



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM  
SELECTION & MANAGEMENT COMMITTEE (SMC)  
July 31, 2018**

***Attendance***

**SELECTION & MANAGEMENT COMMITTEE MEMBERS**

Dave Breininger  
Tammy Foster  
Oli Johnson  
Randy Parkinson  
Paul Schmalzer  
Laurilee Thompson  
Kim Zarillo

**EEL PROGRAM STAFF**

Jonny Baker  
Laura Clark  
David DeMeyer  
Mike Knight  
Steve McGuffey  
Chris O'Hara  
Evan Owens  
Jenny Warner

**GUESTS**

None

## ***Meeting Minutes***

### **CALL TO ORDER**

Randy Parkinson, Chairman, called the meeting to order at 1:05 PM.

### **PUBLIC COMMENT**

None.

### **MINUTES**

#### **June 6, 2018 Minutes**

The June 6, 2018 SMC minutes were presented for approval.

#### **MOTION ONE**

**Paul Schmalzer moved to approve the June 6, 2018 minutes, as submitted.**

**Kim Zarillo seconded the motion.**

**The motion carried unanimously.**

### **ADMINISTRATIVE REVIEW**

The Administrative Review was discussed.

#### **Board of County Commissioners 7/24/2018 Approval of Tentative Millage**

Mike Knight, EEL Program Manager, provided the following information:

The EEL Program has been using approximately \$3 million in retired bond funds to make up the difference between what it takes to operate the Program and what has been collected for Program operations for several years.

- The funds in the retired bond fund account can be legally used for land, capital expenses, or maintenance of capital items. Maintenance of capital items is an operational expense.
- Approximately \$134,000 was available in the retired bond funds account beginning this fiscal year (FY 2017-2018). The account is expected to be depleted by the end of this year. As a result, it is anticipated Program will be approximately \$1,345,000 short in operations funding for FY 2018-2019.

- EEL Operations Millage for next year (FY 2018-2019)
  - If set at 3 vote level would represent an approximately \$68,000 increase from last year, but would still be less than amount budgeted for operations.
  - Millage set at super-majority level, (approval from 4 of 5 commissioners) would represent an approximate increase of \$288,000.
  - The proposed operational millage rate, which was set at the super-majority level, was unanimously approved by the Board of County Commissioners on July 24, 2018.
- Mike noted that he was asked to provide information clarifying how the additional funding between the 3 and 4 vote levels would be used. He has confirmed that covering the shortfall in operations funding would be first, along with potential capital replacement, facility maintenance, or cash forward. Mike confirmed that he was asked to confirm none of the funds from the increase would be used to buy land.
- Future budget hearing dates:
  - September 11, 2018 – 1<sup>st</sup> Budget Hearing
  - September 25, 2018 – Final Budget Hearing

Paul mentioned that based on the July 24, 2018 tentative millages document, multiple Parks and Recreation Department (P&R) operational millages have also been increased – not just the EEL Program's.

Paul also noted that he updated the millage history calculations for the EEL Program based on proposed millages and although the operational millage and funding are increased from last year, the debt millage continues to decrease more than the operational millage has increased, so the total overall millage for the Program is going down again. Mike agreed the proposed millages represent an overall decrease from last year.

Paul noted the following:

- The difference in funding between the proposed millage (level approved by the voters in 2004) and what is being collected for FY 2018-2019 is \$2,281,599.
- This brings the total uncollected EEL Program funding since 2006 to \$38,929,018.
- \$38,929,018 is a substantial amount of money which the EEL Program could have used to buy land, restore land, or build the 4<sup>th</sup> Center at the Town of Malabar.

Additional Discussion:

It is hoped that a joint meeting between the SMC and PC can be scheduled before the first budget hearing.

### **\*Legal Disclaimer**

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### **Saw Palmetto Berry Harvesting**

New guidelines required for the harvesting of Saw Palmetto berries were recently passed by the State. The guidelines, which require that someone who harvests berries for sale, must obtain both written permission from the landowner and a State Native Plant Harvesting Permit. These actions are supported by the County Attorney. State agency folks are also communicating the new regulations to companies who purchase berries. The illegal harvesting of Saw Palmetto berries has been an issue for EEL Program sanctuaries for many years.

### **State Management Lease**

EEL staff is waiting for the State to provide a list of south mega-parcel properties that need to be added to the Brevard Coastal Scrub Ecosystem Lease #4263 before they can move forward with updating the lease agreement.

### **COMMITTEE MEMBER REPORTS**

Dave Breininger noted he is working with the Brevard Zoo on a Florida Scrub-Jay population viability research project with Robert Lacy, Ph.D. who was recently featured on 60 minutes for his work in developing pedigree analysis methods used for the management of breeding programs in zoos and other conservation planning projects across the nation. Dave noted Dr. Lacy has expressed his enthusiasm for working with the significant demographic data information which has already been collected on the Scrub-Jays.

### **STAFF REPORTS**

None.

### **LAND ACQUISITION STATUS UPDATE**

The following was noted:

- No future mitigation donations appear to be pending any time soon.
- Florida Inland Navigation District (FIND) continues working on the permitting for their spoil containment basin.
- A long desired property exchange with the EEL Program is expected to be part of this project.

## **Additional Discussion**

It was noted that Laurilee Thompson had joined the meeting.

## **AGENDA ITEMS**

### **Mega-Parcel Fall Back Boundary**

Mike noted that some time ago, EEL staff created proposed boundary lines in the south mega-parcel area to assist in identifying areas which might fall within a manageable footprint and to identify possible areas outside the boundary which might be available for exchange for lots inside the boundary in order to make management easier. He stated that the lines have been fluid and any time staff has needed clarification, they have come to the SMC for guidance.

Dave Breininger recently requested a review of these boundaries. Staff has updated the maps with all acquired parcels. The group reviewed the updated maps and current boundaries. Chris O'Hara will provide the fall back boundary shape files to Dave and additional discussion regarding fallback boundary lines, scrub areas, and mitigation donation priority suggestions will be planned after Dave's review.

It was noted that the US Fish and Wildlife Service scrub mitigation fund is administered by The Nature Conservancy (TNC) and that the EEL Program received \$3 million from that fund towards the purchase of part of the Scottsmoor Flatwoods Sanctuary. Additional funding has come to the EEL Program in the past for land management efforts on scrub habitat. It was also noted that scrub mitigation funding from new construction in Brevard County is currently being allocated to the Lake Wales Ridge area as US Fish and Wildlife Service feels that area has a higher chance of maintaining Scrub-Jay populations long-term than Brevard County does. An additional reason this review is being undertaken is to try to get some the Brevard County scrub mitigation funding coming back into Brevard County.

### **Additional Discussion – Galbraith Property Exchange**

The property exchange request from Mr. Galbraith is under FWCC Management and the property coming to the EEL Program would go under EEL Management. Information on the request has been forwarded to FWCC for their consideration.

### **Additional Discussion – Mega-parcels**

The group noted existing difficulties with acquisition and management of the mega-parcel areas relating to issues where some owners may be deceased, out of the county, or have title in limbo for other reasons. Staff will research and present information on the minimum dollar amount of tax owed before property goes to tax deed sale and possible properties which might be escheated.

It was noted that the Walmart mitigation donation of approximately 100 acres south east of the Valkaria Airport, plus additional adjacent lands within the mega-parcel area, should be a large

enough footprint to do land management without excessive difficulty and the Program needs to be sure to take care of this important area. Dave confirmed there are Florida Scrub-Jays in the general area and that the Valkaria mega-parcel, Jordan Scrub Sanctuary, Micco Scrub Sanctuary area is very important to the survival of Scrub-Jays on the mainland.

### **Florida Scrub-Jay Translocation Request**

The group reviewed a translocation request submitted by the Brevard Zoo to move a family of three Scrub-Jays, from an area in Palm Bay which is being developed, to the Malabar Scrub Sanctuary. A take permit has been issued for the birds. Dave provided additional information on the translocation plans.

#### **MOTION TWO**

**Dave Breininger moved to approve the Florida Scrub-Jay Translocation Request submitted by the Brevard Zoo.**

**Lauriee Thompson seconded the motion.**

#### **Additional Discussion - Florida Scrub Jays**

Dave added that recent discussion to de-list the Florida Scrub Jay from the Threatened and Endangered Species list seems to have lost momentum, but he believes it will become even easier to develop occupied habitat in the future. He also noted his belief that this general area could possibly support as many as 23 Scrub-Jay families and there are currently only 2 or 3 families here at this time, so it is extremely important to take the best possible care of conservation lands in the South Region including restoration and continuing land management on a regular basis.

**The motion carried unanimously.**

#### **Additional Discussion – EEL Program Funding**

Randy mentioned the EEL Program's three original State of Florida partnership funding projects: Maritime Hammock, North Indian River Lagoon, and Scrub Jay Refugia, and he asked about the general status of each. Paul noted that the North Indian River Lagoon has been enlarged and incorporated into the Blueways Project, and the Scrub-Jay Refugia developed into the Brevard Coastal Scrub Ecosystem Project. Randy stated his feeling that it seems the Program is still struggling with some areas of its core mission.

Paul stated his feeling that some important conservation lands have been acquired, but if the Program had received the almost \$39 million dollars that wasn't collected, it could have done a whole lot more.

The following was also noted:

- Only \$45 million of the original up to \$40 million approved by the voters in 2004 has ever been bonded.

- \$4 million of what was bonded was defeased.
- Almost \$1 million in potential US Air Force partnership funding was returned.
- The reduction in Florida Forever partnership funding has impacted the Program.
- The SMC's request to consider bonding for \$8 million from the 2004 referendum was never moved forward to the Board of County Commissioners.

Dave emphasized his feeling that with hard work and collaboration, south Brevard County could become a place where Florida Scrub-Jays could survive.

Mike stated that he would like to clarify that he has never been told to stop acquiring land by anyone. Paul stated his feeling that having a program with no funds available for acquisition and not being able to get an answer on a request for bonding on a voter approved referendum was a pretty strong discouragement.

Dave noted the importance of the Procedures Committee regarding support for a new referendum.

### **Micco Scrub Sanctuary Site Visit Report**

Paul Schmalzer reviewed his site visit report from the SMC's July 28, 2018 visit to the Micco Scrub Sanctuary.

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Clarification was requested regarding the status of the two on-going land management projects at this sanctuary.

Chris O'Hara, South Region Land Management Superintendent, stated that he expects to receive the Memo of Understanding with the Florida Forest Service on the timbering/salvage project by the end of the week. Once it has been received, the agreement will need to go through the County's review process. Dave commented it is important to remove the pines along the north border that did not burn in the wildfire as quickly as possible. Chris noted he expects to receive the bids on the line of trees by the end of the week and then hopes to move fairly quickly from that point.

Dave stated his understanding that of the four Scrub-Jay families near the northern part of the sanctuary, two were pretty much burned out in the wildfire and whether they will make it through the year is questionable. He emphasized the importance of removing the pines along the northern border so the Scrub-Jay helpers in the area can get to the rest of the Micco Sanctuary when they

do their disbursal forays when they are about a year old. Steve stated staff will work toward that goal. Dave noted that when they reviewed 30 years of data from about 30 sites, they learned it takes lots of openings amongst medium height scrub oaks for population growth; if the openings aren't there and the populations don't have helpers, which most populations don't, the populations won't grow.

## **LAND MANAGEMENT REPORTS**

- **SOUTH REGION**
  - Crane Creek Management Plan has been distributed to staff for review.
  - Florida Forest Service is rehabbing existing fire lines in north east mega-parcel in preparation for prescribed fire.
- **NORTH REGION**
  - Enforcement agreement with Florida Wildlife Conservation Commission regarding poaching of deer and illegal saw palmetto berry picking in progress.
  - Center repairs being evaluated.
  - Culvert repair being evaluated.
  - Coastal Dunes Crown Snake Survey in progress by Alex Robertson, recently hired North Region Naturalist.
- **SOUTH BEACH REGION**
  - Ray Mojica, South Beach Land Management Superintendent, stated that all of the management plans for properties titled to the State are in arrears. He and Nichole Perna, South Beach Region Land Management Specialist, are working on Coconut Point and Hog Point sanctuaries, the two which are furthest behind, and hope to have drafts ready for SMC review in a couple of months. They are also meeting with Mike and Jenny regarding dates of previous ARC approvals. Confirmation has been received that management plans for sites less than 160 acres are not required to have an Advisory Group. Staff is requesting clarification from the State regarding which plans can be approved by staff.
  - Significant numbers of dogs and bikes on trails in South Beach Region. Ray will compile a short video regarding dogs on trails for the next meeting. Staff to research options to reduce this inappropriate use.
  - Installation of new air conditioning unit at Barrier Island Center is almost complete.

### **Additional Discussion – Feral Cats**

The significantly harmful impacts of cats in natural areas was discussed.

### **PUBLIC COMMENT**

None.

### **NEXT MEETING**

To be determined.

### **ADJOURNED**

The meeting was adjourned at 3:12 PM.

### **SUMMARY OF MEETING MOTIONS**

1. Motion to approve the June 6, 2018 minutes, as presented.
2. Motion to approve the Florida Scrub-Jay Translocation Request submitted by the Brevard Zoo.

### **ACTION ITEMS**

1. Follow up pending Stoner mitigation donation.
2. Submit application packet for Galbraith property exchange to State once information has been received from FWCC.
3. Send shape file of fall back boundary lines to Dave for review. Re-address after Dave's review.
4. Staff to research previous potential acquisition footprint presented to and approved by the Town of Malabar.
5. Clarify dollar level at which properties are too low in value to go to tax deed sale and ID these properties on mega-parcel map.
6. ID known properties which have deceased owners or where title is in limbo and ID these properties on mega-parcel map.
7. Continue research on identifying properties that may be escheated.
8. Micco timbering/salvage project: FFWC MOU expected week of July 31, 2018.
9. Micco line of trees on north border: Bids expected back week of July 31, 2018.
10. Complete management plan section of Land Management Report for all sanctuaries.
11. South Beach Region to prepare presentation regarding issues with dogs on trails.
12. Schedule SMC/PC meeting prior to 1<sup>st</sup> Budget Hearing on 9/11/2018.