion, staff might need to insert a short reference to the checklist within body of some of the Management Plans, but that there would not be anything contrary to the intent of the Plans

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which the SMC had approved. He stated that if needed, staff could bring all those Plans back, just for SMC approval of the new requirements, or staff could move those things forward and add the Arthropod Control Plan and minor checklist items as needed. He confirmed that if substantial changes were required, staff would be sure to bring a Plan back through the review and approval process.

Ross stated his understanding that there is a legal precedent that Mosquito Control agencies can come on to public lands to control mosquitoes.

Mike confirmed Ross's understanding was correct.

Ross asked if agreement to the Arthropod Control Plan, as presented, would provide a precedent where in a potential worst case scenario, a mosquito control agency wanted to establish mosquito control management efforts on EEL Program conservation lands, and there was a high potential of impact to the conservation value of the site.

Ross stated that he felt that if the SMC assumed that the Arthropod Control Plan, as it was being presented, was appropriate for all EEL Program sites, they could be making an erroneous assumption.

Mike stated that staff is currently developing a series of maps for all sites which show all of the upland locations. He explained that Mosquito Control, by their own rules, and the State statutes, can not adulticide in wetland communities, so it is only the upland communities that are at issue. He explained that Mosquito Control will review the maps and clarify whether they are currently doing helicopter adulticiding in the mapped areas.

Randy asked if it was possible the Arthropod Control Plan might be approved, with areas of exceptions.

Ross stated he was not familiar with current literature regarding the role of adulticide and asked if additional information could be provided.

Kim stated her understanding that the spraying was not discriminate.

Dave Breininger stated he was not comfortable agreeing with some of the items and asked if Scott Taylor could attend an SMC meeting and provide additional information.

Mike stated he felt the issue would take a long time to address and suggested the SMC consider accepting the Arthropod Control Plan that had been presented as a temporary fix, with some statement that the SMC didn't want to hold up the management plans, and that there would be further review of the issues related to EEL Program sites and aerial adulticiding, because staff was already headed down that road anyway.

Kim stated that she felt it was important to consider the adulticide issue carefully.

Mark stated he understood the need to get the Management Plans through, but that he would like to receive additional information on the topic. He added that he raises butterflies in his back yard and when the spray truck comes, all the caterpillars turn green and drop off, so clearly the insecticide was not selective to mosquitoes, and that was a concern.

Ross stated that perhaps there would be some sites where adulticiding would be appropriate and perhaps there would be some sites where it wouldn't be, but that first they needed to know which sites were potential targets, and then they would need to evaluate how much of the area will be

treated, how it will be treated, and determine what existing characteristics of the site might be impacted.

Mike stated that was already in progress.

Ross added that sites will need to be monitored for impacts.

Public Comment

Jack Lembeck stated it was important to get the Management Plans through, and suggested consideration of a reversal clause in the event that in the future, it became obvious that there were harmful effects.

Vince Lamb stated that he had the opportunity last week to serve on the State's Land Management Review Panel as a representative of the Native Plant Society, and while the Panel was very complimentary on the way that EEL Program properties have been managed, there was discussion regarding the number of Management Plans which have not been completely through the approval process. He stated he enjoyed watching the SMC at work because of the way they handled things.

MOTION EIGHT

Randy Parkinson moved to approve the Arthropod Control Plan with the understanding that it is being done to facilitate the general progress of the sanctuary Management Plans, and with the understanding that there will be a more rigorous, site specific review within a year.

Kim Zarillo seconded the motion

The motion carried unanimously.

NEXT MEETING:

Staff will poll members of the SMC and the PC to see if January 8th would be an appropriate date for a joint SMC/PC meeting.

ADJOURNED:

The meeting was adjourned at 3:55 PM.

SUMMARY OF MEETING MOTIONS:

- **Motion to approve Randy Parkinson as Chairman of the SMC.**
- **Motion to approve Ross Hinkle as Vice-Chairman of the SMC.**
- **Motion to approve North Buck Lake Scrub Sanctuary Management Plan, with the addition of the Arthropod Control Plan, and with editorial comments as noted in the minutes, and to authorize forwarding the Plan to the Board of County Commissioners for final approval.**
- **Motion to approve the Hog Point Cove Sanctuary Management Plan, with the inclusion of the Arthropod Control Plan, and to authorize forwarding the Plan to the Board for final approval.**
- **Motion to approve the Barrier Island Sanctuary Management Plan, with the inclusion of the Arthropod Control Plan, and to authorize forwarding the Plan to the Board for final approval.**

- **Motion to approve the FL FWCC Scrub Management Guidelines for Peninsular Florida.**
- **Motion to approve the FWCC THCR Memo of Understanding regarding land management activities at Salt Lake Wildlife Management Area and Fox Lake Scrub Sanctuary.**
- **Motion to approve the Arthropod Control Plan with the understanding that it is being done to facilitate the general progress of the Sanctuary Management Plans, and with the understanding that there will be a more rigorous, site specific review within a year.**