



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

**April 27, 2010  
Attendance List**

***SELECTION & MANAGEMENT COMMITTEE MEMBERS***

Dave Breininger  
Sue Hann  
Ross Hinkle  
Paul Schmalzer  
Kim Zarillo

***EEL PROGRAM STAFF***

Jenny Ashbury  
Laura Clark  
Mike Knight  
Chris O'Hara

***THE NATURE CONSERVANCY***

Anne Mayer  
Rebecca Perry

***GUESTS***

Jim Durocher, REAC  
Jack Lembeck, Brevard Historical Commission  
Linda Mannier, District 3 Commission Office  
Bonilyn Wilbanks, Town of Malabar

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

*April 27, 2010  
Approved June 3, 2010*



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

April 27, 2010  
Meeting Minutes

### CALL TO ORDER:

Ross Hinkle Vice-Chairman, called the meeting to order at 1:05 PM, as Randy Parkinson, Chairman, had provided advance notice he was unable to attend.

### PUBLIC COMMENT:

None.

### MINUTES:

The March 30, 2010 minutes were presented for approval.

Paul Schmalzer provided the following corrections:

- Page 3, paragraph 13: Remove extraneous open parenthesis before “by Dave Breininger”.
- Page 7, Parrish III/Price, line 3: Remove semicolon after “historically”.
- Page 11, paragraph 10: Need period after “outcome of Ulumay”.
- Page 11, paragraph 12: Capitalize “Mosquito Control”.

Clarification was also provided that during the meeting, staff had handed out a map which reflected the new area of interest south of the Scottsmoor Partners Property, shaded in brown, and that the map will be included as part of the record of the March 30<sup>th</sup> minutes.

Ross asked if there were any other comments to the March 30<sup>th</sup> minutes. No additional comments were received.

### MOTION ONE:

**Kim Zarillo approved to include the March 30<sup>th</sup> minutes as amended and with the addition of the map.**

**Paul Schmalzer seconded the motion.**

**The motion carried unanimously.**

### SMC REPORTS

None.

### STAFF REPORTS:

None.

### THE NATURE CONSERVANCY:

Rebecca Perry reviewed The Nature Conservancy's April 27, 2010 Report to the SMC. She explained that several willing seller applications which had been received from owners in the Maytown Flatwoods / Scottsmoor area were being presented for review today to confirm that it is appropriate to move forward with appraisals on the properties and that it is anticipated that TNC will be making offers to willing sellers in the North Indian River Lagoon in the next couple of weeks.

*EEL Program Selection and Management Committee Meeting*

*April 27, 2010*

*Page 1 of 14*

*Approved June 3, 2010*

Mike Knight, EEL Program Manager explained that there had been a slight change of plans related to the Indian River Lagoon sites, and that EEL Program staff had not yet had the opportunity to review the situation with TNC staff.

He stated that clarification had been received that guidelines for the CELP grant application require that owners receive notification of the appraised value as part of the yellow book standards for the negotiation process. He explained that this is inconsistent with existing EEL Program guidelines and clarification will need to be received from the State on how they approach the CELP grant's requirement.

Jenny Ashbury, EEL Program Land Acquisition Coordinator, confirmed that she has a request into the State requesting clarification of their process relating to the CELP grant. She said that she has received two conflicting answers and is waiting for one of the reviewers from the appraisal board to make a decision on this item.

Paul asked if there are other NIRL properties, not in the CELP grant, that are ready to proceed.

Rebecca confirmed there are 3 other properties not in the grant, so they will be able to move forward on those.

Mike explained that Board approval would be required to follow a non-traditional negotiation process.

Ross asked if it was possible that even if the Board granted a waiver, the disclosure of appraisal value to willing sellers of properties in the CELP group, and not to other willing sellers, could set precedence with other folks from whom the Program wanted to purchase land. He stated that if it was determined that this precedence could be a negative, his suggestion would be consideration of dropping the CELP grant application, if it could create a negotiation disadvantage long term.

Clarification was provided that the previous EEL Program CELP grant applications were not approved by NOAA, but that they kept getting feedback on ways to improve the application.

Ross suggested that perhaps the County Attorney could provide additional information, but even if it was determined to be legal, he felt the perception that it could place in the public eye might not be a good one, because people would want equal treatment.

Rebecca stated that it would also be difficult to tell someone the appraised value and then attempt to negotiate aggressively.

Paul stated the EEL Program is a willing seller program and the owners always have the option of declining any offer that is received.

Mike explained that part of the frustration was that values received in the appraisals are getting older by the day, and they are not able to pull the trigger on negotiations.

Paul asked when clarification would be received regarding the next round of CELP grant applications.

Rebecca stated it would be some time around October.

Mike stated that he would rather just move on and not apply for the grant, but that was his personal opinion.

Paul said that the Program has been pursuing these properties a long time and we finally have some willing sellers.

### **Motion Two**

**Paul Schmalzer moved that the EEL Program move forward with negotiations on the properties in the CELP grant, outside of CELP funding, because of the delays in the process, and the change in necessary procedures, as discussed.**

**Dave Breininger seconded the motion.**

### Additional Discussion

Sue Hann asked for clarification of how much funding the grant could provide, if it was approved.

Clarification was provided that the CELP grant funding could provide up to 50% of the purchase price.

Additional clarifications were discussed, including:

- The properties are within the Florida Forever Blueways Project, and already eligible for possible 50% reimbursement through that State program.
- In order to be eligible for reimbursement through the CELP grant, reimbursement has to occur within a certain time period which is far into the future.
- Notification of the results of the next round of CELP grant applications will not be received until around October.
- The motion that had been made was to move forward with acquisition, rather than putting things on the table and holding off on pursuing those properties.
- Properties acquired under the CELP grant must follow specific acquisition guidelines and timeframes, which are outside the established procedures of the LAM.
- Previous CELP grant applications have not been funded.

### Public Comment

None.

**The motion passed by a vote of 4-1, with Sue Hann voting in opposition.**

### TNC Report con't

- Rockledge
  - Florida Power and Light: Counter offer received, TNC to make 2<sup>nd</sup> offer.
  - Viera Company Tract A: Appraisals being reviewed at this time.

## **AGENDA ITEMS:**

### **Perceptions Matrix**

Ross stated that he has given a few talks on the EEL Program in the past and he has become aware of misconceptions that some folks have regarding the Program. He stated that he believes that some comments he has heard from some citizens, as well as some Commissioners, represent a misunderstanding of the history of the EEL Program and the approach that is used, so he has tried to document some of those items, and provide clarification of the facts, as a point of discussion and explanation.

Mike explained that the document had been distributed to the SMC for review and comment prior to the meeting.

Kim Zarillo stated she thought it would be a good idea to have the document reviewed at a future joint meeting between the SMC and PC and that she felt the PC may have some mechanisms that may be able to assist with providing additional clarifications of potential issues and misperceptions.

Sue Hann suggested consideration of editing the language regarding the evaluations done by the Brevard County Property Appraiser.

Paul stated that he has heard comments from previous Commission meetings on more than one occasion that when the appraised value, which is determined by certified, independent appraisers, does not match what the Property Appraiser lists as the tax value, it is a problem. He clarified that these values are not supposed to be the same because they reflect completely different things.

Kim stated that when you see that marked value, and if you were to list that property, you would see two different numbers.

Ross suggested that Sue provide an edit to the language being discussed.

Mike stated that there is a statement on the Property Appraiser's Web Site which indicates that the Market Value Total represents the value established for ad valorem purposes, in accordance with Florida Statutes and that this value does not represent anticipated selling price for the property.

Ross stated that the intent of the language was to address the fact that lands are selected through an approved process, they are valued through a standard approved process and there are policies in place that oversee this. He explained that if anyone had additional comments to the matrix language they could send them in and he thanked everyone for their input.

### **Turnbull Farms LLLP Property, Mims / Scottsmeer – 19± acres**

Mike explained that the SMC had approved a 1<sup>st</sup> Majority Vote on just the western 19± acres of the Turnbull Farms LLLP property during the March 30, 2010 SMC meeting and that the request for consideration of a 2<sup>nd</sup> Majority Vote did not include the eastern portion which was excluded from consideration by the SMC. He added that a 2<sup>nd</sup> Majority Vote was being requested at this time, so that when the appraisals are complete, staff can move forward with the acquisition process so it doesn't linger on. He added that the property owner would be submitting additional new properties for consideration later on in the meeting and that the additional properties had not been submitted with the original application because they are not contiguous with the other site.

Clarification was provided that the March 25, 2010 Site Visit Report had stated that the western 19± acres would expand protected flatwoods habitat of the Scottsmeer Flatwoods Sanctuary and provide additional habitat for gopher tortoises and potentially Florida Scrub-Jays.

#### **Motion Three**

**Paul Schmalzer moved to approve a 2<sup>nd</sup> Majority Vote on the 19± acre western section of the Turnbull Farms LLLP Property.**

**Dave Breininger seconded the motion.**

**The motion carried unanimously.**

## **Turnbull Farms LLLP Property, Mims / Scottsmoor – Additional Parcels**

Mike provided overview information on the new Turnbull Farms parcels which were submitted as a group on one willing seller application. The combined footprint of the 16 properties totals approximately 7 acres. Two of the sites are adjacent to the Scottsmoor Flatwoods Sanctuary. The willing seller application is dated April 10, 2010.

Paul asked if all of the sites are within the brown footprint of the property south of the Scottsmoor Flatwoods Sanctuary.

Mike confirmed that they are.

Paul asked what was known about the other ownerships.

Mike stated he believed they were all small parcels, but they did not have information on willing sellers or whether any single owner owns multiple parcels.

Rebecca confirmed that TNC staff had not researched the ownerships yet, because they were waiting for the results of today's meeting.

Ross confirmed that the entire brown footprint was considered important.

Mike stated that if the SMC wanted to approve a 1<sup>st</sup> Majority Vote at that time, staff could determine when to do the appraisals, or, they could attempt to identify additional ownerships and willing sellers in the area and come back to the SMC with a more contiguous package and let the SMC vote on those.

### **Motion Four**

**Paul Schmalzer moved to approve a 1<sup>st</sup> Majority Vote on the Turnbull Farms LLLP additions with the contingency that staff and TNC would work to identify additional willing sellers in that designated area and the appraisals would be held until that was accomplished.**

**Kim Zarillo seconded the motion.**

#### Additional Discussion

Sue Hann requested clarification of whether or not the properties would come back to the SMC for review before the appraisals were ordered. Confirmation was provided that the motion included that contingency.

**The motion carried unanimously.**

## **Scottsmoor Inholdings / Outparcels**

Mike provided overview information on each of the eight willing seller applications of Scottsmoor Flatwoods Sanctuary inholdings and outparcels. All sites are located south of SR 5A, between I-95 and US 1.

### **Edward and James Dean**

This 4.96± acre site includes 4 adjacent parcels located to the south of SR 5A on the undeveloped road platted as Coral Avenue, near the undeveloped and platted Palmetto Avenue, within the existing footprint of the Scottsmoor Flatwoods Sanctuary. The willing seller application is dated January 2, 2010.

**Margaret Ann Grant Thompson**

This 0.31± acre parcel is located on the west side of the undeveloped road platted as Vermont Street, within the existing footprint of the Scottsmoor Flatwoods Sanctuary. The willing seller application is dated April 10, 2010.

**Richard Morse**

This 0.16± acre parcel is located on the west side of the undeveloped road platted as Brevard Street, within the existing footprint of the Scottsmoor Flatwoods Sanctuary. The willing seller application is dated November 11, 2009.

**Lanco Partnership**

This 24.57± acre parcel is located on the south side of Stuck Way Road (SR 5A) and is adjacent to the east side of I-95. The property is an immediately adjacent outparcel of the Scottsmoor Flatwoods Sanctuary. The willing seller application is dated November 28, 2009.

**George Duncan, Trustee**

This 0.31± acre parcel is located on the north side of the undeveloped road platted as Mario Avenue, within the existing footprint of the Scottsmoor Flatwoods Sanctuary. The property is located in an area that is being considered as part of a trail. The willing seller application is dated November 4, 2009.

**Charles and Elaine Franklin**

This 0.31± acre parcel is located on the west side of the undeveloped road platted as Vermont Street, near Spring Street, within the existing footprint of the Scottsmoor Flatwoods Sanctuary. The willing seller application is dated November 20, 2009.

**Larry Bessinger**

This 0.62± acre site is located on the north side of Huntington Avenue at the intersection of Berlin and Vermont Streets. It is near the Scottsmoor Flatwoods Sanctuary, but it is separated from other undeveloped property by a lot with an existing home. The willing seller application is dated November 6, 2009.

**Susannah Urfer-Zwahlen**

This 1.56± acre site is located at the intersection on the west side of US1 and the south side of Stuck Way Road (SR 5A). The property is an immediately adjacent out parcel of the Scottsmoor Flatwoods Sanctuary and is currently being used by Florida Scrub-Jays. The willing seller application is dated October 27, 2009.

Ross expressed concern that if this property was not put into conservation, he felt it could become a service station.

**Public Comment**

Jack Lembeck suggested consideration of separating the parcels in the northwest corner and pursuing them first.

### Additional Discussion

Paul stated that all of the sites, except Bessinger, had been identified as important, and that some of the willing seller applications were several months old.

### **MOTION**

**Paul Schmalzer moved to approve a 1<sup>st</sup> Majority Vote on all sites, with the exclusion of the Larry Bessinger property.**

**Kim Zarillo seconded the motion.**

### Additional Discussion

Sue asked if the votes for these properties could be taken separately as she had some long term concerns about roadway widening issues on the Lanco Partnership and Urfer-Zwahlen properties. She said that the Florida Department of Transportation (FDOT) plans to widen I-95 in that vicinity. She stated that the interchange is a very old design in that area and from a transportation point of view, the Lanco Partnership acquisition, coupled with other acquisitions, would preclude any sort of improvement in that interchange.

Sue expressed similar concern regarding the Urfer-Zwahlen property. She stated that this site was the same basic configuration as Wickham Road, in Melbourne. Sue said that this area is currently very rural, but so was Wickham Road 20 years ago, and that there could be a situation where they might want to do signalization or some other type of transportation improvement at that intersection.

Sue said that she thought that if the properties were acquired for environmental purposes, it might preclude transportation improvement in the future.

Dave Breininger said that he thought if FDOT needed the property, they were able to acquire it by condemnation.

Sue said if the properties were acquired by the EEL Program, it would go into a 4F category of issues associated with federal acquisition which really shied away from using park land and environmentally protected land.

Mike stated that the EEL Program has granted easements in the past.

Kim agreed.

Chris O'Hara, the EEL Program's South Region Land Manger confirmed that the EEL Program is currently working with FDOT on the southern widening of I-95.

Ross stated that acquisition of these properties would round out the borders of the sanctuary and that in the past, any time an agency needed an easement, they had usually been able to work something out. He added that if property that has been acquired is absolutely needed, the agency will compensate the Program in some way, so it wasn't like the Program would buy the property and then lose it, but if they didn't buy it, and it became developed for another reason, the opportunity would be lost.

Sue agreed that it was a bit of a Catch 22, but that what she was telling everyone, with relative certainty, was that if the property is under the County's Environmentally Endangered Lands Program, the federal rules regarding acquisition for federally funded transportation projects, which is what this would be, would be an issue. She stated that as a result of the

EEL Program's acquisition of property for the Micco Scrub Sanctuary near Micco Road the I-95 interchange near Micco basically had to be moved, and they were still dealing with issues related to this topic.

Kim stated that that is why it's really important for FDOT to look at the landscape in advance. She said that the EEL Program's Mission, and the mission of the members of the SMC, is to look at the landscape for environmental purposes, and that the future development of the FDOT is secondary and not a part of their mission.

Paul stated that he did not see why the Program would not acquire environmentally endangered lands because of what might be a future use that may, or may not, ever occur. He said that if FDOT was moving to acquire the properties, the EEL Program would not be pursuing them, but they were not.

Jenny Ashbury, EEL Program Land Acquisition Coordinator, stated that the EEL Program had not been able to obtain willing sellers on two of the properties in the area because the owners were already in negotiations with FDOT.

Ross stated that there had been a request to present the motions for each of these sites separately and he asked the group if this would be acceptable. The group agreed.

Public Comment

None.

Paul withdrew his motion to approve a 1<sup>st</sup> Majority Vote on all of the sites, with the exception of the Larry Bessinger Property.

Kim withdrew her second.

**Motion Five**

**Paul Schmalzer moved to approve a 1<sup>st</sup> Majority Vote on the Edward and James Dean property.**

**Kim Zarillo seconded the motion.**

Public Comment

None.

**The motion carried unanimously.**

**Motion Six**

**Paul Schmalzer moved to approve a 1<sup>st</sup> Majority Vote on the Margaret Ann Grant Thompson property.**

**Kim Zarillo seconded the motion.**

**The motion carried unanimously.**

**Motion Seven**

**Paul Schmalzer moved to approve a 1<sup>st</sup> Majority Vote on the Richard Morse property.**

**Dave Breining second the motion.**

**The motion carried unanimously.**

### **Motion Eight**

**Paul Schmalzer moved to approve a 1<sup>st</sup> Majority Vote on the Lanco Partnership property.**

**Kim Zarillo seconded the motion.**

#### Additional Discussion

Sue Hann stated that she would be voting no. She said that she agreed with the purpose of the acquisition, but she felt that it should be fully coordinated with FDOT before a determination was made on the boundaries of the acquisition.

Ross asked if there were any other comments. No additional comments were received.

**The motion carried 4-1 with Sue Hann voting in opposition.**

#### Additional Discussion

Mike confirmed that staff will look into this to see if there are some plans out there that staff is not aware of and initiate any discussions early enough with them to ensure this was not causing problems.

Ross stated that they have the right to come to the SMC and negotiate.

### **Motion Nine**

**Paul Schmalzer moved to approve a 1<sup>st</sup> Majority Vote on the George Duncan, Trustee property.**

**Dave Breininger seconded the motion.**

**The motion carried unanimously.**

### **Motion Ten**

**Paul Schmalzer moved to approve a 1<sup>st</sup> Majority Vote on the Charles Franklin property.**

**Kim Zarillo seconded the motion.**

**The motion carried unanimously.**

### **Motion Eleven**

**Paul Schmalzer moved to decline a 1<sup>st</sup> Majority Vote on the Larry Bessinger property.**

**Kim Zarillo seconded the motion.**

**The motion carried unanimously.**

### **Motion Twelve**

**Paul Schmalzer moved to approve a 1<sup>st</sup> Majority Vote on the Susanna Urfer-Zwahlen property.**

**Dave Breininger seconded the motion.**

#### Additional Discussion

Sue Hann stated that she had similar concerns relative to coordination with FDOT, County, and maybe the State, regarding the intersection of US 1 and SR 5A.

#### Public Comment

Jack Lembeck said that he was unclear about Sue's concern was regarding FDOT involvement.

### Additional Discussion

Dave Breinger stated that this property is occupied Florida Scrub-Jay habitat and if it is acquired, it will be possible to conserve a family in an area with low population, at least for now. He stated that the EEL Program has always cooperated with FDOT and he would rather work to keep the natural area intact and improve the ability to apply prescribed fire to the area for restoration purposes as long as it was feasible.

### Public Comment and Additional Discussion

Jack Lembeck asked Sue for clarification of why there was a conflict with DOT.

Sue stated that it wasn't necessarily a conflict; her concern was simply that acquisitions adjacent to state facilities should be coordinated with them to determine if there is need to accommodate possible future transportation improvements, because it was very difficult to do after the fact.

Jack expressed his feeling that the determinations of the SMC should be based on environmental protection, not transportation need.

Sue stated that her point had been made and she was not going to debate it.

Ross stated that there had been a motion and a second, and asked if there was any further discussion.

Dave said that the EEL Program wants a collaborative working relationship with FDOT because the Program could be looking for underpasses, overpasses and/or corridors in the future.

Ross agreed. He stated that consideration is being given to an underpass in the south part of the County and if, in the future, FDOT wants a piece of EEL Program property for transportation needs, that is something that can be negotiated, but the idea was put the site in conservation and then have the discussion.

Sue stated the issue wasn't FDOT's willingness to negotiate, it was the federal regulations regarding the acquisition of environmentally endangered properties and that FDOT might say terrific, but not be able to get past the federal regulations.

Kim said the SMC understood Sue's point.

**The motion carried 4-1 with Sue Hann voting in opposition.**

## **Imperial South Suntime Property, Melbourne**

Mike provided overview information on this unsolicited, willing seller application from March 22, 2010 for 71.7± acres on the west side of Wickham Road, north of the Pineda Causeway. He explained that the property was removed from the Brevard Coastal Scrub Ecosystem (BCSE) Project years ago, but the site has changed hands recently and the new owner has requested reconsideration by the SMC.

Paul stated that the property is currently fragmented and surrounded by development, but that at one time, there had been a substantial amount of scrub habitat in the area.

Dave stated the site was extremely disturbed and that the old scrub vegetation had been tremendously impacted by development. He confirmed the property is surrounded by roads.

Ross agreed that the site was an island surrounded by development.

### **Motion Thirteen**

**Paul Schmalzer moved to decline a 1<sup>st</sup> Majority Vote on the Imperial South Suntree Property.**

**Kim seconded the motion.**

#### Public Comment

Jim Durocher asked if the EEL Program ever acquired property for the purpose of having a little green space within a developed area, or if the site might be more appropriate for a county or city park.

#### Additional Discussion

Ross explained that on some occasions, when sites that have been submitted for consideration, did not meet the criteria for acquisition by the EEL Program, the SMC has suggested that those properties might be appropriate for a Florida Communities Trust grant through the appropriate municipality.

Ross asked if there was additional discussion or questions. No other comments were received.

**The motion carried unanimously.**

### **Oakmont Preserve Property, Malabar**

Mike provided overview information on this property, which was first reviewed by the SMC on March 30<sup>th</sup>. He explained that the developer's representative has expressed some level of interest in donating the wetlands to the EEL Program, but staff has the understanding that any of that process would be contingent on first acquiring the 32± acres which was included in the willing seller application.

Paul reviewed the April 14<sup>th</sup> Site Visit Report. The property consists of a 32± acre area, which is not subdivided. In the surrounding Oakmont Preserve Development, there is currently only one lot which contains a house. According to the owner's representative, the wetlands are covered by permits from St. Johns River Water Management District and the Army Corps of Engineers, but although there was an original intention to use the 32± acres as a mitigation donation, the scrub property was never needed for mitigation and it is not restricted by easements or permits. The scrub and flatwoods are in relatively good condition and the density of pines is fairly low. It appears the site was roller chopped some years ago as the scrub height is not excessive. The flora of the site is primarily native. There are some invasive exotics along the power lines which run through the middle of the site. Evidence of gopher tortoises is present and several Florida Scrub-Jays were observed on the south corner.

Dave confirmed that since 1997, the site has been intersected by 3-4 families of Jays and that this property, which is adjacent to the recently acquired Coastal Jewell property that expanded the Jordan Scrub Sanctuary, has a lot of oak scrub and that it has been continuously occupied by Jays.

Paul commented that the Site Visit Report included information on the wetlands, and that the two wetlands immediately adjacent on the east and west side, are in pretty good shape, but the others

would be a bit more problematic. He explained that wetlands around scrub can influence the scrub habitat quality.

#### Public Comment

Bonilyn from the Town of Malabar asked if she could get a copy of the Site Visit Report. Staff will provide a copy of the report.

#### Additional Discussion

Ross asked if there were additional questions or comments on this property. None were received.

#### **Motion Fourteen**

**Paul Schmalzer moved to approve a 1<sup>st</sup> Majority Vote on the 32± acre scrub parcel within the Oakmont Preserve.**

**Dave Breininger seconded the motion.**

#### Additional Discussion

Sue Hann asked Bonilyn Wilbanks, from the Town of Malabar, for the Town's perspective on this acquisition.

Bonilyn stated that the Town has not taken a position on it at this time because it had not yet been presented for the Town's input. She stated that she had discussed the site with the Town Clerk and a concern could be that from their standpoint, this was presented as a subdivision that came in with its own plans. She indicated that the Town needed to do some research. She confirmed that the Town of Malabar would research this item.

Paul confirmed that a few years ago, information had been submitted to the EEL Program that the site had been intended as mitigation property.

Dave agreed that was his understanding, as well.

Mike explained that Brian Toland had been the consultant on the development and that before he passed away, Brian had approached the EEL Program about accepting the property as a mitigation donation, and staff had been surprised to find out that the site was not going to be used for mitigation purposes.

Mike explained that the established process when the EEL Program is moving forward with acquisition of property within the boundary of any municipality, is to formally request input from the Town. That information is presented to the Board, along with the acquisition contract, in the event that an agreement is reached through the negotiation process. He also confirmed that the Program notifies a municipality in the event that property is within their boundary is being considered.

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

**The motion carried unanimously.**

### **Grant Flatwoods Sanctuary Management Plan Status Review**

Chris O'Hara presented information on the Grant Flatwoods Sanctuary including:

- SMC approved Interim Management Plan in June 2008
- The management plan completed the 30-day public review.
- It is anticipated that Advisory Group meetings will be held within the next few months.

*EEL Program Selection and Management Committee Meeting*

*April 27, 2010*

*Page 12 of 14*

*Approved June 3, 2010*

- Part of the sanctuary is in State title and part is in County title. The management plan will be formatted as one document which is being written to State standards and will include sites in the Mega parcel area.
- The major acquisitions for this sanctuary were the MEP and Anstalt purchases.
- The cypress strand on this site is one of the few remaining cypress strands in south Brevard.
- Parking area is still conceptual.
- Restoration activities are currently ongoing and most have been funded by mitigation donations.

#### Additional Discussion

Mike provided information on the status of citizen William Riley's request for access through the sanctuary to property which he owns within the sanctuary's footprint. Staff continues to work with the citizen, the County Attorney and the State, in their request that the citizen apply for an access easement as the County Attorney has determined that the citizen does not currently have legal access to the property.

Ross suggested consideration of tracking any additional costs incurred by the Program as a result of the citizen's inappropriate use as he felt the EEL Program should not have to bear the cost of those expenses.

#### Public Comment

None.

#### **NEXT MEETING:**

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

#### **ADJOURNED:**

The meeting was adjourned at 2:40 PM.

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

- Motion to approve the March 30, 2010 SMC minutes as amended and with the inclusion of the map distributed by staff during the April 27, 2010 meeting.
- Motion to move forward with negotiations on the properties in the CELP grant, outside of CELP funding, because of the delays in the process, and the change in necessary procedures, as discussed.
- Motion to approve a 2<sup>nd</sup> Majority Vote on the 19 ± acres western section of the Turnbull Farms LLLP Property.
- Motion to approve a 1<sup>st</sup> Majority Vote on the Turnbull Farms LLLP additions with the contingency that staff and TNC would work to identify additional willing sellers in that designated area and the appraisals would be held until that was accomplished.
- Motion to approve a 1<sup>st</sup> Majority Vote on the Edward and James Dean property.
- Motion to approve a 1<sup>st</sup> Majority Vote on the Margaret Ann Grant Thompson property.
- Motion to approve a 1<sup>st</sup> Majority Vote on the Richard Morse property.
- Motion to approve a 1<sup>st</sup> Majority Vote on the Lanco Partnership property.
- Motion to approve a 1<sup>st</sup> Majority Vote on the George Duncan, Trustee property.

*EEL Program Selection and Management Committee Meeting*

*April 27, 2010*

*Page 13 of 14*

*Approved June 3, 2010*

- Motion to approve a 1<sup>st</sup> Majority Vote on the Charles Franklin Property.
- Motion to decline a 1<sup>st</sup> Majority Vote on the Larry Bessinger property.
- Motion to approve a 1<sup>st</sup> Majority Vote on the Susanna Urfer-Zwahlen property
- Motion to decline a 1<sup>st</sup> Majority Vote on the Imperial South Suntree property.
- Motion to approve a 1<sup>st</sup> Majority Vote on the 32± scrub parcel within the Oakmont Preserve.