



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM  
SELECTION & MANAGEMENT COMMITTEE (SMC)  
March 30, 2010  
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

***THE NATURE CONSERVANCY***

Anne Mayer  
Rebecca Perry

***GUESTS***

Linda Mannier, District 3 Commission Office  
Suzanne Valencia, Sierra Club  
Cindy Thompson, Turnbull Farms  
Bonnie Wilbanks, Town of Malabar  
Mark Johnson, Sea Sports  
William Alcock, Oakmont Preserve

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

*March 30, 2010  
Approved April 27, 2010*



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

March 30, 2010  
Meeting Minutes

### **CALL TO ORDER:**

Randy Parkinson called the meeting to order at 1:04 PM.

### **PUBLIC COMMENT:**

None.

### **MINUTES:**

No minutes were presented for approval. The March 2, 2010 minutes are incomplete.

### **ADMINISTRATIVE REVIEW:**

The Administrative Review was reviewed.

#### Cochran Closing

Mike confirmed that the 187± acre Cochran Mitigation Donation property has closed and \$31,000 was received in management fees. Clarification was provided that the owner has retained an inholding which is approximately 21 acres.

Paul Schmalzer commented the site would be a major addition to the Jordan Scrub Sanctuary.

#### Windover Archaeological Site

The Governor and Cabinet have approved the Windover site to be on the Florida Forever "A" list. We are waiting to hear if the Division of Historical Resource (DHR) will pursue acquisition with DHR emergency funding.

#### Florida Today Interview

Mike participated in an interview with Matt Reed at Florida Today that was recently released on the *Today in Brevard* TV show, on the *Florida Today* website, and in written form in the *Florida Today Newspaper*. Staff will be posting a link to the video on the EEL Program's website.

Ross commented he has distributed a matrix related to common perceptions and reality to members of the Brevard Nature Alliance in an attempt to help clear up some of the common misconceptions regarding the EEL Program.

It was determined that additional discussion of the matrix should be scheduled for a future meeting.

### **SMC REPORTS**

None.

### **STAFF REPORTS:**

None.

## **THE NATURE CONSERVANCY:**

Rebecca Perry reviewed The Nature Conservancy's March 30, 2010 Report to the SMC:

### Maytown Flatwoods

- Scottsmoor Inholdings: willing seller applications status provided.
- Honey Hole Ranch: Offers made and declined, need to submit revised negotiation strategy.
- Turnbull Farms, LLLP: on today's agenda.

### North Indian River Lagoon (NIRL)

- Five properties have been appraised. Negotiation strategies submitted on three, two of the properties that were appraised are included in CELP Grant application.
  - Maggio: Negotiation Strategy submitted on 3/20/2010.
  - Parrish III /Price: Negotiation Strategy submitted on 3/7/2010.
  - Reichman, Jason: Negotiation Strategy submitted on 3/20/2010.
  - Valdyke, Trustee: Negotiation Strategy submitted on 3/20/2010. TNC to discuss how to proceed with EEL staff.
  - Xynidis: EEL to appraise for fee value only. Included in CELP application.

Rockledge - Florida Power and Light: TNC made 1<sup>st</sup> offer on 3/12/2010. Local FPL rep seeking guidance from corporate.

Hog Point - Lopez: on today's agenda.

Valkaria - FIND – No new information at this time.

### Additional discussion

Clarification was provided that Negotiation Strategy documents, which have been a long standing part of the EEL Program's acquisition process, become part of a file's Public Record when a contract agreement has been reached, but they are part of the confidential negotiation process until that time.

## **AGENDA ITEMS:**

### **Turnbull Farms Property, Mims/Scottsmoor**

This 32± acre site, which includes multiple parcels and is located south of the Scottsmoor Flatwoods Sanctuary, was originally reviewed by the SMC during the March 2, 2010 meeting.

Paul Schmalzer reviewed the information from the March 25, 2010 Site Visit Report.

The 9± acre eastern parcel is bordered by the Pinewoods Mobile Home Park on the north and other residential development on the south. Vegetation on the eastern parcel is a dense pine flatwoods with slash pine as the canopy species. There is little saw palmetto in the understory suggesting past clearing or disturbance as saw palmetto recovers poorly from clearing. The site has not burned in a long time. Invasive, exotic Brazilian pepper is present along the edges of the property.

The western part is primarily mesic flatwoods and includes slash, longleaf, and pond pine. The area includes one depression marsh, which is in good shape. Saw palmetto, fetterbush, and gall berry holly are the dominate shrub layer species. Wiregrass is relatively common. There is also a little Brazilian pepper in the western portion. While in need of fire management the area would not require extensive mechanical treatment for restoration.

The western section is relatively undisturbed, but does include some old trails and sand roads used by ATVs. There is some trash dumping. The flora is primarily native.

The western section would expand protected flatwoods habitat of the Scottsmoor Flatwoods Sanctuary and provide additional habitat for gopher tortoises and potentially Florida Scrub-Jays.

The eastern section has less value for conservation due to its fragmented state and past disturbance.

Dave stated that there were at least 4 Scrub-Jay families within the brown section of the map (attached) which was presented on the overhead at the meeting. He stated that he believed the site could be appropriate for Scrub-Jays, if it was properly managed.

Mark Bush asked for clarification on the inholding which was visible on the map. Mike confirmed the area is privately held and that it is anticipated the owner may be a willing seller.

Kim Zarillo noted that management of the area would be much easier if the borders of the Sanctuary could run in a straight line and that acquisition of the L shaped inholding seemed like a good idea. She suggested consideration of not pursuing acquisition of the eastern 9 acres.

Paul stated he felt the western section would be a good addition to the Sanctuary, but that it was his opinion that the eastern area did not have a strong conservation value.

Randy mentioned that the eastern section would be difficult to manage.

Xavier stated the eastern section would require heavy timbering, due to the proximity to neighboring homes.

Ross asked if there was potential that the Scottsmoor Community Center folks might be interested in the portion of property that the SMC feels they may not be interested in.

Mike provided clarification that Parks and Rec. staff have requested to be informed regarding the SMC's determination for this site.

Clarification was provided by Dave Breininger that Florida Scrub-Jays are active in this area and additional acquisitions in the vicinity would be beneficial for conservation.

#### Public Comment

Cindy Thompson, owner of the Turnbull Farms, LLLP property, stated she has additional property in the general area. She added that she is familiar with the owners of most of the undeveloped property in the area and was willing to assist with owner identification if that would be beneficial.

#### Additional Discussion

Mike confirmed there are a large number of small parcels in this area.

TNC will be in touch with Cindy regarding identification of the ownership of additional undeveloped parcels.

## **MOTION ONE**

**Ross Hinkle moved to approve a 1<sup>st</sup> Majority Vote on the Western portion of the Turnbull Farms, LLLP property.**

**Paul Schmalzer seconded the motion.**

Public Comment

None.

**The motion carried unanimously.**

### Additional Discussion

Ross suggested that staff contact the Scottsmeer community to determine if they would be interested in using the 9 acre parcel for the planned Community Center. He also suggested that clarification of willing sellers in the area be received as soon as possible.

### **Oakmont Preserve Property, Town of Malabar**

Mike provided overview information on a new willing seller application which was received March 29, 2010 for a 32± acre property adjacent to the northern border of the Coastal Jewel property in the Town of Malabar. He explained that there has been a previous perception that the property had been set aside as scrub mitigation for part of the Oakmont Preserve subdivision, but the owner's representative has indicated that this had not occurred.

Mike introduced William Alcock, the property owner's representative.

William stated that when they first started developing the area, the 32± acre site had been set aside in the event that it was needed for scrub mitigation, but as it turned out, it has not been needed. He stated that they relocated some Gopher Tortoises to the site during the time of the Oakmont Preserve subdivision development, which was part of why they made some improvements to the area, but a conservation easement had not been required as part of the Gopher Tortoise relocation.

William confirmed that the associated wetlands are included within the development's footprint and that they are covered by a conservation easement, but since the scrub parcel was not part of the conservation easement, and because the developers are convinced they will not be doing any development for the next 5 to 10 years, if ever, they have signed a willing seller application for this property. He explained that he has also been in conversations with Jenny Ashbury, EEL Program Land Acquisition Coordinator, and Chris O'Hara, EEL Program South Region Land Manager regarding this site related to possible donation of the wetlands, which are currently covered by active conservation easements.

Clarification was requested to determine if a permit had been involved during the Gopher Tortoise relocation.

William stated the tortoises had been relocated under a permit.

Clarification was requested to determine if there are any current permitting, or limiting conditions, related to the site due to the Gopher Tortoise relocation.

William stated that there are no limitations whatsoever to the 32± acre scrub property as a result of the tortoise relocation; the active permit is on the subdivision. He explained that the developers are finished with the infrastructure, but the created wetlands need to go through their timing, and that the Army Corps of Engineers has verbally agreed that they will release the developer from any future requirements of the permits, basically the success of the creation areas, if they are

turned over to State ownership. He added that their group was scheduled for a meeting with the Water Management District the next day.

Kim asked if the Homeowners Association was still in the hands of the developers.

William stated that just over half of the lots were owned by others, and the developer had not yet turned the wetlands over to the Homeowners Association. He said that Jenny had stated that it would be advantageous for the EEL Program to acquire more wetlands in the scrub area and that he had come up with the idea that he would like to clean up the subdivision and make it easy for the developer and the homeowners, because he knew that in a lot of developments, when the wetlands get turned over to the Homeowners Association, they don't get managed properly and become a non-compliance problem for the community and the agencies controlling them. He also explained that Jenny had agreed with his idea, and that Chris O'Hara, EEL Program South Region Land Manager, sat in on one of his meetings with Jenny and Chris had stated that he was in agreement that the wetlands would be easy to maintain.

William provided confirmation that only one of the lots in the Oakmont Preserve subdivision has a house on it at this time.

Kim asked if there was an annual assessment fee for the homeowners.

William confirmed there was.

Randy asked how the development's build out might affect the surface hydrology of the area.

William explained that the subdivision had been built with lots approximately 1 ½ acres in size and that the stormwater issues were addressed during the development process with the creation of retention ponds and wetlands.

Mike explained that the EEL Program had previously accepted donation of on site scrub mitigation property at Capron Ridge and the Program has ended up with very tight working quarters working on property edges behind the homes, which makes it very difficult to manage the scrub with prescribed fire, so confirmation would need to be received that the same situation would not occur at this site.

General discussion ensued regarding 3 of the lots on the east side of the scrub parcel and the management benefits that could be obtained by rounding out the border.

Dave expressed concern regarding forested property on either side of the scrub and difficulties of maintaining the scrub area as a fire maintained state. He confirmed the scrub is currently in fairly good shape and that the site is currently being used by Scrub-Jays.

Mark asked if management dollars would be provided if the wetlands were donated to the EEL Program.

General discussion ensued.

William will research the following items:

- Possibility of management dollars with wetland donation.
- Issues with existing 3 lots
- Setbacks

It was determined that a site visit would be beneficial. Staff will make arrangements for the site visit.

### Public Comment

Bonilyn Wilbanks from the Town of Malabar stated that it was nice to keep preserving, but if the land was acquired by the EEL Program it would come off their tax roles. She also stated that the Town has put in ponds instead of wells for the purpose of fire control in that area, and she would need to go back and check with Debbie Franklin, who was involved when the development was put in, to answer a few questions she had.

### Additional Discussion

Mike told Bonilyn that staff would include her in the site visit.

Sue stated that there is a fairly extensive trail system there and that she had ridden on it that morning.

Randy stated that historical trail use would be considered in the event that the property was acquired by the Program.

Additional information will be provided on this item in the future.

### **Cory Lopez Property, Melbourne Beach**

This 3± acre property, which is located in Melbourne Beach between A1A and the Indian River Lagoon, was first reviewed by the SMC on March 2, 2010.

The site is bordered on the north by the Archie Carr National Wildlife Refuge and on the south by private property containing a residence.

Paul Schmalzer reviewed the March 16, 2010 Site Visit Report.

Vegetation consists of disturbed maritime hammock with live oak and cabbage palm as the main canopy with some gumbo-limbo. There are a number of subtropical species in the understory which, according to the owner's father during the site visit, was cleared in 1999. There are dead red bay trees present, probably due to laurel wilt disease. Mangroves fringe the edge of the lagoon. There is one open area, adjacent to a dredged pond, which is primarily on the neighboring property.

Acquisition of this property would expand conservation lands in the area, and it is directly adjacent to an existing reserve. However, the property is relatively small and no rare or unique features were observed that are not present on adjacent conservation lands. This property is outside the Florida Forever project boundaries and has been determined not to be a priority for acquisition by the US Fish and Wildlife Service.

Ross asked if the property included a dock.

Mike confirmed the property did include a dock, which was in good shape, and that staff had confirmed a dock was not needed in this area.

Ross stated that while acquisition of the site would add to existing conservation lands, the property did not contain any rare or unusual features that were not located on areas already under protection.

### **MOTION TWO**

**Paul Schmalzer moved to decline a 1<sup>st</sup> Majority Vote on the Cory Lopez property.  
Dave Breininger seconded the motion.**

Public Comment

None.

**The motion carried unanimously.**

**Parrish III / Price Property, Mims/Scottsmoor**

Mike stated that he was requesting input from the SMC regarding continuation of the acquisition process on the 9.5± acre Parrish III / Price property on the Northern Indian River Lagoon (NIRL). He explained that during staff review of the appraisals, it became evident that historically previous acquisitions of properties on the west side of the Florida East Coast Rail Road (FEC) also included property on the east side of the tracks. This is one of the few sites under consideration that only has acreage east of the FEC right of way. He stated that for this site, access for management would be difficult, and the site seemed to be in relatively good condition, the property, is not impounded and is classified as wetlands. The site does appear to have a deeper channel which runs all the way to the Jones Road boat ramp to the south. Mike said that it was also possible that the property might be suitable as a mitigation donation site.

Ross stated that this area is one of the few unimpounded marshes on the western side of the lagoon.

Paul stated that the EEL Program has been trying to acquire the shoreline of the Indian River Lagoon since 1991; there are currently willing sellers; and the Program has the funding to move forward, so he did not see why the Program would not continue to pursue acquisition.

Confirmation was provided that the site is within the existing Blueways Project, so it could be eligible for partnership funding from State at some time in the future.

Ross mentioned that there could be potential for getting funding from the North American Wetlands Conservation Act to assist with management activities. He stated that the marshes there are quite good and that they do protect the lagoon shoreline.

Dave asked for clarification of any concerns regarding possible management difficulties.

Xavier de Seguin des Hons, the EEL Program's North Region Land Manager stated that his primary concern regarding management would be access.

Paul stated that he understood access would be a challenge, but since the site was in pretty good shape, intensive management would not be required, and the Program would be involved in management activities in this general area for properties which have already been acquired.

Xavier mentioned that there was a light green area on the map, which contained vegetation he was not familiar with, and that could be invasive, exotic grasses which could be difficult to control.

Randy said that the property was near sea level and that he felt it could be under water in 100 years.

Sue said she felt Randy made good point and stated her opinion that there was a very small chance for development and that she felt the site would be preserved by virtue of its location.

Ross said that Sue made a good point, but that he has thought that before, and the sites have been developed.

Kim said that the Tortoise Island and Lansing Island developments were examples of places which no one thought would ever be developed.

Dave stated it would take a lot of fill to build on the Parrish III / Price location.

Randy asked if development potential and lack of upland community were to be considered in the priority ranking for the site.

Paul clarified that during the most recent priority review and ranking, which was completed last September, the SMC had lowered the ranking of sites that were more fragmented and less connected to the northern part of the lagoon. He stated that sites with the possibility to connect up shorelines and other conservation lands, like the Parrish III / Price site, had remained in the highest priority group.

Dave said that if the group wished to consider the broad picture, sea level rise should be considered.

Ross said that he agreed with Dave to some degree, but from a conservation perspective, there's a lot of value over 100 years.

Randy said that was true.

Ross said that some of the uplands may never become available, and the idea of pulling out 1 or 2 of the parcels did not make sense to him because the plan that was put together to protect the shoreline of the lagoon and this site was shoreline. He stated this type of marsh is very rare.

Ross stated he was not in favor of a change in direction.

Mike said that it could be possible that the FEC rail bed location could also change at some time in the future.

Ross clarified that when the SMC put together the NIRL acquisition project, the plan was to try and acquire as much of the western shore line as far south as possible, from Turnbull Creek, over to the Merritt Island National Wildlife Refuge, and he thought of it as a total package of conservation area.

Mike stated that the property would provide more conservation value if it was managed appropriately.

Kim stated the Program would be in the general area anyway managing other properties which have already been acquired.

Mark stated that he was supportive of consideration of not purchasing the land and hoping it did not get developed, because the Program has sites it would like to acquire, but can't get, due to lack of available funding,

Paul stated he realized that staff could not divulge the amounts of the appraisals, and asked if it was anticipated that the cost of the property would be substantial.

Mike stated it was anticipated the cost would not be high, and that acquisition would not have a significant financial impact on the remaining available funding.

Kim reminded the group the property was within the Florida Forever Blueways project boundary, which, as a Top 21, A group site, meant partnership funding could be available from the State at some point in the future.

Kim said that she felt it was good that staff had brought this property up as a point of discussion, because if it had been in a different location, she might agree with Mark, but even if it wasn't

developed, there was always the possibility that it could be used for sediment extraction or another activity. She stated that given the amount of money it was anticipated would be spent, as well as the possibility of additional funding sources, she would keep the site and continue to move forward.

Rebecca Perry stated that TNC is actively negotiating on properties along Parrish Road.

Randy asked Mike if he had received the information he wanted.

Mike stated he felt he was hearing the majority of the members say they wanted to continue with acquisition, but a motion for the record would be beneficial.

### **MOTION THREE**

**Paul Schmalzer moved to continue moving forward with the Parrish III / Price property acquisition.**

**Ross Hinkle seconded the motion.**

#### Additional Discussion

Mike clarified that TNC will pursue negotiations with the owners, and if a price agreement is reached, the final contract will come back to the SMC for approval before it is submitted to the Board for final approval. He added that it really wouldn't cost much to move forward to that point from where they were now, except that the appraisals might need to be updated, which would be relatively inexpensive.

Sue asked if Phase 1 inspections would be done on the property.

Mike confirmed that Phase 1 inspections would be completed as part of the due diligence process, if the contract received final approval from the Board.

#### Public Comment

None.

**The vote carried 6 -1 with Sue Hann voting in opposition.**

### **Lokay / Forbes Property Management, Merritt Island**

Mike explained that the State of Florida has informed the County that they may be receiving the 80+ acre Lokay / Forbes property as a donation and they would like to know if the EEL Program is willing to accept management of the property in conjunction with the Kabboord Sanctuary if the property is donated to the State. The SMC previously considered this property for acquisition in June of 2008 when they approved a 1<sup>st</sup> Majority Vote with the limitation that staff should bring the property back to the SMC before ordering appraisals. The site was not ranked during the June 2009 ranking, as it was staffs' understanding that the owner was considering donation to the County at that time. Mike also explained that staff has determined that the County has a mechanism in place to reimburse donation costs, and the owner is considering all options during their decision making process.

If this property came under the management of the EEL Program, it also would provide an access opportunity to the King Parks Trail which is anticipated to run from the Parks & Rec. Kings Park off to Chase Hammock Road to Hall Road, and eventually on to the Barge Canal, in addition to expanding the footprint of the Kabboord Sanctuary.

Paul mentioned that the SMC previously agreed to manage sites within the Blueway Project if they were acquired by the State.

Mike agreed. He provided clarification that no management funding would likely come with the acceptance of management as this would not be a mitigation donation to the County.

**MOTION FOUR**

**Mark Bush moved to approve the EEL Program should accept management responsibility for the Lokay / Forbes property adjacent to the Kabboord Sanctuary in the event that the property is donated to the State or to the County.**

**Paul Schmalzer seconded the motion.**

Public Comment

None.

**The motion carried unanimously.**

Additional Discussion

Ross asked about the possibility of having the EEL Program cover the cost of donation to the County and receive reimbursement through the County.

Mike stated that even if it was possible to receive Board approval to waive the survey requirement, an agreement with the donating party needed to be obtained to ensure that owners don't step away from their commitment to donate, once the Program has expended funds. He confirmed that a Phase 1 Environmental Assessment is required as part of the donation process.

**Ulumay Wildlife Sanctuary Management, Merritt Island**

Mike reminded the group that this item was tabled at the March 2, 2010 SMC meeting due to time constraints.

He stated that there have been previous discussions regarding the EEL Program taking over management of the entire Sykes Creek basin area, but that the discussion today would only relate to the Ulumay Wildlife Sanctuary's footprint adjacent to the Boyd and DiChristopher properties which have been acquired by the EEL Program.

Mike said that if the EEL Program was going to consider taking over management of property already acquired by the County, it was important to confirm that the EEL Program wasn't taking over someone else's existing fiscal responsibility to manage the sites. He stated that staff has prepared a County Land Transfer Application document to gather all the pertinent information for the SMC to decide whether or not it is appropriate to take over the management of something that is already within the County ownership. He explained that the Ulumay Wildlife Sanctuary property, which is currently under the custodianship of the Parks and Recreation Department (P&R), came to the County in 1963 from the State with a clause that if the County didn't use the property for a park and public recreation for a period of 3 years or more, then it would revert back to the State, and, that in 1975, House Bill #1551 formally designated Ulumay as a Bird Sanctuary.

Mark Bush asked if the Bird Sanctuary designation by the State included any restrictions, such as closing down some areas during nesting season.

Mike explained that the bill clearly points out the site is designated for the preservation of species, with no hunting allowed, but it does not include details about how the site should be managed.

He asked the SMC if the County Land Transfer Application document was the type of information the SMC was looking for in order to make a decision regarding taking over the Sanctuary's management responsibilities, and stated if not, they would open discussion and work towards

anything the SMC wanted staff to work towards.

Dave Breininger and Kim Zarillo requested clarification regarding whether or not P&R and Mosquito Control would continue their current activities at Ulumay.

Mike confirmed that it was anticipated that they would and that the EEL Program's primary management would be related to the control of invasive, exotic species, other ecological management activities not already being performed by the other agencies.

He explained that Brevard County Mosquito Control is managing for mosquitoes, and they generally don't worry about Brazilian pepper, unless it is getting in the way of their vehicles. He noted that P&R has a trail system and that they assist Mosquito Control with mowing of vegetation in addition to maintaining the fishing pier and old bridge, and that the only thing the EEL Program would be doing is maintaining the ecological health of the area, doing things no one else has an obligation to do, possibly including prescribed burning.

Kim asked about closing off ditches.

Mike stated this was being evaluated, but it was important to ensure that there would not be any impact to the Mosquito Control efforts and that it was staff's understanding that Mosquito Control needed some of the ditches for management purposes.

Kim spoke of the importance of volunteer efforts like pepper busts related to the control of exotic species, and noted that additional effort was required above and beyond the volunteer activity in order to keep the pepper under control.

Sue Hann asked if consideration was being given to an interdepartmental memo of some type.

Ross asked what kind of additional effort would be placed on staff.

Clarification was provided staff would need to incorporate the information into the Management Plan, and development of a formal cooperative management agreement among the departments.

Mike confirmed that consideration of EEL Program management of the additional County owned properties to the north of the Ulumay Wildlife Sanctuary was on hold pending the outcome of Ulumay.

Ross stated he was supportive of the general idea for the EEL Program to be involved in an interdepartmental, collaborative management strategy for the Ulumay Wildlife Sanctuary as long as clarification was provided that compensation for what the other departments were doing did not need to come out of the EEL Program's budget, perhaps as some form of interdepartmental agreement, as Sue had suggested.

Mike stated that staff has also been in discussions regarding the lateral ditches with people looking for mitigation credits, but Mosquito Control must have input and be in agreement with any mitigation plans.

Ross asked if the areas would be considered EEL Program sites.

Mike stated that there would be an asset transfer, so technically the properties would fall under the EEL Program as custodian of the land.

Ross asked if there were any current activities that fall within the EEL Program's criteria for management and use that could cause conflict with current uses.

Mike stated that there weren't any that he was aware of, with the exception of Arthropod Control issues that have recently been discussed, but the Boyd and DiChristopher properties had been purchased with the understanding that they were located within an impoundment and Mosquito Control has a job to do as well.

Randy Parkinson suggested that perhaps possible conflicts could be included as an element of the application.

Paul Schmalzer stated that he felt the current discussion was mixing up management and ownership and that when the SMC had previously discussed the possibility of being involved in land management of the area during June and September, he believed the SMC had made it clear that the EEL Program could not be the County's land management agency. He reiterated that the EEL Program is funded to manage the Program's sanctuary network, which includes properties that have been acquired for the purposes of first protecting biological diversity, and secondly for passive recreation and environmental education.

Paul stated the first question to be answered was: is this an important area for protecting biological diversity? which it is; and secondly: is it within an existing project area? – to which the answer is also yes.

Ross clarified the site was within the Indian River Lagoon watershed.

Paul emphasized that if the property had not been owned by the County, clarification was required to determine if the site met the criteria for acquisition, and that the EEL Program's Land Acquisition Manual (LAM) has a mechanism for accepting donations as a way to acquire land and if the site was going to be donated to the EEL Program, it needed to follow the established process for donations.

Mike explained that the SMC was not currently discussing mitigation donations.

Paul stated that the Program does sometimes accept land as a mitigation donation, but the LAM has mechanisms for donation that are not tied to mitigation, and he felt this situation was effectively like that.

Mike stated that all EEL Program and P&R, Mosquito Control and all other properties held by county agencies are all county property, but the thing that would change is who is listed in the computer as Custodian, so that if someone calls and asks who to speak with about the site, Property Control will say the EEL Program is responsible for management and that is all that happens.

Paul stated that may be how the County tracks it, but property which falls under the EEL Program has a certain level of protection, that other County properties may not have, because there were mechanisms in the LAM related to transfer and sale. He said that if the property is not under the EEL Program's sanctuary network, and P&R or another department wanted to do something with it later on, they wouldn't be coming to the SMC for approval.

Mike agreed that was correct.

Paul stated that when the SMC was approached to sell the TICO property, they had to evaluate whether or not selling it was appropriate, and determine if it no longer met the criteria of the Program due to the development of the surrounding area, and, whether or not the Program could

do better with protecting biological diversity elsewhere, given what has happened in the TICO landscape.

Paul said that he thought it was important to be really clear that consideration of accepting the Ulumay Wildlife Sanctuary as a donation should be handled the same way as any other donation.

Mike stated that had been staff's intent during the preparation of the County Land Transfer Application.

Sue stated that she understood that County property was County property, regardless of which agency was in charge of it, and she asked if there would be impacts to the other department's willingness to assist in the management if the site belonged to the EEL Program.

Mike said that clarification of management responsibilities would be provided as part of the agreement, and if a department wanted to pull out of the agreement, it would be inconsistent with why it was provided to the Program in the first place.

Sue asked if it was possible that other departments could decide that if the property was going to be transferred to the EEL Program, then the EEL Program should accept complete responsibility for it and she suggested consideration of keeping the properties under P&R, but still having the cooperative agreement.

Mike stated that could be a possibility, and that would be a decision for the Committee.

Randy stated the down side of not having the property donated to the EEL Program was that, as Paul had mentioned, unless the land was added to the EEL Program's sanctuary network, the Program would have invested time, effort and resources with no long term protection guarantee.

Paul reminded the group that another issue related to that is that the EEL Program is separately funded by the referendums, and the Program can spend money on managing those properties that are acquired under the referendum, but he did not believe the Program could go and manage other properties with referendum dollars.

Ross agreed.

Paul stated he thought it was possible to get into a very slippery slope in terms of saying the Program could take over management because it might make sense biologically. He emphasized that the Program has a funding mechanism which is specific to the referendum and properties acquired under the referendum.

Mark stated Ross and Paul made a good point, but that it was also important to consider that the Program would be investing a lot of time and effort in bringing this land back into good condition. He said there will be a Management Plan which assumes that each piece of property is there, and if the County sold it out from under the Program because it did not have some kind of fixed lock on each piece, it would devalue the rest of the management of that landscape. He stated he understood that other departments might not continue with part of the management efforts but he felt if everyone could work together in good faith, he was supportive of EEL Program taking on the management.

Ross stated that he felt that the SMC understood that position that EEL Program staff are in, as part of the P&R staff, but that when the Program was moved from Natural Resources to P&R a lot of these questions were asked, and that what now seems simple and straight forward, in the long term can be very complicated and result in a precedent you don't want. He explained that he

thought the SMC was being a little conservative, and cautions in discussing this because they want to make sure that it is clear that we don't violate the spirit of the EEL Program that was put in place by the two referenda, in terms of expenditure of management dollars on other pieces of property. He said if the property has to be donated, it becomes an EEL Program site, like an acquisition through donation, and all of the criteria apply to it and all of the burden and cost of taking care of it can come to the Program. He said that if you start spending EEL Program funds on non-EEL Program property, then the question can be raised as to the legitimacy of doing that.

Mike stated he agreed and he believed the best approach was to treat this like a donation, that the SMC either wanted to accept, or not, and then staff could do their best to try to bring in other partners, like P&R, to maintain mowing, through the agreement, and hope the agreement could be maintained long term.

Ross stated that if that was to be the case, it should come to the SMC as an acquisition donation. It should be reviewed in terms of conservation value, and how it fits with the ecological value of the whole series of wetlands, and so forth, and then if the SMC made a positive decision, it goes to the Board for final approval. He stated that process might cost a little extra money, but he thought having a better set of control criteria might be valuable in the long term.

Mike asked if additional information needed to be included on the County Land Transfer Application for the SMC to be able to make their decision.

Mark suggested changing the word "current" in current custodian management responsibilities; be changed to "continuing".

Mike stated that could be done.

Ross suggested consideration of a 1<sup>st</sup> Majority Vote.

Kim suggested consideration of a 1<sup>st</sup> Majority Vote for acceptance of the transfer of the Ulumay Wildlife Sanctuary to the EEL Program as a donation.

Mike stated he was not sure whether or not this would need to go to the Board for final approval because it was just an internal, administrative transfer, but he understood that staff would need to make sure that if it was done without the Board's decision or involvement, that it would carry with it any weight that any EEL Program property would have, at the same level of protection, and that it would become part of the sanctuary network.

Kim stated she felt it should probably go to the Board.

Mike stated that could be done.

Paul stated that he felt it should go to the Board because that would make it very clear, and would allow for public input from people who were in favor or opposed.

Ross stated he thought that if they wanted to donate the land to the EEL Program to be included in the Program's list of properties, there would be a willingness for the other departments to continue the management activities, but if this was a donation, then the SMC would do a vote, and staff could try to negotiate the management.

Mike said that in following the normal process, this could be the 1<sup>st</sup> Majority Vote, and then there would be a 2<sup>nd</sup> Majority Vote, at some time, prior to going to the Board, perhaps when staff had negotiated some sort of agreement.

Paul stated that when a management agreement has been negotiated with P&R and Mosquito Control, staff should come back to the SMC for a 2<sup>nd</sup> Majority Vote, and if approved, it could then be forwarded to the Board for final approval.

Mike thanked the SMC for their input and stated the discussion had been very helpful.

Clarification was provided it was anticipated the Ulumay Wildlife Sanctuary would become a Category II site, if it was accepted into the EEL Program sanctuary network as a donation.

Sue said that she had a couple of clarifications she would like to make. She stated that she would be interested in a paragraph, or so, about the capacity of staff to manage the property; whether or not staff has current capacity; what it's going to cost; and what is the value of what P&R does now. She stated that given the County's current budget situation, she would not consider it out of the realm of possibility that the other departments decline to be involved with management and that the Program should be prepared to accept responsibility for management.

Paul stated it was his understanding that this was part of why this was a two step process.

Mark stated that he felt that Mosquito Control would stay involved.

Sue stated that, as Dr. Schmalzer had brought up, a review of possible conflicts was good information to have and that she would be looking for a declarative statement; there are no conflicts, or, we envision these will be the conflicts.

Ross stated the group was discussing information that could become the outline for the management plan.

Mike stated that it was his understanding, that the submitted form, which would be revised, could be used, and that the first step would be the SMC basically doing a 1<sup>st</sup> Majority Vote as to whether or not it is appropriate to consider accepting the property as a donation. The 1<sup>st</sup> Majority Vote tells staff to figure out the details and develop an agreement - then come back to the Committee for a 2<sup>nd</sup> Majority Vote. As part of a 2<sup>nd</sup> Majority Vote, the SMC will see the details and reviews the agreement, and at that time, the SMC will either authorize, or not authorize accepting the property as a donation to the Program, and if the donation is approved, it goes forward to the Board. He added he was hearing that the SMC wants the Board to take the final vote to emphasize that properties will become part of the EEL Program sanctuary network.

Ross Agreed.

#### **MOTION FIVE**

**Paul Schmalzer moved to approve a 1<sup>st</sup> Majority Vote on accepting the Ulumay Wildlife Sanctuary as a donation to the Environmentally Endangered Lands Program. Ross Hinkle seconded the motion.**

#### Additional Discussion

General discussion ensued among Committee members and staff until clarification was provided that a motion was on the table and that it should be voted on.

#### Public Comment

None.

**The motion carried unanimously.**

### Additional Discussion

Mike asked the SMC if they felt the language being discussed should become part of a formal revision to the LAM.

Mark Bush stated his opinion that donations of this type were not expected to be common and that he felt that guidelines for accepting donations of County property into the EEL Program could be considered a general Program policy without requiring a revision to the LAM.

Mike stated that the process was not inconsistent with the LAM guidelines for land acquisition.

Mike provided overview information on additional properties near the general Ulumay Wildlife Sanctuary area, and near the Kabboord Sanctuary in Merritt Island, that may fall into this category in the future. He clarified that at this time, the only site being discussed was the property adjacent to the Boyd and DiChristopher properties.

Ross added that he felt the SMC was willing to consider additional donations; it was just that the SMC needed to maintain the ability to accept, or to decline any donation of this type.

Additional information will be provided in the future.

### **Upcoming Management Plan Information: Scottsmoor / Fox Lake / Indian Mound Station**

Mike explained that in response to an SMC request to receive more detailed presentations on draft Management Plans before they are submitted for initial SMC member review, Xavier de Seguin des Hons, the EEL Program's North Region Land Manager, would be providing overview information on current status and upcoming plans for the Fox Lake, Scottsmoor Flatwoods, and Indian Mound Station Sanctuaries.

Clarification was provided that the Interim Management Plan for each of these sanctuaries has already been reviewed and approved by the SMC and that Brad Manley, EEL Program Public Access Coordinator, is gathering information to present to the REAC Committee for their review.

Xavier provided overview information on progress and plans for the sanctuaries including:

### **Fox Lake Sanctuary**

- History
  - Purchased in 2007. Approximately 2500 acres.
  - Bordered mainly by other conservation lands with some private inholdings.
  - Primary habitats include mesic, hydric, and scrubby flatwoods, wet prairie, depression marsh, floodplain swamp and hydric hammock.
- Management Activity and Needs
  - A recent wildfire has occurred over 1,000 acres.
  - So far there has been no need to fence because illegal access to the property is limited.
  - Installation of fire lines to assist with access and ability to do safe prescribed fires, separating trails and fire lines whenever possible.
  - Removal of understory, timbering to 2 trees per acre where appropriate and prescribed fire where needed with primary short term goal of providing additional suitable habitat for Florida Scrub-Jays as they are currently present on this site.
  - Connect areas targeted for restoration using part of burn unit #8 to allow for Jay dispersal into new areas once they have been restored.

- Timber 50% (State guidelines) of trees in 660' buffer around active eagle's nest (work must be done outside nesting season).
- Part of the property in the north western corner of the site is covered by an easement.
- Public Access and Environmental Education
  - There are current issues with illegal access and trapping. It is anticipated that future increase in positive use in the area will assist in reduction of illegal access.
  - Opportunities for kayaking and canoeing in addition to trails.
  - Consideration is being given to possible primitive, youth group camping area.
  - Early Native American tool found last week during archaeological dig which is being coordinated by Tom Penders, who also worked the dig at the Pine island Conservation Area.

#### Additional Discussion

Ross suggested consideration of eventual translocation of Red Cockaded Woodpeckers. Additional information can be gained by contacting Hal Scott Reserve in Orange County, St. Sebastian Buffer Preserve in south Brevard, and Disney Wilderness Preserve.

Mike stated that approximately 80% of the trail has been roughed in, and that after the trails are a little more complete, it would be beneficial if SMC members could walk the trail and provide additional comment to staff.

#### **Scottsmoor Flatwoods Sanctuary**

- History
  - Purchased in 2008. Approximately 1,521 acres. Located east and west of Interstate 95 near Exit 5A.
- Primary habitat flatwoods.
  - Includes cypress swamp.
  - One section is pasture (112 acres) which is being temporarily leased as cow pasture to assist in the control of invasive exotic plants until it is time for that section to be restored.
- Management Activity and Needs
  - Site is currently occupied by Florida Scrub-Jay.
- Eastern Side
  - Fencing 99% complete
  - Most of eastern section has been burned, except along Interstate 95 and the pasture.
  - This burning was accomplished without the need for removal of the understory by chopping.
  - Fireline installation is almost complete.
    - Department of Forestry has installed approximately 9 miles of fire line at no charge to the EEL Program, saving approximately \$120,000.
  - Public Access and Environmental Education
    - Site is open to the public
    - Long trail loop is about 6 miles
    - Also includes shorter trail loop
    - It is anticipated that this could be an appropriate site for mountain bikes.
- Western Side
  - Has not been fenced. No gates.
  - Illegal ATV use.

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- Management Needs
  - Fencing
  - Installation of fire lines, including through wetlands.
- Public Access and Environmental Education
  - Current equestrian use.
  - It is anticipated that a future increase in positive use will reduce current level of inappropriate activity.
  - EEL Program staff are working with TNC to determine an appropriate trail head on the western side as TNC was a funding partner on this Sanctuary.
  - Minimal exotics. Currently working on air potato and Melaleuca.
  - A significant amount of trash has been removed from this site, partially because it was uncovered during the prescribed fires.

#### Additional Discussion

Ross suggested including information on projected acquisitions in the area (including the Turnbull LLC. property and entire brown area on map as discussed during consideration of the Turnbull property earlier in the meeting) along with information on how future acquisitions could be integrated into the long term management.

Clarification was provided by TNC staff that they had stopped pursuing willing seller applications from owners of the Scottsmoor Sanctuary inholdings.

Paul stated that it was not anticipated that acquisition of the inholdings would be overly expensive and suggested that everyone should see what could be done to move forward in that area.

#### **Indian Mound Station Sanctuary**

- History
  - Purchased 2006. Approximately 85 acres located off Parrish Road in Mims
- Primary habitat scrub and scrubby flatwoods.
- Management Activity and Needs
  - Entire site will receive prescribed fire, without the need for timbering.
  - Approximately half of the property has been burned so far.
  - Includes eagle's nest with two offspring.
  - Fireline installation almost complete.
  - Original plan included trails on firebreaks – new trails have been identified that are not expected to impact the restoration. If the trail goes through the scrub, it will be an open trail.
  - If Florida Scrub-Jays occupy the site, timbering to 2 trees an acre except 660 feet from eagle's nest where timbering will only be 50% of the existing canopy, will be required to provide suitable scrub habitat for the Jays.
- Public Access and Environmental Education
  - Plans for small parking area off Parrish Road.
  - Restoration/Protection of Burial Mound is almost complete.
    - Dirt to cover mound was donated to the Program.
    - Chain link fence to protect the top of the mound was donated to the Program.
    - Still needs native plantings, will pursue during wet season.

- Additional fence installed around perimeter 30' from base of mound.
- Overall cost to Program to restore the mound has been about \$3,000.

#### Additional Discussion

The SMC expressed their support of the efforts by Xavier and his staff.

#### **NEXT MEETING:**

Staff will poll members via e-mail to determine the next meeting date.

#### **ADJOURNED:**

The meeting was adjourned at 4:07 PM.

#### **SUMMARY OF MEETING MOTIONS:**

- Motion to approve a 1<sup>st</sup> Majority Vote on the western portion of the Turnbull Farms, LLLP property.
- Motion to decline a 1<sup>st</sup> Majority Vote on the Cory Lopez property.
- Motion to continue moving forward with the Parrish III / Price property acquisition.
- Motion to approve that the EEL Program should accept management responsibility for the Lokay / Forbes property adjacent to the Kabboord Sanctuary in the event that the property is donated to the State or to the County.
- Motion to approve a 1<sup>st</sup> Majority Vote on accepting the Ulumay Wildlife Sanctuary as a donation to the Environmentally Endangered Lands Program.

## Properties South of Scottsmoor Flatwoods Sanctuary (Brown section)

