



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM
SELECTION & MANAGEMENT COMMITTEE (SMC)
January 8, 2010
Attendance List**

SELECTION & MANAGEMENT COMMITTEE MEMBERS

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

EEL PROGRAM STAFF

Jenny Ashbury
Laura Clark
Xavier DeSeguin des Hons
Mike Knight
Raymond Mojica
Chris O'Hara
Scott Taylor

THE NATURE CONSERVANCY

Keith Fountain
Anne Mayer
Rebecca Perry

GUESTS

Jim Durocher, REAC Committee
Susan Gosselin, Brevard County Natural Resources Management Office
Vince Lamb, citizen
Maureen Rupe, Partnership
Doug Sphar, REAC Committee
Amy Tidd, Procedures Committee
Suzanne Valencia, citizen

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

*January 8, 2010
Approved March 2, 2010*



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

January 8, 2010
Meeting Minutes

CALL TO ORDER:

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

PUBLIC COMMENT:

Doug Sphar noted that several members of the EEL Program's Recreation and Education Advisory Committee (REAC) were present at the meeting.

MINUTES:

The December 8, 2009 minutes were presented for approval. The September 18, 2009 minutes are incomplete.

Paul Schmalzer noted two items:

- Page 4, last line: *Lechea divaricata*, spelling correction
- Page 15, paragraph 7, 2nd line: "by" not "buy", spelling correction

Ross Hinkle provided one comment:

- Page 9, sentence reads "consideration was that land which might be sold had to be of equal or greater conservation value in order to meet the obligations under the referendum". Change to ".....sold had to **result in acquisition of** equal or greater conservation value..."

MOTION ONE:

Ross Hinkle moved to approve the December 8, 2009 minutes as amended.

Paul Schmalzer seconded the motion.

The motion carried unanimously.

ADMINISTRATIVE REVIEW:

The Administrative Review was reviewed.

Paul Schmalzer congratulated TNC and staff regarding the closing on the Coastal Jewel property.

Keith Fountain stated that this acquisition process had been a very lengthy one and everyone was pleased with the outcome.

SMC REPORTS

Kim Zarillo stated that she and her husband would be leading a Florida Shore and Beach Preservation Association Conference Field Trip on February 5, 2010 and that the field trip would include a stop at the Barrier Island Center.

Paul stated he would be leading a Florida Native Plant Society Field trip to the Pine Island Conservation Area on January 30, 2010.

STAFF REPORTS:

None.

THE NATURE CONSERVANCY:

Keith Fountain reviewed The Nature Conservancy's January 8, 2010 Report to the SMC.

- Honey Hole Ranch, LLC – Maytown Flatwoods: Counter offer provided to TNC for fee simple purchase.
- Gail Morris – Maytown Flatwoods, Buck Lake Inholding: Ready to start negotiations.
- Bohne / Coleman – NIRL: Property sold to new owner who is not interested in selling at this time.
- Patrick Maggio – NIRL: In appraisal.
- Mason / Miller – NIRL: In appraisal.
- Parrish / Price – NIRL: In appraisal.
- Reichman – NIRL: In appraisal.
- Valdyke – NIRL: In appraisal.

Additional Discussion

Mike explained that there is some question on the status of an area which was believed to be part of a conservation easement for the Oakmont Preserve Subdivision in Malabar and it may be possible that a willing seller application might be received from the owner of this property.

AGENDA ITEMS:

Cruickshank Sanctuary Management Plan

Steve McGuffey, EEL Program Central Region Assistant Land Manager, provided information on the Helen and Allen Cruickshank Sanctuary:

- 160± acre sanctuary, north of Barnes Blvd. in Rockledge.
- Comprised of several parcels which have been acquired over the history of the Program.
- The State of Florida has been a funding partner on some of these parcels. As a result, most of the property is titled to the State and the Management Plan will be sent to the State's Acquisition and Restoration Council (ARC) in Tallahassee for final approval after it is approved by the SMC and the Board of County Commissioners.
- Two additional sites adjacent to the Sanctuary are also being considered for acquisition at this time.
- One mile trail loop
 - Hiking only
 - Educational trail signs along trail
 - Sugar sand
- Parking Area
 - Off Barton Blvd.
 - Trailhead kiosk
- Scrub ridge up the middle of the site, disturbed area in north east corner, depression marsh.

- Restoration work on this site has been extremely successful and has resulted in bringing the Florida Scrub-Jay into the sanctuary footprint as the habitat has become appropriate for their needs.
- Brevard County Storm Water Department is proposing a retention pond next to the site to address flooding issues in the immediate area and they have requested permission to clean out and enlarge the ditch which runs along part of the west side of the property. This will require the creation of an access easement in the general area of the fire line. This has been included in the Management Plan.

Additional Discussion

Dave Breininger stated that when the EEL Program acquired this property, there was a family of Florida Scrub-Jays, who used the edge of the site, but due to the restoration accomplished by the Program, there are currently 6 families of Scrub-Jays on site and that this is an excellent example of how restoration and management can increase biodiversity.

Sue Hann stated that she recognized she was joining the discussion at the end of the process, and she asked for elaboration on a letter from the City of Rockledge.

Steve stated that he was aware that the City of Rockledge has expressed concerns regarding the relocation of the Central Region's Management and Education Center from the Cruickshank Sanctuary to the Pine Island Conservation Area and he asked if that was the basis for her question.

Sue explained that her concern related to public access and stated that she did not see a response to the City's letter. She stated that the last paragraph of the letter strongly suggests that bicycling be included in the draft of the Management Plan.

Steve explained that the REAC Committee had recommended that bicycling not be included as an activity for the Cruickshank Sanctuary due to the small size of the site, the fact that the site was wet much of the year, and the issues which would result from trying to ride on sugar sand.

Brad Manley explained that it was his recollection that the REAC Committee had considered supporting biking on this Sanctuary, but due to the sensitive nature of the small site and the issues related to sugar sand, it had been determined that biking would not be appropriate.

Mike stated that he thought one of the concerns had been that if the Program promoted biking at the Cruickshank Sanctuary and people came to the site and it wasn't an enjoyable experience due to the sugar sand and wet areas, there could be a push for changes to the site which might not be compatible with the natural setting and that rather than promote something that might not be a good experience, the decision had been made not to include it.

Paul Schmalzer stated that the disturbed area to the north contains one of the largest populations of a rare plant in Brevard County and that just because the area was disturbed, that didn't mean it wasn't habitat for many of the rare scrub plants or scrub opening plants. He added that with additional management, it is hoped that the opening dependent rare plants will continue to increase in number.

Sue stated that she thought that although the Management Plan had indicated that the REAC Committee voted against biking at the Cruickshank Sanctuary, the motion from the February 8, 2007 REAC minutes, which are included in the Management Plan, indicated the Committee had asked staff to reconsider including biking and she asked if there had been a subsequent motion.

Paul Schmalzer clarified that there have been two REAC meetings where this has been discussed. He explained that on February 8, 2007 there was a motion for staff to reconsider including biking at the site, but four committee members voted to approve the motion and four members voted to decline, so the motion had failed. He also explained that on May 10, 2007, Mark Nathan made a motion to support the recreation plan as originally presented by staff, for hiking only, with educational information on site and parking limited to a soft surface. He confirmed that Beverly Pinyerd had seconded the motion and that the motion had passed with 5 positive votes with Murray Hann and Eve Owens voting against, and Karen Hill abstaining.

Kim Zarillo stated that the May 10th motion had failed, and without any new motion, the original stands. She stated that given the success of the restoration work and the natural resources which are now part of this site, she did not feel biking would be an appropriate activity at the Cruickshank Sanctuary.

Randy asked if there were further comments or questions on the Cruickshank Sanctuary Management Plan.

No additional comments or questions were received.

MOTION TWO

**Paul Schmalzer moved to approve the Cruickshank Sanctuary Management Plan.
Kim Zarillo seconded the motion**

Public Comment

None

The motion carried with six votes of approval and Sue Hann voting in opposition.

Additional Discussion

Sue Hann stated that her vote was based on the letter from the City of Rockledge.

CITA Property, Town of Malabar

Mike explained that the SMC first reviewed this property during June of 2009 when the owner presented an unsolicited willing seller application for this 27± acre property which is located on the east side of Marie Street adjacent to the north side of the Malabar Scrub Sanctuary. During the June meeting, a determination was made to table consideration of the property for 6 months and to research a few items in the meantime.

Clarification was provided regarding the previous requests for additional information:

- It appears the standard Farm and Grove easements exist along this portion of Marie Street.
- Clarification was provided that there are several other existing water sources within the Malabar Scrub Sanctuary and wildlife outside the immediate area is not dependent on the ephemeral pond.
- It is believed that there is an in-holding within the CITA Property site, but it is unclear whether or not the owner of the in-holding currently has an existing legal access easement.

Paul stated that in addition to the wet areas, there is a disturbed portion of the site and that the property is overgrown. He added the ephemeral pond was an amphibian breeding area, but that he did not feel acquisition should be a high priority at this time.

Mike reminded the group that there are invasive exotic plants on the CITA Property.

Ross stated his recollection that consideration on the property had also been deferred for 6 months because funding was limited and higher acquisition priorities existed elsewhere and he asked if that was still the case.

Mike explained that land values have declined somewhat and that costs for the 11 properties currently in the acquisition process would not exceed the estimated 9 million dollars available for land acquisition and first time capital expenses, although they did not think there was funding available for everything in the highest acquisition priority group.

Dave Breininger asked Chris O'Hara, the South Region Land Manger if the property presented any significant management challenges.

Chris explained that the site was similar to other locations within the Malabar Scrub Sanctuary, and the in-holding would create management challenges, but the site was manageable. He added that there are heavy fuel loads currently on the property.

MOTION THREE

Mark Bush moved to defer consideration of the CITA Property for an additional 6 months.

Kim Zarillo seconded the motion.

Public Comment

None.

The motion carried unanimously.

Florida Power and Light (FPL) Property, Rockledge

Mike provided overview information on the 6.66± acre FPL property which is adjacent to the Cruickshank Sanctuary. He informed the group that it has been determined that this property is not formally a part of the City of Rockledge, as is most of the surrounding area. The property is within the Brevard Coastal Scrub Ecosystem (BCSE) Project boundary and was part of the original Scrub Jay Refugia Project (CARL) in 1993. There were plans in the past for the area to be used as an FPL substation location, but those plans have changed.

The SMC approved a 1st Majority Vote on the FPL property on May 28, 2009. A site visit was held on May 14, 2009 to confirm the property has maintained its conservation value. Florida Scrub-Jays that were banded at the Cruickshank Sanctuary have been seen on the edges of the property and it is anticipated that they will move into the area once it has received land management.

Clarification was provided that the appraisals for the FPL and Viera Company Tract A site, which is located on the south side of Barnes Ave. were done together to reduce expenses and it took some time to confirm that the Viera Company property would not be subject to the CDD annual assessment if purchased by the County for conservation. This determination was a contingency of the SMC's 1st Majority Vote on this property. Additional clarification was provided that it is anticipated the appraisal process will be completed within the next 30 days and staff was requesting consideration of a 2nd Majority Vote to authorize negotiations once the appraisals have been completed.

MOTION FOUR

Mark Bush moved to approve a 2nd Majority Vote on the FPL, Rockledge Property.

Paul Schmalzer seconded the motion.

EEL Program Selection and Management Committee Meeting

January 8, 2010

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Approved March 2, 2010

Additional Discussion

Ross Hinkle stated his understanding that there had been previous discussion regarding approaching FPL to see if they would be willing to donate the property.

Keith Fountain stated that this could be done fairly rapidly.

Ross confirmed he did not want to delay the acquisition momentum, but that he felt the property had strong conservation value and could be suitable as a mitigation donation for future FPL expansion plans.

Kim Zarillo agreed with Ross's statement.

Additional clarification was provided that additional funding, in the amount of \$1.5 million could be coming from the Air Force for future scrub purchases, and it was possible that this site might also meet the USAF mitigation requirements, which could enable them to be a 50% funding partner on the site.

Public Comment

None.

The motion carried unanimously.

Viera Company Tract A / aka Viera DRI Property

Mike explained that the Viera DRI parcel, which is located on the south side of Barnes Boulevard across from the Cruickshank Sanctuary, was being appraised at the same time as the FPL site which was just discussed. He confirmed that representatives of the owner have confirmed that as long as the land is held in conservation after it is purchased, the CDD assessment would not apply.

Clarification of the amount of the CDD assessment was requested.

Mike stated that staff did not know the amount of the assessment.

Mike explained that the total footprint of the owner's parcel was approximately 12 acres and the portion available for sale to the EEL Program is about 10 acres. It is anticipated that the Viera Co. will be donating approximately 2 acres directly adjacent to Barnes Boulevard and the east side of the Tract A parcel to the Jr. League for a foster care facility. Confirmation was provided that the appraisal did not include the property which may be donated to the Jr. League.

Keith Fountain asked for clarification on the reason behind the waiving of the CDD assessment for the EEL Program and he suggested additional information be obtained regarding status of the potential donation to the Jr. League as he felt the SMC might be interested in acquiring that section as well, if the Jr. League was not going to use it.

MOTION FIVE

Paul Schmalzer moved to approve a 2nd Majority Vote on the Viera Company Tract A parcel.

Mark Bush seconded the motion

Public Comment

None.

The motion carried unanimously.

Additional Discussion

It was determined that a short break before the next meeting would be beneficial.

NEXT MEETING:

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

ADJOURNED:

The meeting was adjourned at 1:55 PM.

SUMMARY OF MEETING MOTIONS:

- **Motion to approve the December 8, 2009 minutes as amended.**
- **Motion to approve the Cruickshank Sanctuary Management Plan.**
- **Motion to defer consideration of the CITA Property for an additional 6 months.**
- **Motion to approve a 2nd Majority Vote on the FPL, Rockledge property.**
- **Motion to approve a 2nd Majority Vote on the Viera Company, Tract A property.**