# Environmentally Endangered Lands Program

# Selection and Management Committee Meeting Minutes

## January 29, 2020

Approved June 19, 2020

## Attendance

### SELECTION AND MANAGEMENT COMMITTEE MEMBERS

* Tamy Dabu
* Tammy Foster
* Oli Johnson
* Paul Schmalzer
* Lisa Toland
* Kim Zarillo

### ENVIRONMENTALLY ENDANGERED LANDS PROGRAM STAFF

* Laura Clark
* David DeMeyer
* Evan Hall
* Damien Keene
* Mike Knight
* Steve McGuffey
* Brad Manley
* Ray Mojica
* Jenny Warner

### GUESTS

* Dani Bowers, Friends of the Enchanted Forest
* Vince Lamb, Citizen
* Melissa Martin, Friends of the Enchanted Forest
* Jon Shepard, Atlantic Environmental Solutions
* Steven Slatem, InvasErad

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

Meeting Minutes

### CALL TO ORDER AND ROLL CALL

Oli Johnson, Chairman, called the meeting to order at 1:00 PM.

Clarification was provided that David Breininger and Liz Becker contacted staff prior to the meeting to confirm they would not be able to attend. Both absences will be considered excused.

### PUBLIC COMMENT

None.

### MINUTES

It was noted that the following draft minutes are incomplete: August 23, 2019 Selection and Management Committee (SMC) and August 23, 2019 Selection and Management Committee/Procedures Committee (SMC/PC).

The July 17, 2019 and December 5, 2019 SMC minutes were presented for approval.

**July 17, 2019 SMC Minutes**

The July 17, 2019 minutes were presented for approval. Paul Schmalzer noted that on page 7, at the 7th bullet, there was an additional space at the word “indicated”.

**MOTION ONE**

**Paul Schmalzer moved to approve the July 17, 2019 SMC minutes, as corrected.**

**Tamy Dabu seconded the motion.**

**The motion carried unanimously.**

**December 5, 2019 SMC Minutes**

The December 5, 2019 SMC minutes were presented for approval. Paul noted that on page 4, at the first sentence, a comma was needed after the word “member”.

**MOTION TWO**

**Paul Schmalzer moved to approve the December 5, 2019 SMC minutes, as corrected.**

**Tamy Dabu seconded the motion.**

**The motion carried unanimously.**

### ADMINISTRATIVE REVIEW

The Administrative Review was discussed.

**Unmanned Aerial Vehicles (Drones)**

Mike Knight, EEL Program Manager, noted that staff submitted a draft request to the County Attorney’s Office for a State Attorney General Opinion on the regulations of take-off and landing locations within County parks and managed lands. Additional clarification was provided that submittal of the request was dependent on receipt of approval from the Board of County Commissioners (BOCC) and staff was informed the previous day that the County Attorney’s Office does not believe there is enough information to submit the request.

**Staffing Changes**

* Chris O’Hara, South Region Land Management Superintendent, has resigned. It is anticipated that his position will be advertised next week. Evan Hall, South Region Land Management Specialist, is temporarily overseeing the South Region until the vacancy is filled.
* Martha Pessaro, Central Region Education Center Coordinator, is retiring February 21, 2020. Staff is in the process of interviewing candidates for this position.
* Interviews are underway for the North and South Beach Land Management Tech positions.
* A request has been submitted to the Parks Director to reclassify the Storekeeper position, previously held by Bob Giesey, into a Land Management Tech position.

**Environmentally Endangered Lands (EEL) Program Operations and Funding Status Report**

Mike explained that staff is planning to incorporate the EEL Program Operations and Funding Status report into a 30-year EEL Program Report which he is currently working on, rather than having two documents. It is anticipated that the 30-year report will be similar to the one that Seminole County did for their 25-year anniversary.

Paul noted that some discussions for updates to the Operations and Funding Status Report have already occurred. He stated that there is very little money available for land acquisition and the Program is just scraping by on management and he wondered if the take home message from the 30-year report would be that funding for the EEL Program is inadequate. He stated that it is important that this message not get lost if the two documents are combined. Mike noted his plan that the same information would be included either way. Tamy Dabu stated her feeling that when the current funding from the 2004 referendum ends in 2024 the Program will be in dire straits unless the funding situation gets rectified. Mike stated that he was fine with either having one combined document, or two separate ones. Additional discussion will be scheduled for a future meeting.

**State Land Management Review of Brevard Coastal Scrub Ecosystem (BCSE) Project**

The Division of State Lands will be completing their 5-year Management Review of the BCSE Project on January 30 and January 31, 2020. Paul noted he felt the SMC would like to see a copy of the report when it is available. Mike agreed. Paul also mentioned the importance of habitat management in the South Region, which is critical to the survival of Florida Scrub-Jays.

**Action Items**

Mike noted that in the future, action items will be tracked through a spreadsheet which will be distributed along with each meeting agenda. The spreadsheet has been compiled, but all status fields haven’t been completely updated yet, so the spreadsheet was not distributed for this meeting. It is anticipated the information will be available by the next meeting.

**Hog Point Cove House**

The Hog Point Cove House is being renovated following damage by both hurricanes Mathew and Dorian. The project was submitted to the Federal Emergency Management Agency (FEMA) shortly after hurricane Mathew, but no action has been taken by FEMA to finalize the repair approval. Hurricane Dorian caused additional damage. Career Source of Brevard is providing free labor to complete the renovation under a federal grant. Staff anticipates the facility being utilized as a field station under the Program’s ongoing work with Florida Institute of Technology and other research groups.

**Board of County Commissioner (BOCC) Items**

**Scottsmoor Cattle Lease – Approved by the BOCC on December 17, 2019**

Paul noted the need to establish a plan for restoration of the 100 acres of Scottsmoor Flatwoods Sanctuary which has been under a cattle-grazing lease since the property was acquired versus continued extensions of the 5-year grazing lease. Mike stated staff will start working on that plan.

**Additional information**

It was noted that Tammy Foster had arrived at the meeting, after the vote of approval of the minutes.

### COMMITTEE MEMBER REPORTS

Paul noted that he led a field trip to the Scottsmoor Sanctuary on January 11, 2020 for the Florida Native Plant Society (FNPS) and other interested members of the public. He added that the group had been pleased to see several insectivorous plants, including bladderworts and butterworts along the trails which had been mowed, but not treated with herbicide. Staff will distribute information on the February FNPS trip which is planned for Fox Lake Sanctuary.

### STAFF REPORTS

None.

### LAND ACQUISITION STATUS UPDATE

The land acquisition status update was discussed as part of the agenda items.

### AGENDA ITEMS

**Emerald Lakes Mitigation Donation**

Jon Shepard, Atlantic Environmental Solutions, the environmental consultant for the Emerald Investments, Limited Liability Corporation project, gave a presentation regarding a proposal for a mitigation land donation which is adjacent to the Grant Flatwoods Sanctuary in south Brevard. The group discussed acceptance of this mitigation donation including: fencing and access along fencing, guidelines for outside cats, not using the borrow pond as a stormwater treatment pond and acknowledgement of the need for prescribed fire. Kim Zarillo, Tamy Dabu, and Lisa Toland expressed their support for staff to research the Saint Johns River Water Management District and United States Fish and Wildlife Service Endangered Species Office history which established the per-acre dollar management fee structure, and for consideration of future revisions to EEL parameters for accepting mitigation donations.

**MOTION THREE**

**Paul Schmalzer moved that the SMC should approve, in concept, the Emerald Lakes mitigation donation, consisting of 3 parcels as identified on the Emerald Lakes Property, Oakmont Preserve, and a section of the Rodencic property, with the details to be negotiated with EEL staff and returned to the SMC for review at a future time when complete.**

**Kim Zarillo seconded the motion.**

**The motion carried unanimously.**

**Titusville State Road 50 Residential Tract Limited Liability Corporation Property Donation.**

Mike provided overview information on an 80-acre property near the Publix Shopping Center off State Road 50 which has been offered to the EEL Program as a donation. It was determined that an SMC site visit will be scheduled for February 17, 2020.

**Florida Inland Navigation District (FIND) Property Exchange Agreement**

The SMC reviewed the most recently revised property exchange agreement between the EEL Program and the Florida Inland Navigation District which has been approved by FIND and the County Attorney’s Office. This exchange is being done to minimize impacts to some of the best remaining scrub habitat left in Brevard County. Mike noted that once the SMC approves the agreement, which has been in the works since the early 1990s, the document will be submitted to the BOCC to request permission to advertise the agreement, and it will also go back to the BOCC one more time for the BOCC’s final approval. It is anticipated that once everything closes, it may be a year or more before construction actually begins.

Mike noted that as part of the agreement, the County will give up approximately 70 acres of land and receive approximately 83 acres from FIND.

Mike noted that information on monitoring and action to mitigate possible spills is now included in the agreement. Lisa asked for clarification on how the pipeline would be monitored twice daily if it is underground. Mike explained that the pipeline includes a pressure system which will be checked twice daily.

**MOTION FOUR**

**Paul Schmalzer moved to approve the Florida Inland Navigation District land exchange agreement.**

**Kim Zarillo seconded the motion**

**The motion carried unanimously.**

Kim thanked staff for the work they have done on this exchange.

**Review of Remaining Proposed Lands**

The group reviewed the most recent set of proposed lands and provided comments. Staff will continue to update maps and they will be redistributed for further discussion.

**PUBLIC COMMENT**

Vince Lamb, citizen, noted that The Nature Conservancy (TNC) is working with a group of citizens regarding consideration of an EEL Program funding referendum in 2020 or 2022. He stated that in order to include consideration of funding for additional land acquisition, they would need some sort of defensible dollar amount with a good land acquisition story of the benefit to Brevard County residents. Mike noted that staff is working on establishing estimated dollar values for different categories of land which will assist in that effort. He also noted that he wanted to be clear that staff is not pushing for a referendum, they have just been responding to requests for information from citizens.

The group discussed some of the EEL Program’s funding history. The following was noted:

* Voters approved a referendum for up to $55 million in 1990.
* Voters approved a second referendum for up to $60 million in 2004.
* Collections from the 2004 referendum will end in 2024 and a plan for funding the Program past the time the collections will end has not yet been established.
* Neither of the referendums have collected the amount of bonded funds which was approved by voters.
	+ $9 million from the first referendum was never bonded.
	+ $14 million from the second referendum was never bonded.
	+ $3 million of bonded funds from the first referendum which was unspent at the time the bond funds were paid off was used for limited types of operational expenses.
	+ $4 million of funds which were bonded from the second referendum was defeased (not spent, paid back early).
* When collections began on the 2004 referendum, millages were not set at 100% of the voter approved maximum. In addition, changes made by the State Legislature in 2008 have added additional guidelines related to annual millage increases. These actions have resulted in a substantial impact to funding collected since 2006.

### LAND MANAGEMENT REPORT

**Central - Thousand Islands Management Plan**

David DeMeyer, Land Management Superintendent (LMSUPT), confirmed that work on this management plan is on hold while staff focuses on the Sykes Creek Management Area plan which is being distributed for staff review this week.

**South – Upcoming Brevard Coastal Scrub Ecosystem Land Management Review**

Paul noted he would be interested in knowing the State’s perspective regarding management of the mega-parcel areas including those that are under management responsibility of the Florida Fish and Wildlife Conservation Commission (FWCC). He noted the importance of the south county mega-parcel areas to the survival of the Florida Scrub-Jay and requested that a copy of the inspection report be distributed to the SMC when the report becomes available. Evan Hall, South Region Interim LMSUPT, noted staff has plans to include mega-parcel areas during the review. Mike explained that the FWCC has management responsibility for some of the habitat acquired by the EEL Program and he provided overview information on locations for management responsibilities of each group.

Mike stated that both groups are eager to transfer management responsibilities on lands purchased by EEL from FWCC to the EEL Program, but it will take an action of the BOCC (approval for moving the properties out of the FWCC State Management Lease into the Management Lease of the EEL Program) to make that happen and politically, it is not the right time to ask for that to occur.

Paul noted his displeasure regarding the multi-year delays in actions to restore and protect the habitat in the south mega-parcel area because there has not been the right political environment to request moving things forward. Mike noted that if the Committee wanted to speak with his supervisors, they could do so, but he would not be taking any action on this item.

Mike also stated that the only way any of this area could be managed is in cooperation with the Division of Forestry under the Hawkins Bill which allows for prescribed fire under specific circumstances in order to prevent wildfires from damaging personal property. He stated that for years, they have tried to tell the Division of State Lands that this area should not be put into our management lease because it can not be managed since it is so fragmented. Kim suggested consideration of working with State staff, or their supervisory group, on cooperative management efforts in the mega-parcel areas. Mike noted a first step toward this goal would be identification of which areas meet the Division of Forestry’s prescribed fire criteria. Kim asked if any of that work has been completed. Mike stated that this task had been delegated to the previous LMSUPT and it had not moved forward during that employee’s time with the Program, but they are in the process of hiring new staff and the responsibility will be passed to the new person. Evan noted staff’s recent work with Dave Breininger in identifying an area not far from a location where construction is occurring, where implementation of prescribed fire and other management activities would be helpful, so the Jays in the construction footprint area will have someplace nearby to move into. Paul noted this was very good news.

**South Beach Management Plans**

It was noted that staff from the South Beach Region were not in attendance at the meeting. Mike stated that a template for the Public Access Plan portion of management plans has recently been implemented and it was his understanding that they are moving their information into the new format. The Public Access Plan for each management plan is distributed for public review prior to each sanctuary’s Public Access public meeting.

**Additional Discussion**

Mike spoke of an email which he had received from Paul that indicated that the DRI Tract A property, between the Cruickshank Property and the Viera East Conservation Development District (VECDD) property is for sale again and which asked if staff was aware of the status. Mike noted that at this time, due to the political climate, staff will not be searching out any properties which might be for sale. Paul asked why the committee was discussing a second referendum if there weren’t going to be future acquisitions. Discussion ensued. Concerns were expressed regarding the potential for the BOCC to take additional actions outside the parameters of the EEL Program manuals. Lisa Toland noted she was hearing that staff feels they cannot take certain actions, but if the committee wanted to pursue something, they could do so. Tamy Dabu noted that committee members, as individuals, could find out about properties. Lisa noted her feeling that at this time, the priority should be to focus on creating an alliance with the public, which will be important in the days ahead when planning for a new EEL Program referendum. Kim spoke of the importance of working things where you can and emphasized the need for prescribed fire in the south mega-parcel area. Mike provided additional information that in the current political climate, staff is not comfortable soliciting willing seller applications from landowners, but if a landowner submits an application on their own, staff is obligated under the current policy to move it through the acquisition process.

### PUBLIC COMMENT

Steven Slatem, from InvasErad, provided information on his company which uses goats to remove Brazilian pepper and other invasive exotics and he suggested that the EEL Program consider use of his services.

### NEXT MEETING

It was determined that the next Selection and Management Committee meeting will be scheduled for February 24, 2020 and a site visit to the Titusville State Road 50 Residential Tract Limited Liability Corporation Property will be scheduled for February 17, 2020.

### ADJOURNED

The meeting was adjourned at 4:31 PM.

### SUMMARY OF MEETING MOTIONS

1. Motion to approve the July 17, 2019 Selection and Management Committee (SMC) minutes, as corrected. APPROVED
2. Motion to approve the December 5, 2019 SMC minutes, as corrected. APPROVED
3. Motion to approve, in concept, the Emerald Lakes mitigation donation, consisting of 3 parcels as identified on the Emerald Lakes Property, Oakmont Preserve, and a section of the Rodencic property, with the details to be negotiated with EEL staff and returned to the SMC for review at a future time when complete. APPROVED
4. Motion to approve the Florida Inland Navigation District land exchange agreement. APPROVED

### ACTION ITEMS

1. Schedule additional discussion regarding possible consolidation of Operations and Funding Status Report with 30-year Environmentally Endangered Lands (EEL) Program Report.
2. Distribute Brevard Coastal Scrub Ecosystem Land Management Review to Selection and Management Committee (SMC).
3. Establish restoration plan for 100 acres of Scottsmoor Flatwoods Sanctuary which is covered by a cattle-grazing lease.
4. Distribute details of February 12, 2019 Florida Native Plant Society field trip to SMC.
5. Research history of per-acre mitigation fees established by Army Corps of Engineers, the Saint Johns River Water Management District, and United States Fish and Wildlife Service Endangered Species Office and schedule discussion for consideration of future revisions to EEL parameters for accepting mitigation donations.
6. Details of Emerald Lakes mitigation donation to be brought back to SMC for review when complete.