



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

**August 10, 2009  
Attendance List**

***SELECTION & MANAGEMENT COMMITTEE MEMBERS***

Mark Bush  
Dave Breininger  
Ross Hinkle  
Randy Parkinson  
Paul Schmalzer

***EEL PROGRAM STAFF***

Laura Clark  
Mike Knight

***GUESTS***

Susan Gosselin, Brevard County Natural Resources Management Office  
Linda Mannier, District 3 Commission Office

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

*August 10, 2009  
Approved September 18, 2009*



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

August 10, 2009  
Meeting Minutes

### CALL TO ORDER:

### PUBLIC COMMENT:

None.

### MINUTES:

No minutes were presented for approval. The June 25, 2009 SMC Meeting and July 24, 2009 Adaptive Resource Management Workshop meeting minutes are incomplete.

### ADMINISTRATIVE REVIEW:

Ross explained that this was a special meeting for the purpose of reviewing contract terms for acquisition of the Coastal Jewel, LLC property, and for consideration of approval of a conservation easement over the Coastal Jewel, LLC property which would come about as part of acceptance of \$900,000 in US Air Force partnership funding which is associated with the acquisition of the Coastal Jewel property.

### SMC REPORTS

None.

### STAFF REPORTS:

None.

### THE NATURE CONSERVANCY:

No report.

### AGENDA ITEMS:

#### **Coastal Jewel, LLC Property Final Contract Review**

Mike explained that the Coastal Jewel, LLC site is approximately 188 acres located within the Town of Malabar and that it is adjacent to the EEL Program's Jordan Scrub Sanctuary. He confirmed that the contract price is equal to the average of the two most recent appraisals and that this was the SMC's final opportunity to review and approve the terms of the contract and to authorize forwarding the contract to the Board for final approval.

Mike added that he wanted to point out that the Town of Malabar has provided a letter requesting consideration of an easement, right of way, allowance along Marie Street along the western edge of the Coastal Jewel property to facilitate the improvement of Marie Street in the future for the house lots that go south, and the availability of a trail continuation of the linear trail, and he asked the SMC consider discussion for the Board's consideration when they review the contract for final approval on August 18, 2009. He explained that a commitment was not needed at this point, but

he felt it should be noted that there is a request from the Town and there should be some ability for the Board to understand that the SMC knew that.

Ross stated he did not think the SMC could vote on anything at this time, but that historically the SMC has been willing to consider options, so he felt it was appropriate to move forward with that premise. He stated he felt the priority at this time is to purchase the property, and he asked for input from the Committee.

Paul stated he did not feel the Committee could make any decision without examining the details, but he felt it was something the SMC would be willing to work on with the Town.

Mike stated he did not want there to be any perception that the request had been presented by the Town and that the EEL Program was resistant to the request, he just felt that we needed to recognize the request had been made and that it would have to be evaluated.

Ross stated he did not have a problem with that.

Mike stated his only concern was he did not want to be in a position where we let an issue trip up the acquisition.

Ross stated it was his perception the SMC understood that and that the SMC has had discussions with the Town in the past and understood part of the Town's vision.

Mike stated he thought having some language that acknowledges the request and that the Committee will give consideration to those issues after acquisition would be helpful because it would acknowledge the willingness of the Committee to work with the Town to find a solution, but it takes a deeper level of analysis to reach final conclusions.

Ross mentioned that after the acquisition, the EEL Program would do a Management Plan for the site, in conjunction with the other sites in the area, and this would be part of that discussion and that Management Plan.

Randy Parkinson stated that he was unaware of any other caveats on a vote for acquisition and asked if that was what was being requested.

Mike stated it would be acceptable for the committee to make separate motions, but that it was best the acknowledgement came in the form of a formal motion, as opposed to general discussion which was documented in meeting minutes.

Dave stated it was kind of hard to understand why it would be an issue.

Ross stated he felt that that the Committee could consider the request, but he did not want to complicate this acquisition. He stated he felt a separate motion recognizing the Town's request and the SMC's willingness to work with the Town to discuss it was a good approach.

Mike stated that having clear language from the Committee that the Board can understand makes it a lot easier when you're in the Board room debating these issues.

Ross indicated his understanding.

Randy stated he thought that would be acceptable.

Paul stated that he agreed that handling the issue as a separate motion would be preferable as the purpose of the meeting was to approve the terms of the contract as one step, then review the

Air Force partnership funding agreement, and the request from the Town of Malabar could be the third step.

Ross mentioned that Dr. Parkinson, Dr. Schmalzer and he were involved in the initial evaluation of the original Scrub-Jay Refugia acquisition and CARL Project, along with the Boundary Amendment which includes this property and that the site has been high on the radar for a long time based on the data that Dr. Breininger has brought forth in terms of Florida Scrub-Jay population in this region and that this was a critical site. He mentioned that the appraisals and contract price were within the established land acquisition guidelines.

#### Public Comment

None.

#### Additional Discussion

Mike mentioned that he wanted to raise the issue of values as it relates to the presence of endangered species. He explained that there has been a suggestion that the appraisal value of the Coastal Jewell, LLC site should be reduced as there is a good chance that part of the site is occupied Florida Scrub-Jay territory. He confirmed that the appraisals were prepared by certified, State approved appraisers according to all the established legal requirements. He also explained that if someone wanted to develop the site and wanted to determine how much the possible presence of endangered species on the site would impact the purchase, they would need to prepare a development plan which would be reviewed by permitting agencies, find out what needed to be done for mitigation, research and establish costing for mitigation activities, and then determine the impact that all those expenses would have on the cost of the property. He explained that it is not reasonable for a public group to go through that process and even if you did, all the estimates are just speculative assumptions, so it would not be appropriate or practical for the EEL Program to attempt.

Ross stated that there has been conservation land purchased through the State by multiple counties, over multiple years, and to his knowledge it had never been a factor. He emphasized that the EEL Program uses State certified appraisers and he was comfortable with the appraisals on this site.

Paul mentioned that to some extent, the fact that scrub habitat has the potential to support endangered species is accounted for in the comparable sales information. He stated that he felt the per acre price of the contract was appropriate and that the \$900,000 grant from the Air Force would reduce the cost of the property to Brevard County almost by half.

Paul mentioned that at the request of interested citizen's, a trip to the Coastal Jewell, LLC property had been advertised as a Public Meeting which he had attended. He stated the site is in good condition, and it retains the conservation values for which it was originally selected. The 2008 wildfire burned a substantial part of the site, but that will reduce the anticipated cost of initial management efforts. He also stated that the site connects the existing Jordan Scrub Sanctuary to the Oakmont Preserve site, increasing the total acreage available to a level which is thought to be above the threshold required to ensure Florida Scrub-Jay population viability.

#### Public Comment

Bonnilyn Wilbanks-Free asked who had suggested the value of the property be reduced to account for the presence of endangered species.

Clarification was provided that the suggestion had come from the District 3 Commission Office.

Sue Gosselin, from the Natural Resources Management Office stated that the majority of habitats in the County have listed species issues, and if you were going to ask for a devaluation of the value of scrub habitat because of the Jays, you would have to consider that for each type of habitat, any time the County purchased land for any reason.

Additional Discussion

Dave Breininger emphasized that the reason the EEL Program was purchasing the Coastal Jewel, LLC property was because the current acreage of the Jordan Scrub Sanctuary was below an extinction threshold for the landscape and purchasing the Coastal Jewell LLC property expanded the footprint of the Jordan Scrub Sanctuary above the extinction threshold. The acquisition helps with meeting our Program goals because it is very important to ensure the population could get to a sustainable size.

**MOTION ONE**

**Randy Parkinson moved to approve the terms of the acquisition contract for the Coastal Jewel, LLC property and authorization to submit the contract to the Board of County Commissioners for final approval.**

**Dave Breininger seconded the motion.**

Public Comment

None.

**The motion carried unanimously.**

**MOTION TWO**

**Paul Schmalzer moved to approve and recommend that the Board of County Commissioners accept the US Air Force Conservation Easement as specified in the \$900,000 partnership funding agreement relative to the Coastal Jewel, LLC property.**

**Dave Breininger seconded the motion.**

Additional Discussion

Clarification was provided that the map which was handed out during the meeting showed an approximate location for the easement and the final location would be determined by survey.

Paul stated that this was a new partnership with the Air Force which involved innovative use of their programs for maintaining their operations. He stated he thought this was a good development and if this one is successful, the EEL Program may have the opportunity to see additional grants in the future.

**The motion carried unanimously.**

Ross indicated the Committee needed to discuss an acknowledgement motion regarding the request from the Town of Malabar.

Randy stated he was not sure what was needed

Mike stated he wanted to end up with something everyone was happy with, and make sure the Board understands and the Town understands that the SMC and the EEL Program have a willingness to work with the Town to work the issues out.

Ross stated the SMC was recommending the purchase of the Coastal Jewel property knowing the request from the Town of Malabar would be a discussion in the future and he didn't see a problem with it.

#### Public Comment

Bonnilyn Wilbanks-Free asked if it would be possible to include language that shows the purpose of the easement to confirm that the easement is for a continuation of the AI Tuttle Trail.

Mike added that the easement was also for utilities and for the road.

Bonnilyn agreed.

Dave asked if there was a GIS map of the trail.

Mike confirmed there was no map at the time. He confirmed it was anticipated the trail would end up on Valkaria Road, although it had not been determined how it would get down that far, and that using the missile tracking site could become part of the plan. Mike added that there is currently not a formal access point for the Jordan Scrub Sanctuary.

General discussion ensued regarding the appropriate wording for the motion for the Town of Malabar's request regarding the Coastal Jewel, LLC property.

#### **MOTION THREE**

**Randy Parkinson moved to acknowledge the Town of Malabar's desire for an easement along Marie Street, for the purpose of continuing the AI Tuttle Trail, and for utility use, and to consider negotiating an agreement that would be beneficial to both the EEL Program and the Town of Malabar.**

**Dave Breininger seconded the motion.**

#### Public Comment

None.

**The motion carried unanimously.**

#### **NEXT MEETING:**

It was determined that the next meeting will be held on September 18, 2009.

#### Additional Discussion

Mike provided update information on the Windover Archaeological Site. He explained that a public meeting was held on July 30, 2009 to provide an opportunity for staff to present an overview to the public regarding the EEL Program's possible management of the site. Mike stated the meeting had gone well and he felt staff was able to clear up some misconceptions that had occurred, especially regarding the amount of public access which was planned for the site, and he said that he felt there was general support for the plan at this time.

#### **ADJOURNED:**

The meeting was adjourned at 1:30 PM.

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

- Motion to approve the terms of the acquisition contract for the Coastal Jewel, LLC property and authorization to submit the contract to the Board of County Commissioners for final approval.

*EEL Program Selection and Management Committee Meeting*

*August 10, 2009*

*Page 5 of 6*

*Approved September 18, 2009*

- Motion to approve and recommend that the Board of County Commissioners accept the US Air Force Conservation Easement as specified in the \$900,000 partnership funding agreement relative to the Coastal Jewel, LLC property.
- Motion to acknowledge the Town of Malabar's desire for an easement along Marie Street, for the purpose of continuing the Al Tuttle Trail, and for utility use, and to consider negotiating an agreement that would be beneficial to both the EEL Program and the Town of Malabar.