



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM  
RECREATION AND EDUCATION ADVISORY COMMITTEE (REAC)  
February 18, 2010  
Attendance List**

***RECREATION AND EDUCATION ADVISORY COMMITTEE MEMBERS***

Bob Champaigne  
Jim Durocher  
Murray Hann  
Beverly Morgan  
Mark Nathan  
Ayn Samuelson  
Doug Sphar

***SUB-COMMITTEE MEMBERS***

Barbara Meyer, Brevard County, Bicycle/Pedestrian Trail Program Coordinator  
Paul Schmalzer, Selection and Management Committee

***EEL PROGRAM STAFF***

Laura Clark  
Brad Manley

***GUESTS***

None

*“Protecting and Preserving Biological Diversity  
Through Responsible Stewardship of Brevard County’s Natural Resources”  
February 18, 2010  
Approved May 13, 2010*



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM  
RECREATION AND EDUCATION ADVISORY COMMITTEE  
February 18, 2010  
Meeting Minutes**

***CALL TO ORDER:***

Murray Hann called the meeting to order at 6:05 PM.

Public Comment

None.

***MINUTES:***

The October 8, 2009 minutes were presented for approval.

Doug Sphar provided clarification that correction was required for the spelling of the name of staff member Michael Wielenga.

Clarification was provided that the vote regarding the REAC Committee's support for the Indian Mound Station Sanctuary Public Access Plan as presented by staff should have indicated that the motion passed with a majority of committee members voting in support for the plan.

**MOTION ONE**

**Doug Sphar moved to approve the October 8, 2009 minutes as amended.**

**Mark Nathan seconded the motion.**

**The motion carried unanimously.**

***ADMINISTRATIVE REVIEW:***

Brad Manley, EEL Program Volunteer / Public Access Coordinator provided information on passive recreation and education issues of interest to the Committee:

- Thousand Islands Trail Planning, Cocoa Beach
  - Staff has been working with Friends of Thousand Islands and Cocoa Beach Land Management Committee on hiking and paddling trail plans.
  - Plantings done during restoration appear to be thriving overall.
- Pioneer Trail Groundbreaking, Merritt Island
  - Held about 3 weeks ago.
  - Stimulus money used.
  - Anticipated completion in 4 – 6 months.
  - Trail Heads are planned.
- Sams House, Merritt Island
  - Certificate of Occupancy expected soon.
  - Exhibits contractor chosen.
- Windover Archaeological Dig
  - The SMC and BOCC approved the EEL Program becoming the manager of this site if it is acquired by the State.

*EEL Program Recreation and Education Advisory Committee Meeting*

*February 18, 2010*

*Page 1 of 11*

*Approved May 13, 2010*

- The Governor and Cabinet will review on March 9<sup>th</sup> to determine if the site could be eligible for Florida Forever Funding.
- Public Access Plans in Progress
  - Scottsmoor Flatwoods Sanctuary
  - Fox Lake Sanctuary
  - Jordan Scrub Sanctuary – update
- Management Plans going to State of Florida, Acquisition & Restoration Council Review (ARC) in the near future.
  - Dicerandra Scrub Sanctuary
  - Cruickshank Sanctuary
  - Malabar Scrub Sanctuary
- Events
  - Sykes Creek Adventures Family Eco-Festival – February 20<sup>th</sup>

#### Additional Discussion

Murray asked if the official entrance for the Jordan Scrub Sanctuary was expected to move.

Brad confirmed it is hoped that the entrance will be moved to the location where the pavement on Marie Street ends.

Murray suggested consideration of a redesign to the other entrance of the Jordan Scrub Sanctuary which is located on a County right-of-way near the Harris Corporation on US 1.

Brad stated that staff is reviewing this possibility as part of considerations for use of the Cochran donation site, if the donation does come to fruition, and that the current configuration is in place to assist with control of illegal vehicle access to the site.

Brad also explained that staff is planning educational opportunities for the REAC Committee in order to present information on restoration, prescribed fire and other land management activities. It is anticipated that the group may visit the Indian Mound Station Sanctuary and possibly South Lake Sanctuary.

The group expressed their interest in visiting the sites.

Paul Schmalzer stated he will also be leading a Florida Native Plant Society Field Trip to the Cruickshank Sanctuary, which is a good example of restored scrub habitat, this Saturday from 9:00 – 12:00 if anyone wanted to attend. He explained that before the site was recently restored, there was very little Florida Scrub-Jay activity there and now there are 6 Jay families using the site on a frequent basis.

#### **REAC Reports**

Jim Durocher stated that he had something he wanted to bring up. He said that the Board of County Commissioners (Commission) had appointed a new member to the Selection and Management Committee (SMC) and he asked if the group was aware of the controversy surrounding the appointment.

Several members of the group stated they were aware of the recent events.

Jim stated that the Commission had appointed Sue Hann, a civil engineer, to the SMC and he felt that this set a dangerous precedence. He said that he had researched the appointment

and that he became aware of information which he found disturbing. Jim said that it would have been his preference to discuss his findings directly with the person involved, but Sunshine Laws prevent that, so he had to bring the topic up in Committee.

Jim explained that Murray Hann had written several letters to the Commission during the period from 2007 to 2009, and he provided copies of a letter Murray had written related to the February 2007 reappointment of the Selection and Management Committee. He asked Murray if he would like to read the letter, or if he should read it himself.

Murray read the letter aloud for the group:

“Dear Commissioners,

The Commission Agenda of February 20, 2007 includes the reappointment of the entire EEL Program Selection and Management Committee (SMC). The seven individuals recommended are highly qualified biologists and environmentalists and several of them have served more than a decade on this Committee.

Although the EEL Program guidelines do not require these positions to be reopened to other qualified members of the community, I would suggest that perhaps it is time to bring some new perspectives to the process.

The EEL Program has been highly successful in acquiring a variety of properties throughout the County. However the management of these properties and the degree to which they are accessible to the public is now a critical issue that must be addressed. The SMC reviews and approves the management plans, and in that function, they affect the operations of the EEL Program far outside the task of scientific assessment of potential land acquisitions. The opinion of the SMC members affects recreation opportunities on EEL’s lands and affects cooperation with other Brevard County agencies.

I have attached for your reference an excerpt from November 2006, and a recent e-mail from Mike Knight. Both of these documents are examples of how the EEL Program is highly guarded, and perhaps obstructionist about reasonable public use of their property. This causes me great concern for the EEL Program does not see itself as a part of the community and an enthusiastic participant in worthwhile community projects.

It is important that the EEL Program provide a balanced approach to public use that is compatible with conservation initiatives. Consequently, I would ask that the Commission table these appointments, and advertise for others who may be interested in serving on the SMC. This would represent only a short delay in the process and might provide other applicants, such as civil engineers, or recreational experts who can add value to the work of the SMC and the EEL Program.

The current members of the SMC have served the Program well, but it is perhaps time to invite others to participate. Even if you receive no qualified applications, at least the Commission will have seen that the EEL Program is receptive to public involvement.

Thank you for your consideration.”

Murray stated that he remembered writing the letter and was happy to stand behind everything he wrote.

Jim stated that although he agreed with some of the concerns that Murray had expressed, like trails being used for firebreaks and the REAC's need to be heard, but he stated that he felt the letter was a kick in the gut to the group of people who had volunteered their time for a program that was considered to be a model for the State. He stated that he understood some of Murray's frustrations related to not having mountain bike trails on every sanctuary, and that he was a biker, but that he felt it was just not appropriate to include biking at every site.

Paul Schmalzer stated that all of the Public Access Plans which had been supported by the REAC to date, with the exception of the original Malabar Scrub Sanctuary paved trail issue, had been approved by the SMC as part of the development of each sanctuary's Management Plan.

Doug Sphar stated his perception that the Commission did not always have an understanding of the REAC Committee's opinion on items being submitted to the Commission for consideration.

Clarification was provided that all Agenda Reports for EEL Program Management Plans include clarification of the REAC Committee's position on each Public Access Plan.

Ayn Samuelson stated that she communicates information on REAC happenings to Commissioner Bolin and that she felt that this was part of her job as a volunteer.

Mark Nathan stated he had discussed his concerns of having someone on the SMC who was not a scientist with Commissioner Infantini.

Jim stated that he did not understand, especially now, when it seems like there are individuals, and possibly even County Commissioners, who seem to want to destroy the EEL Program, how anyone serving on the REAC Committee could take a stand against the Program from the inside.

Ayn Samuelson asked about the legislative intent behind the Program.

Jim stated that in 1989 there had been a referendum to acquire lands for conservation, but the original referendum in 1989 had failed because it wasn't science based. He explained that the 1990 referendum had passed because citizens established a plan that was based on science, as noted in the EEL Program's brochure under the section on land acquisitions. He read: "Decisions about which lands the EEL Program acquires and how to manage the lands are made by a seven-member volunteer committee of scientists, ultimately decisions are approved by the County Commission."

Murray stated that the actual language in the ballot had been 5 lines and they didn't say anything about science.

Jim stated it was not possible to include all the details about the plans for the referendum in 5 lines.

Murray said that the ballot language had mentioned land preservation and passive recreation in one sentence without saying that one was 99% and one was 1%. He said his understanding that the language making passive recreation secondary in the Program's mission of land protection for the purpose of biological diversity was developed and approved by the Commission after the 1990 referendum.

Paul stated that the original Selection Committee was appointed before the 1990 referendum and it was clear in everything that was stated to the public in pushing for the 1990 referendum, that there was a science based Selection Committee who would be making decisions regarding acquisition, so it was not after the fact that the Selection Committee was appointed, or the science based aspect of the Program was established, it was before the people voted. He added that a Land Acquisition Manual (LAM) was also written by the original citizen's Procedures Committee and approved by the Commission prior to the 1990 referendum and the LAM had received revisions in 1997, which perhaps, could be what Murray was referring to.

Murray stated that the 1997 LAM had also included information about an additional citizen's committee and that committee was not established until 2005, when he went to the Commission and asked why it had not been implemented.

Paul stated that the original structure had been difficult to implement and that the REAC committee came as a result of revisions to the original structure.

Paul emphasized that page 1 of the 1990 LAM, reads:

"The primary objective of the land acquisition plan is the acquisition of environmentally endangered lands preservation/conservation. These lands are environmentally unique and irreplaceable and contain excellent examples of natural communities, forest resources, plant, animals, coastal and wetland resources, and geological features.

A secondary objective of the plan is to allow some environmentally endangered lands to be used for non-consumptive resource based outdoor enjoyment. Some lands could be developed for passive recreation uses, such as hiking and nature trails, educational nature centers and elevated boardwalks".

Murray asked again if the ballot language had included reference to the Selection and Management Committee.

Paul said the ballot language had been 5 lines.

Murray said people had voted on the ballot language.

Paul stated that what people had voted on was the structure behind the referendum.

Jim said that the ballot language had only been 5 lines because people couldn't read all the information on the referendum while they were standing in the voting booth and that he, as a citizen, had known what he was voting on and that he felt sure that a lot of other people did too.

Murray stated that Jim's question had been to ask why he, as a member of the REAC Committee, had written the letter to the Commission. Murray stated that he thought it would have been discouraging to do anything else. He stated that he had included a photograph of a trail which had been completely obliterated by two foot waves of sand as an attachment to the letter and that's what he had been mad about. Murray said that in his mind, when the REAC had not been very effective, that as a private citizen, he had to influence things any way he could and that he had not signed the letter as Chairman of the REAC Committee, he had signed the letter as a private citizen.

Murray stated that he felt he had been very respectful to the members of the SMC, and they have done a fantastic job, but there was no harm in advertising for volunteers. He confirmed

his wife applied for the subsequent opening on the SMC and that civil engineers receive training in environmental engineering.

Jim stated that he has spoken with Sue, and that she is very eloquent and intelligent. He said that he would have been pleased to see her with a place on the REAC Committee, but he just didn't think she should be on the SMC because they were all supposed to be scientists.

Murray stated that she had applied and she had written a letter with her application; he felt it was up to the Commission to determine if she was a worthy applicant and he didn't see a problem with it.

Jim stated that when the original ratings came through, Sue had been ranked at the bottom of the list and that the list indicated she had not been considered qualified to become a member of the SMC. He also explained that he has reviewed the tape of the October 20<sup>th</sup> Commission meeting.

Ayn stated that her understanding of the legislative intent of the referendum was for the SMC to be made up of scientists and that one of the people she has spoken with regarding this issue was Priscilla Griffith.

Paul confirmed that Priscilla Griffith was a member of the original Procedures Committee who wrote the original LAM, prior to the 1990 referendum.

Ayn said that she knows Sue, as she serves on the Citizen's Advisory Committee for the Transportation and Planning Organization (TPO) and Sue serves on the TPO's Technical Committee. She said that she wasn't saying Sue didn't belong on the SMC, but that the legislative intent that was put to the public was that the SMC should be made up of scientists.

Doug Sphar stated he would like to make a statement on legislative intent. He explained that as Brad had mentioned earlier, some management plans need to be approved by ARC in Tallahassee, because the State holds title to the land as a result of funding contributions in the acquisition. In these cases, the EEL Program is held to the mandate of Statute 259 which was enacted by the Conservation Land Act of 1972 and which states that these lands are purchased for the survival of unique and irreplaceable plant and animal species and for the public to have use of the land where it is consistent with the acquisition purpose and where it will not harm the resource the State is seeking to protect. He said that the scientists are the ones who are equipped to make those decisions, and given their wisdom, it is the REAC's job to fit within that framework. Doug stated that he worked at the Tosahatchee Preserve for 30 years, managing the trail contract there. He confirmed that he is a biker, one of the co-founders of the Space Coast Paddling Club and his primary thing is outdoor recreation. He stated he is very sensitive to providing trail access, but he also recognized the mandate under the Conservation Land Act which states that the science is first and recreation has to fit within it, where appropriate.

Murray stated that when he wrote the letter, he never dreamed that his wife might apply for a position on the SMC. He stated that he was specifically interested in civil engineers, and that he believes that civil engineers are trained to help span the gap between what is doable in the world and what is desirable.

Murray explained that the North Canal Boundary Trail at the Malabar Scrub Sanctuary had been Sue's endeavor and that this kind of expertise might not be in the purview of the SMC,

unless they had a civil engineer on board and that he believed Dr. Hinkle was a civil engineer, from way back.

Paul clarified that Dr. Hinkle is an ecologist.

Murray said the SMC is tasked with managing the lands and that part of that management meant more than knowing how to burn the lands and how to treat the land, it was also how you deal with other institutions in the County, how you incorporate that cog of the wheel into the rest of the County, and that was one area where his wife was uniquely qualified because she has been the previous Public Works Director for the County, she was selected by the members of the American Public Works Association as the Director of Transportation for the whole Country, she has been to Washington, met with the Transportation Secretary, and he felt she would be a good addition to almost any endeavor. Murray said that whether she meets the criteria the group was talking about was another thing, but she was not going to be a bad addition to the SMC.

Doug stated that he believed there was some confusion between the advisory role of the SMC and the professional staff of the EEL Program and the County. He said that the SMC might make a recommendation to widen a ditch, but they did not do the actual widening and that this type of work was done by the EEL Program and County Staff, and other professionals in their own field.

Paul stated that the role of the SMC in terms of reviewing management plans, is to ensure they are consistent with the conservation goals of the Program and that the recreational access is appropriate for the site. He added that incorporated into the Sanctuary Management Manual is the concept of adaptive management, because you don't always know everything about what the effects of certain management actions are going to be in advance, as these systems are complicated. He explained that the concept of adaptive management is to monitor effects and monitoring feeds back into how you manage. You may need to curtail some activity if it is shown to be causing damage or relocate a trail if it is becoming eroded. He also confirmed there is a management plan review cycle for the State and there are also internal reviews.

Beverly Morgan stated that civil engineers destroyed the Florida Everglades and the Federal Government is now spending millions to restore them.

Murray commented that civil engineers are involved in the restoration work.

Beverly said that countries all over the world are trying to buffer their shorelines and recent pictures of the area hit by the tsunami show that the only locations that remained intact are the areas with natural mangroves and this was done by nature, not civil engineers.

Beverly said that in Naples, if you want to read a newspaper on the beach, you have to buy a cup of coffee from one of the hotels, and the beauty of Brevard County is that citizens realized what they have here and voted to protect it.

Murray said that Beverly had an interesting perspective.

Ayn mentioned that on the other hand, citizens want to have public access and passive recreational opportunities, where they are determined to be appropriate.

Mark Nathan said that he believes almost every EEL Program property has hiking and most have biking opportunities. He said that he looks to the SMC for advice on what activities are

appropriate and that if the County puts someone on the SMC who is not science based, it's a slippery slope.

Mark emphasized that many EEL Program sanctuaries have hiking and biking, and others also have equestrian and/or canoe and kayaking opportunities, and he really wasn't sure what someone else was looking for, but he wanted to stick with the Mission and Vision Statements and he thought that was very important.

Ayn agreed that was important.

Mark said that he had not met Sue, and that he was sure she was a wonderful person, but he looked to the SMC for scientific advice.

Jim told Murray that he respected him, and that he respected his wife, but the one thing he hoped the group could take away from the discussion was that they were all REAC members, and as such they should work within the system and honor the people around them by being up front. He stated his feeling that the group should work to get as much passive recreation on the properties as possible, without damaging the conservation value. Jim said that the lands should not be sacrificed in order to provide for public access because they were not purchased to be parks. He emphasized that he believed the people knew what they were voting for in 1990, and again in 2004 when the most recent referendum was approved by the voters by an almost 70% margin.

Murray stated that he felt he has shown his support for the Program and explained that he attended a Commission meeting to speak in favor of the acquisition of additional conservation lands within the Town of Malabar. He emphasized that he had gone to the Commission regarding the establishment of the 3<sup>rd</sup> Citizen's Advisory Committee because he felt that recreational users were not being heard and that he did not feel he needed to give up his citizenship to write a Commissioner if he felt that something was not right.

Jim stated that he was appreciative of Murray's efforts related to the establishment of the REAC Committee, and that he understood some of the cause for Murray's frustration, but that he believed that the REAC needs to maintain the EEL Program's Mission and Vision Statement's guiding principles as the bottom line and he would be happy if Murray would acknowledge them as the most important considerations.

Murray stated that he believed that the REAC Committee should be the champion of the outdoor recreation enthusiasts and that it was the SMC's job to accept or not accept the REACs recommendations. He stated that he felt the REAC did a good job of discussing both sides, but that it was his opinion that the Committee should err on the side of the outdoor recreation enthusiast because already ensconced in the process was a very effective group in place to maintain the Mission and Vision Statements. He added that he sometimes feels the REAC acts like a mini-SMC and they needed to put on their kayaking hats, their hiking hats, and their biking hats and think like an outdoor recreation enthusiast.

Mark said that he thinks everybody looks at things a little differently. He said for him, conservation is first, more so than anything else, and for recreation to come a distant second, with a small footprint.

He stated that everyone is entitled to their opinion, as they were all aware, but that's where he stands, He expressed his appreciation for the native plants and animals in this wonderful state

of Florida and in Brevard County and said he thought we were all very lucky to be between two rivers, and that was the most important thing to him. He said that that we can use the lands in a passive way, and he looks to the SMC to give REAC guidance saying yes this would work, you could put a bike trail here, or, no that idea won't work, but he understands that people see things differently.

Beverly said that she agrees with Mark and she confirmed that Brevard County is a migratory resting stop for many species. She said that when people visit conservation lands they need to remember that they are visiting the homes of many of the native plants and animals that people are trying to protect, and visitors should be respectful of that.

Bob Champaigne stated that he needed to make a comment. He said that the thing that struck him was that Murray's letter characterized the EEL Program as obstructionists and he felt that this set a tension that really wasn't needed. Bob said he felt that the REAC should be working with the SMC, to make their points for what they believed in and that he felt everyone did a good job of that, but when those kinds of words were used it made things challenging.

Murray agreed that the words had been harsh, but that was the way he had felt at times.

Bob stated that as far as advertising for new volunteers, he didn't have any problems with that.

Murray reiterated that after 12 years of riding trails at Malabar Scrub Sanctuary, there were 50' firebreaks sitting on top of what used to be a trail and that he believed the trail had been re-cut 3 times in 6 months and he didn't understand it. He acknowledged that the property had been recently burned and that he didn't have a strong knowledge of prescribed fire management, but he kept wondering how this could happen.

Bob stated that he felt the field trips staff was planning to provide information to members of the REAC committee regarding Prescribed Fire would be beneficial for the group.

Jim stated that maybe they needed to agree to disagree and have differences of opinion. He said that he just wanted everyone to understand the original intention of the EEL Program, and what the Mission Statement still is, and to keep that in mind for everything they do, and every vote they make.

Murray stated that he had also shown his support of the EEL Program during the recent Coastal Jewel property acquisition and that he now generally communicates with Mike Knight, if he has concerns.

Ayn stated that she felt that Mary Bolin appointed her to be an advocate for passive recreation where it is appropriate, and that she does take legislative intent and the purpose of the SMC to heart. She said she sees her role as advocating for passive recreation, that does not destroy the environment and keeps it as intact as possible, understanding the primary and secondary focus, and it was not that difficult for her to deal with.

Murray stated that was a good summary. He asked if everyone was comfortable moving on, or if Jim would like a summary.

Jim said he thought what he and Ayn had just said was a good summary,

Murray said that the next item for discussion by the Committee would be the agenda items.

## **AGENDA ITEMS:**

### **Election of Officers**

Murray stated that the next item on the agenda was the election of officers.

Clarification was provided that someone can offer their name for consideration, or another person can nominate someone for consideration.

Murray Hann indicated his desire to remain Chairman of the REAC Committee and stated that given the recent controversy, he would not be offended if the group chose someone else as the new Chairman.

Beverly Morgan nominated Jim Durocher for Chairman of the REAC.

Jim stated that he would prefer to decline the nomination as his upcoming schedule was very busy and he might not be able to attend all meetings.

Beverly withdrew the nomination.

#### **MOTION TWO**

**Jim Durocher nominated Doug Sphar as Chairman of the REAC.**

**Mark Nathan seconded the motion.**

**The motion carried unanimously.**

#### **MOTION THREE**

**Jim Durocher nominated Bob Champaigne as Vice-Chairman of the REAC.**

**Doug Sphar seconded the motion.**

**The motion carried unanimously.**

### **Ancient Oaks 100-mile Endurance Run at Enchanted Forest Sanctuary**

Brad introduced Mike Melton who would be providing information on the Ancient Oaks 100-mile Endurance Run which has been held every year at the Enchanted Forest Sanctuary since 1999. He explained that staff was requesting feedback from the REAC on the continuation of the race in the future.

Xavier clarified that last year the number of participants had increased significantly, and that staff had confirmed the race was a success with no negative impact to the Sanctuary, or the visitor experience for folks who were visiting the Sanctuary, but not participating in the race.

Mike provided an interesting overview of the history of the race and events from the most recent race which was held last December.

This year's two day race had 54 runners, with 30 people finishing the race.

Many of the participants came from out of state.

Jim Durocher suggested that economic impact forms be distribute to race participants in the future.

The group agreed this was an excellent idea.

Staff will follow up on the distribution of the economic impact forms.

The REAC Committee expressed their appreciation to Mike for taking the time to share information about the event.

**Motion Three**

**Bob Champaigne moved to support continuation of the Ancient Oaks 100-mile run at the Enchanted Forest Sanctuary.**

**Mark Nathan seconded the motion.**

**The motion carried unanimously.**

It is expected that next year's race will also be an extremely successful event.

**Indian Mound Station Sanctuary Proposed Public Access Plan**

This item was tabled due to time constraints.

***NEXT MEETING***

To be determined.

***ADJOURNED:***

The meeting was adjourned at 8:15 PM.

***SUMMARY OF MEETING MOTIONS:***

- Motion to approve the October 20, 2010 minutes as amended.
- Motion to approve Doug Sphar as Chairman of the REAC.
- Motion to approve Bob Champaigne as Vice-Chairman of the REAC.
- Motion to support continuation of the Ancient Oaks 100-mile run at the Enchanted Forest Sanctuary.