

# Land Acquisition Manual



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

# Environmentally Endangered Lands Program Land Acquisition Manual

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# **Preface**

## **Land Acquisition Manual**

The Land Acquisition Manual (LAM) for the Brevard County Environmentally Endangered Lands (EEL) Program is the single document which contains the policies, standards, and procedures relating to environmentally endangered land acquisition activities.

The objectives of the LAM are:

1. To provide, in one document, the current policies relating to land acquisition or interests therein, and real property management.
2. To ensure that acquisition procedures and real property management activities will be carried out uniformly throughout the County.
3. To make the acquisition and real property management process easily understood and readily available to the public, county staff, and all parties involved in the acquisition process.

These directives are consistent with the language of the voter-approved EEL Referendums established by Resolution 90-245, Resolution 2004-201 and Resolution 2022-079 of the Brevard County Board of County Commissioners (June 25, 1990, August 24, 2004, and August 2, 2022) and passed by Brevard County voters in September 1990, November 2004 and November 2022.

### **General Program Structure**

The EEL Program staff and EEL Selection and Management Committee are authorized by the Board of County Commissioners to implement EEL Program directives and make recommendations to the Board to further the conservation, environmental education, and passive recreation goals of the voter-approved program. In implementing the goals of the EEL Program, EEL Selection and Management Committee and County EEL staff are encouraged to seek innovative approaches to implement land acquisition and responsible land management. The EEL Program will establish effective inter-agency partnerships, compete for increased outside funding support from governmental and non-governmental sources, promote active public participation, and ensure responsible use of public funds.

### **Authorities**

The Environmentally Endangered Lands *Land Acquisition Manual* (LAM) was established by the Environmentally Endangered Lands Procedures Committee (Procedures Committee). The LAM is approved and adopted by the Brevard County Board of County Commissioners by Resolution. The Board has ultimate approval authority on the adoption of and revisions to the LAM. The Board has final authority to establish land acquisition policies, procedures, priorities, standards, and criteria. The Board approves specific proposals for acquisition, based on the recommendation of the Selection and Management Committee. All contracts for land purchases will be reviewed and authorized by the Board. The EEL Procedures Sub-Committee will maintain the Land Acquisition Manual and act as an advisory committee to EEL staff and the EEL Selection and Management Committee regarding procedures as set forth in the LAM. The EEL Procedures Sub-Committee will convene once per year in a joint meeting with the EEL Selection and Management Committee for an annual program review and discussion of EEL Program procedures. The Joint Committee Annual Meeting will occur after the Board adopts the annual budget (October 1), but no later than December 1 of the same year. The EEL Procedures Sub-Committee will convene as needed during each fiscal year to address changes to and updates of the LAM, as requested by the Board, EEL Selection and Management Committee and EEL staff.

The EEL Selection and Management Committee will be composed of local environmental scientists and individuals with demonstrated expertise in environmental and land management issues and additional individuals with backgrounds and expertise in either business, finance or real estate. The EEL Selection and Management Committee has sole authority to receive and review proposals for lands nominated for purchase and make specific land acquisition and management recommendations. The EEL Selection and Management Committee will establish a strategy for endangered land acquisition that considers environmental criteria developed by the EEL Selection and Management Committee as set forth in the LAM. The EEL Selection and Management Committee and EEL staff will follow the procedures set forth in the Land Acquisition Manual. The EEL Selection and Management Committee will meet, as necessary, to implement the land acquisition and management objectives of the program.

EEL Program staff is responsible for:

1. Coordination of the EEL Selection and Management and Procedures Committees
2. Liaison with local, state or federal agencies and private nonprofit conservation groups
3. Implementation of the land acquisition strategy
4. Proposal development for outside acquisition and management funds
5. Management plan development
6. Implementation of on-site management
7. Implementation of environmental education programs
8. Public relations
9. Establishment of inter-agency partnerships for acquisition and management

County EEL staff are responsible for insuring that the proposals for acquisition are properly reviewed by the EEL Selection and Management Committee. County EEL staff will serve the EEL Procedures Sub-Committee, and the Selection and Management Committee.

### **Interagency Partnerships and Other Authorities**

Although the Land Acquisition Manual represents the primary guidance document for policies and procedures, the Brevard County Comprehensive Plan, the Brevard County Land Development Code, and the Florida Statutes will also be considered as they contain goals, policies, and objectives relating to land acquisition.

The LAM procedures were developed, and are to be revised, as necessary to closely resemble and maintain consistency or compliance with land acquisition policies of various regional, state, and federal programs. When inter-agency acquisition agreements and partnerships are established those agency's policies and procedures may apply.

### **EEL Program Acquisition Policies & Procedures**

The LAM is the primary document to ensure that EEL Program land acquisition decisions are consistent with the directives of the 1990,2004 and 2022 voter- approved EEL Referendum and policies of the Board of County Commissioners.

EEL land acquisition policies include:

1. The acquisition of environmentally endangered lands consistent with the resource and conservation goals, objectives, and policies set forth in the Land Acquisition Manual and the EEL Program Referendum language of 1990, 2004 and 2022.
2. The acquisition of environmentally endangered lands using scientifically based criteria to identify lands to be purchased and to prioritize land acquisition projects of the EEL Program.
3. The acquisition of environmentally endangered lands when other means of protection (e.g., zoning or regulation) are not effective.
4. The acquisition of environmentally endangered lands following state and federal policies for land acquisitions as necessary to secure state and federal matching funds.

The primary objective of the EEL Program is for acquisition of environmentally endangered lands for preservation, conservation, and responsible long-term management. These lands are environmentally unique and irreplaceable. They contain excellent examples of natural communities, forest resources, plants, animals, coastal and wetlands resources, and geologic features. These lands contribute to the environmental, economic, and aesthetic values of Brevard County

### **EEL Program Management Policies**

The 1990 and 2004 voter-approved referendums direct the EEL Program to provide sanctuary management, passive recreation, and environmental education consistent with the conservation goals of the program. The 2022 referendum extended the EEL Program to acquire, improve and maintain wildlife habitat, wetlands, woodlands, and lands that protect the Indian River Lagoon and St. Johns River, and maintain and improve nature education centers with citizen oversight. All sanctuary activities will consider resource protection as the primary program goal, with public access and passive recreation as important secondary considerations. Public access will be allowed at all EEL Program sites; however, public access and types or levels of public use may be controlled to ensure that the conservation and management goals of the program are achieved. No land-use practices will be allowed that degrade the natural resource values of a sanctuary site or decrease the long-term sustainability of those natural resources.

The EEL Program will make environmentally endangered lands accessible to Brevard's citizens and visitors for a variety of resource-based outdoor recreation activities. Acceptable uses at all sites include hiking, jogging, and nature observation. Other uses which will be considered on a site-by-site basis include biking, horseback riding, fishing, hunting, camping, and canoeing/kayaking. Access for individuals with physical disabilities will be provided consistent with the American Disability Act.

Several sites will be identified by the EEL Selection and Management Committee as locations for the development of nature centers. These sites will be chosen for their proximity to population centers and ease of public access. The centers will provide on-site facilities for environmental education programs, programs for individuals with disabilities and a centralized location for regional conservation planning and land management implementation.

The EEL Selection and Management Committee will develop a county-wide conceptual management plan (Sanctuary Management Manual) to provide conceptual planning for land management and stewardship for all EEL sites within the county's natural areas network. The Sanctuary Management Manual will be provided to the public for review and comment prior to presenting the Manual to the Board for formal adoption. The Land Acquisition Manual and Sanctuary Management Manual will be the two primary procedures, policy and program concept documents for the EEL Program.

As sanctuary sites are acquired, site-specific management plans will be developed by the EEL Selection

and Management Committee and EEL Program staff with participation by the appropriate acquisition and management partners. All site-specific management plans will be available for public review and comment prior to presenting the plan to the Board for adoption.



## **Chapter 1**

### **Land Acquisition Manual**

#### ***Purpose***

The purpose of this chapter is to define the basic purpose, scope, policies, and authorities for the EEL Program and the Land Acquisition Manual. The Land Acquisition Manual prescribes the procedures to be followed by Brevard County in conducting its Environmentally Endangered Lands acquisition program. The general intent of this manual is to:

1. provide uniform acquisition procedures that will benefit the citizens of Brevard County;
2. ensure that the program adheres to the intent of the Environmentally Endangered Lands Referendums, as authorized by the citizens of Brevard County on September 1990, November 2004 and November 2022; and
3. establish clear policies and directives for program efficiency and accountability.

#### ***Scope***

This manual provides basic information concerning the policies, standards, and procedures, which apply to all County environmentally endangered land acquisition and management activities. These activities include: environmentally endangered land acquisition planning and scheduling; real property appraisals; negotiations and conveyance of lands; management and disposal of real property; the maintenance of real property records; and the preparation of reports and real property surveys.

#### ***Policy***

Brevard County will conduct all of its land acquisition activities in accordance with the laws, regulations, policies, procedures and standards governing all land acquisitions as well as those specific to regional, state, and federal acquisition programs. These programs include, but are not limited to:

- St. Johns River Water Management District (SJRWMD)
- Save Our Rivers Program (SOR)
- Florida Forever Program
- Land Acquisition Trust Fund Program (LATF)
- Save Our Coast Program (SOC)
- Florida Communities Trust Program (FCT)
- North American Wetlands Conservation Act (NAWCA)



This manual is the primary document for all land acquisition activities. It is incumbent upon all entities engaged in EEL Program land acquisition activities to conform to the policies, procedures, and standards set forth in this document.

County Administrative staff and County staff from the EEL Program, Parks and Recreation Department, Budget Office, Finance Department, Clerk of the Courts, and County Attorney's Office will work together to ensure that all legal and financial requirements and responsibilities associated with the use of Ad Valorem Tax Revenues, and the issuance and use of Limited Ad Valorem Tax Bonds, or other such financial instruments, meet the authorizing language of the EEL Referendum, Florida Statutes, and the covenants and agreements set forth in the Bond Resolutions for the program.

## **Objectives**

The objectives of this manual are:

1. To provide, in one document the current policies relating to land acquisition or interests therein, and real property management.
2. To ensure that acquisition procedures and real property management activities will be carried out uniformly throughout the County.
3. To make the acquisition and real property management process easily understood and readily available to the public, county staff, and all parties involved in the acquisition process.

## ***Authorities***

### **Land Acquisition Manual Issuance**

The authority to promulgate the policies and procedures contained in the Land Acquisition Manual are embodied in the general authorities delegated to the Brevard County Land Acquisition Procedures Sub-Committee (Resolution No. 89-464).

### **Land Acquisition Activities**

The EEL Program was authorized by voter- approved public referendums in September 1990, November 2004 and November 2022. The referendum was originally established by Resolution 90-245, Brevard

County Board of

County Commissioners. The laws or procedures which provide much of the authority for land acquisition activities of the County are provided in the Brevard County Policies and procedures and/or Ordinances, or supplemental procedures outlined in Section 125.355, Florida Statutes (1985), Chapter 259 (1994) and all subsequent modifications to Florida Statutes relevant to land acquisition and management.

## **Responsibilities**

### ***Board of County Commissioners, Brevard County, Florida***

The Board of County Commissioners (Board) has final responsibility for the financing and implementation of the EEL Program. The Board will make all decisions relative to the funding of the EEL Program through its annual budget process, emergency expenditures, and issuance of bonds for land acquisition. The Board is specifically authorized to issue ad valorem bonds as approved by the electors in support of this program, and as authorized by the Florida Statutes. The Board has approval authority for: 1. land acquisition policies, procedures and priorities based upon recommendations from the EEL Procedures Sub-Committee, EEL Selection and Management Committee and EEL staff (as directed by the Land Acquisition Manual); 2. land acquisition and project development proposals made by the EEL Selection and Management Committee; 3. The annual budget for the EEL land acquisition program; 4. all bond issues (both public and private) to generate funds for capital land acquisition and capital programs; 5. appointment of citizens to the EEL Selection and Management Committee; and, 6. approval of all land acquisition contracts and documents recommended by the EEL Selection and Management Committee.

The Board may approve or deny any acquisition contract or acquisition proposal proposed by the EEL Selection and Management Committee, however, the Board may not add or expand projects identified within the acquisition strategy or presented on the acquisition or sale list. The Board will make all decisions relative to the funding of this program through its annual budget process and has final responsibility for the financing and implementation of the EEL Program.

### ***EEL Procedures Sub-Committee***

The EEL Procedures Sub-Committee shall serve as an advisory committee to County Staff and the EEL Selection and Management Committee regarding policies, procedures, and standards for land acquisition. The EEL Procedures Committee shall review all proposed revisions of the LAM recommended by the Board, EEL staff, or the EEL Selection and Management Committee. In recognition of the diverse backgrounds and experiences of the EEL Procedures Sub-Committee, the members are encouraged to advise the Selection and Management Committee and Staff about opportunities for potential funding sources for land acquisition and management.

The EEL Procedures Sub-Committee will meet at the beginning of each fiscal year (between October 1 and December 1) for the Annual Joint Meeting of the EEL Selection and Management Committee and Procedures Sub-Committee. The Annual Joint meeting will provide an opportunity for EEL staff to brief the EEL Procedures Sub-Committee about EEL Program progress over the past year, review the expenditure of funds associated with land acquisition and program implementation, and discuss the need for procedural modifications to the LAM. The EEL Procedures Sub-Committee will meet as often as needed thereafter to complete any modifications to the LAM. Procedures Sub-Committee meetings will be scheduled, as needed, by EEL Program staff or at the request of the EEL Procedures Sub-Committee Chairman, the EEL Selection and Management Committee Chairman, County Administration, or the Board.

### ***EEL Selection and Management Committee***

The EEL Selection and Management Committee, consisting of twelve (12) members, shall serve as an expert advisory committee to the Board on all issues involving the acquisition and management of environmentally endangered lands within the EEL Program protected area network in Brevard County.

Seven (7) voting seats will be designated for qualified expert scientific members. Two (2) voting seats will be designated for individuals with a background and expertise in either business, real estate or finance. One (1) voting seat will

be designated for an appointee recommended by the Tourism Development Council (TDC) or the Economic Development Commission (EDC) for the purposes of promoting opportunities for eco-tourism on the EEL managed sanctuary network. Two (2) voting seats will be designated for one member of the Procedures Sub-Committee and one member of the Recreation Education Advisory Sub-Committee as appointed by a majority vote of their respective committees for a term of two years. No further qualifications will be required for the member appointed through the TDC, EDC, Procedures Sub-Committee, or Recreation Education Advisory Sub-Committee. The EEL Selection and Management Committee shall review all parcels nominated for public acquisition and make its land acquisition recommendations to the Board by an affirmative extraordinary vote of eight (8) out of twelve (12) committee members. The EEL Selection and Management Committee will provide technical review for all land acquisition proposals for outside funding. The EEL Selection and Management Committee shall consider and develop a conceptual county-wide strategy for land acquisition and management that considers local, state and national conservation issues and needs (Sanctuary Management Manual). The EEL Selection and Management Committee shall serve as an advisory committee to County EEL staff for comprehensive management plan development and implementation for all EEL Program acquisition sites.

### ***County EEL Staff***

It is the responsibility of County EEL staff to conduct and coordinate all land acquisition activities in accordance with the policies and guidelines in the Land Acquisition Manual and at the direction of the EEL Selection and Management Committee. The County shall provide adequate staff to assist the EEL Selection and Management Committee and support the EEL Program. The Parks and Recreation Department shall be responsible for the maintenance of the Land Acquisition Manual. County EEL staff shall act as the liaison for intergovernmental coordination among the County and its municipalities, adjacent Counties, the State of Florida, and Federal agencies. County EEL staff serves as a liaison between the Board, County Manager, EEL Procedures Sub-Committee, EEL Selection and Management Committee, and the public. County EEL staff is responsible for all activities associated with the successful implementation of the EEL program.

EEL Program staff duties include, but are not limited to, land acquisition, land management, the implementation of environmental education programs, development of proposals for outside funding, interagency coordination, public relations and the development of specific nature sanctuaries within the sanctuary network in Brevard County. The County will provide sufficient staff to successfully complete the stated objectives of the program, as established in the EEL Program Land Acquisition Manual and the Sanctuary Management Manual, as authorized by the Board.

### ***Negotiation Agent***

County EEL staff shall negotiate and review proposed contracts for the purchase of real property and such purchases shall be in accordance with Brevard County Policies and Procedures and Florida Statutes. In the event that additional land acquisition staff are required to handle the acquisition workload, staff additions may be considered or outside land acquisition consultants may be contracted contingent upon review and approval by the Board.

### **Relationship to Reports, Ordinances and Programs**

The Land Acquisition Manual is the primary source for policy and procedural guidance relating to land acquisition activities. Other sources of policy and guidelines and their relationships to the Land Acquisition Manual are described below.

### ***Comprehensive Plans – Brevard County and the fifteen municipalities in Brevard County, Florida***

The comprehensive plans identify the following elements, which would contain goals, objectives, and policies relative to lands to be considered for acquisition:

1. Future Land Use Element
2. Recreation and Open Space Element
3. Conservation Element
4. Coastal Management Element
5. Surface Water Management Element
6. Historic Preservation
7. Potable Water
8. Intergovernmental Coordination Element

### ***Land Development Codes, Brevard County, Florida***

The Land Development Code requires a determination of the impact that development has on public services and facilities and the natural resources of the County.

## **Maintenance of the Land Acquisition Manual**

### ***Responsibility***

A full-time county staff position will be established for an EEL Program Manager. The EEL Program Manager or designated staff from the Parks and Recreation Department is responsible for the maintenance of the Land Acquisition Manual. EEL Staff will coordinate all manual issuances. EEL Staff shall work with the EEL Selection and Management Committee and EEL Procedures Sub-Committee to ensure that the manual is maintained.



### ***Amendment and Updating Procedures***

The Land Acquisition Manual may be amended in the following ways:

1. If the changes are minor (non-substantiative), they can be authorized by the EEL Selection and Management Committee by issuing a memorandum to the EEL Program Coordinator and EEL Procedures Sub-Committee containing instructions for making pen and ink changes.
2. If changes to be made are substantial, e.g., complete rewriting of one or more paragraphs or additions of new material or policy changes, the affected pages containing the changes will be reissued. Each re-issuance will bear a release number or date of issuance. Substantial changes

or major revisions of the LAM must be reviewed and approved by the EEL Procedures Sub-Committee,

the Selection and Management Committee and the Board.

3. The EEL Procedures Sub-Committee shall reconvene, as needed, to review any major changes to the LAM.

## **Distribution of the Land Acquisition Manual**

Each release of the Land Acquisition Manual or revisions to the LAM will be sent under a transmittal sheet or cover letter. The staff member responsible for maintenance of the Land Acquisition Manual shall refer to current listings of committee members, County Departments, municipalities, agencies, and interested persons to which copies of the Land Acquisition Manual and releases will be distributed. The Land Acquisition Manual represents the conceptual and procedural directives of the Environmentally Endangered Lands Acquisition Program. EEL staff will use and distribute the document as needed for policy guidance, interagency coordination, public education, and/or program information transfer.

## **Chapter 2**

### **Land Acquisition Planning & Responsibilities**

#### **Purpose**

This chapter is provided to outline the specific authorities and responsibilities of EEL Program advisory committees and EEL staff. The Chapter will assist and guide the EEL Selection and Management Committee through the land acquisition planning process and procedures, which lead to a decision to acquire land. The procedures may vary depending upon the participation of acquisition partners and the specific rules and policies that guide local, state, and federal acquisition agencies, who may act in partnership with Brevard County to acquire property.

#### **Scope**

Planning for land acquisition is initiated with the identification of a need to meet resource objectives requiring real property ownership and having the potential for acquisition. Acquisition involves obtaining full control (fee title) or partial control (less than fee) through easements, leases, or other agreements (see Chapter 6 – Alternatives to Fee Simple Title).

#### **Definitions**

The following terms and definitions are to aid in interpreting this Chapter:

**Acquisition Study:** A compilation of facts, data, and information which will support a recommendation by the EEL Selection and Management Committee to the Board for a land acquisition decision. A complete acquisition study for the EEL Program includes a Resource Planning Assessment, which considers the ecological resource values of a site, and a Project Design Report, which considers the real estate information and land value considerations associated with a site or group of sites. A proposal for the Florida Forever Program, Florida Communities Trust (FCT) Program, or other comprehensive land acquisition proposal processes can serve as the acquisition study for a site or group of sites to be acquired.

**Important Resource Problem:** An issue or substantial environmental concern found within Brevard County. The EEL Selection and Management Committee selects and establishes priority ranking for important resource problems.

**Interest:** A right, claim, or legal share in land such as lease, easement, fee title, water rights, mineral rights, and use reservation.

**Land Acquisition:** The gaining of rights to real property in the form of fee simple title, easement, or lease. This can be accomplished by direct purchase, exchange, transfer between Federal, State, local agencies, including individuals, partnerships, and corporations and accepting donations or gifts, withdrawing land from the public domain or by cooperative agreement.

**Land Acquisition Manual (LAM):** This document, adopted by the Brevard County Board of County Commissioners, serves as the Brevard County EEL Program land acquisition plan.

**Objective:** An objective specifically provides an attainable, quantifiable, or verifiable end toward which a concerted effort is directed. It is a precise statement of purpose (sufficiently detailed so as to be measurable) and includes at least two of the following elements: time limit (when it must be accomplished); standard of performance (percentage, amount or dollars); or criterion of measurement (test, questions, opinion or observation).

**Program Memorandum:** A document issued by the EEL Procedures Sub-Committee or the Selection and Management Committee providing short-term guidance and direction or actions aimed at meeting a program objective. A program memorandum may take the form of a written memorandum, Agenda Request for Board review, request for a Board resolution to support an acquisition strategy or proposal, or a verbal directive passed by a motion during a public meeting of the EEL Selection and Management Committee or EEL Procedures Sub-Committee. Motions will appear in the written minutes of the meeting.

## **Policy**

Brevard County, a political subdivision of the State of Florida, will acquire lands consistent with the resource conservation goals, objectives, policies, and guidelines as set forth in the EEL Referendums (1990, 2004 and 2022), the Land Acquisition Manual (as ratified by the Board of County Commissioners), enabling legislation, administrative rules, executed declarations, and particularly the basic policy of the State of Florida: "It shall be the policy of the State to conserve its natural resources and scenic beauty."

The County's policy is to consider fee title land acquisition from willing sellers to achieve the program's conservation goals and objectives. When lands are to be acquired, the minimum interest necessary to satisfy the objectives is to be utilized. If fee title is required, full consideration will be given to extended use reservations, exchanges or other alternatives that will lessen impact on the owner and the community. Donations of desired lands or interests will be encouraged. EEL Program staff and the EEL Selection and Management Committee will seek to identify and secure partnerships and outside funding when available and appropriate to ensure the successful implementation of the land acquisition and management initiatives.

In carrying out this policy, the County shall consider land acquisition measures that are coordinated with various governmental entities. It is the policy of the County to work in cooperation with each of the fifteen municipalities within Brevard County and the Brevard County School Board. Moreover, the County intends to continue its long-standing cooperation with the State of Florida through the Department of Environmental Protection (DEP) (formally known as the Department of Natural Resources) in the development and expansion of existing conservation areas or State parks in the County. The County will cooperate with the St. Johns River Water Management District (SJRWMD), Florida Forever Program, U.S. Fish and Wildlife Service (USFWS), and other agencies and programs in the acquisition of lands, which qualify under the EEL Program land acquisition criteria, as established by the EEL Selection and Management Committee.

## **Land Conservation Goals**

The goal of the Brevard County Land Acquisition Manual is to provide a framework for the protection of

environmentally endangered lands, and to manage those lands for conservation, passive recreation, and environmental education as specifically authorized by the voter-approved EEL Program Referendums of

1990, 2004 and 2022.

### ***Environmentally Endangered Lands Protection***

These lands are described as environmentally unique and irreplaceable lands that are valued ecological resources. They are evaluated based on rarity, vulnerability, and threat of extirpation in Brevard County and Florida. Relative levels of endangerment can be assessed by looking at acres of natural communities remaining, current levels of protection, and likelihood for continued loss, degradation, or extirpation of habitat. Resources are represented in this program under the following general resource planning categories: Natural Communities, Forest Resources, Plants, Animals, Coastal and Wetland Resources, and Geological Features. The land acquisition goals for each primary resource category are as follows:

#### ***Natural Communities***

Identify, acquire, and protect those natural communities that are inadequately represented within existing protected lands, or represent the best examples of natural communities with priority given to the most endangered or threatened. To ensure consistency of description of the natural communities, the Florida Natural Areas Inventory Classification System and said system, as amended by the Office of Natural Resources Management will be used.

#### ***Forest Resources***

Identify, acquire, and protect lands to maintain representatives of the various forest or timber types; and to conserve and maintain Brevard County's forests so as to perpetuate their environmental values.

#### ***Plants***

Identify, acquire, and protect sites which contain endangered, threatened, rare, or species of special concern (as identified and listed by local, state, and federal agencies). Priority should be given to those sites that are critical to the survival of these plant species, or are not critical but contain important assemblages of rare, endangered, or threatened species or those species of special concern.

#### ***Animals***

Identify, acquire, and protect lands that are: critical to the survival of rare, endangered or threatened species or species of special concern (as identified and listed by local, state, and federal agencies); represent significant colonial bird nesting sites; migratory bird feeding and resting sites; or lands that are necessary to maintain native animal species diversity.

#### ***Wetlands and Coastal Resources***

Identify, acquire, and protect undeveloped coastal areas to conserve significant natural and aesthetic attributes. Identify, acquire, protect, and manage upland and wetland buffers to preserve significant commercial and recreational saltwater and brackish fisheries designated as State Aquatic Preserves, National Estuarine or Marine Sanctuaries, Special Water Category of Outstanding Florida Water, or Department of Environmental Protection Class II Waters. Identify, acquire, and protect significant wetland areas. Identify, acquire, and protect the functional integrity of the upland-wetland-estuarine linkage.

#### ***Geological Features***

Identify, acquire, and protect examples of geological exposures, formations, and outcrops that are inadequately represented on public lands or represent the best examples of those features.

### **Land Acquisition Duties and Responsibilities**

Officials listed below are responsible for the functions indicated:

## ***Board of County Commissioners of Brevard County, Florida (Board)***

1. Approves land acquisition policies, procedures and priorities based upon recommendations from the EEL Selection and Management Committee and EEL staff as presented in the Land Acquisition Manual.
2. Approves in writing, as a Board response to an agenda item, land acquisition, land sale, and project development proposals made by the EEL Selection and Management Committee. The Board may approve or deny any acquisition contract or acquisition proposal proposed by the EEL Selection and Management Committee; however, the Board may not add or expand projects identified within the acquisition strategy or presented on the acquisition or sale list.
3. Reviews and authorizes the annual budget for the EEL land acquisition program.
4. Authorizes all bond issues, both public and private, for carrying out the purchase of land.
5. Appoints members to the Brevard County EEL Selection and Management Committee. The procedure for appointment to the EEL Selection and Management Committee shall be:
  - a. The qualifications of all science applicants or nominees responding to a call by the County Commissioners for EEL Selection and Management Committee volunteers shall be reviewed by a Qualifying Committee consisting of the EEL Program Manager, the Chair of the Procedures Sub-Committee and the Director of Human Resources Staff will present the list of all science applicants/nominees to the Qualifying Committee for review and an initial ranking based on their level of experience and education. Qualifications for EEL Selection and Management Committee science members are outlined in this manual (pages 13 & 14).

Applicants/Nominees being recommended by the TDC / EDC and those applying for the two (2) seats designated for business, finance or real estate will not be reviewed or ranked by the Qualifying Committee or the Procedures Sub-Committee, but will be presented to the County Commission for final ranking along with the list of science applicants/nominees.

The method of the initial ranking by the Qualifying Committee is as follows:

1. All applicants who meet the minimum qualifications as approved by the Qualifying Committee will be assigned one hundred (100) points.
2. Five (5) additional points are assigned for each graduate degree (Masters or Doctorate) in ecosystem management, natural resources conservation, aquatic biology, field ecology, marine biology, botany, geology, hydrology, fire ecology, natural areas management, human use and recreation in natural areas, science education, or natural areas sanctuary design.
3. And/or two (2) additional points for each year up to six (6) years for demonstrated professional expertise in biological or environmental sciences OR a closely related conservation field such as ecosystem management, natural resources conservation, aquatic biology, field ecology, marine biology, botany, geology, hydrology, fire ecology, natural areas management, human use and recreation in natural areas, science education, or natural area sanctuary design.

The Qualifying Committee will provide the list of all applicants/nominees to the Procedures Sub-Committee including identification of those applicants/nominees that have been determined by the Qualifying Committee to be qualified. The qualified applicants will be identified by their initial ranking.

The Procedures Sub-Committee will review the list of applicants presented by the Qualifying Committee and

will verify the final list of qualified science applicants/nominees through a majority vote. County EEL staff will provide the list of the qualified science applicants/nominees in ranked order from highest to lowest to the Board for review and final ranking.

Any Procedures Sub-Committee member who is applying for an open seat on the Selection and Management Committee, shall refrain from voting on the final list of qualified applicants or participating as a member of the Qualifying Committee.

b. The Board shall review the qualifications of the qualified science applicants / nominees and give each nominee a ranking score from 1 - 3. The Assistant County Manager (or designated county staff) shall tabulate the ranking scores. Those nominees with the highest scores shall be appointed to the EEL Selection and Management Committee, those nominees with the second highest scores shall be appointed as alternates to the EEL Selection and Management Committee. In cases of tied scores, the Board Chair will choose members or alternates by drawing names of those with tied scores from a box.

The TDC/EDC and business, finance and real estate applicants / nominees with the highest scores shall be appointed to the EEL Selection and Management Committee. Those nominees with the second highest scores shall be appointed as alternates. In cases of tied scores, the Board Chair will choose members or alternates by drawing names of those with tied scores from a box.

c. If replacement of EEL Selection and Management Committee members are required, the Board has the option to choose from the existing pool of qualified alternates (as defined by 6.b. above) or the Board can request that staff prepare a public advertisement as a call for qualified citizen volunteers (EEL Selection and Management Committee qualifications are established in the LAM on pages 13 & 14, and will be the basis for identifying qualified applicants). The process outlined in Sections a. and b. above shall be utilized for any new appointments to the EEL Selection and Management Committee.

d. Reappointments of EEL Selection and Management Committee members can occur at the discretion of the Board without additional review or new rankings. New appointments can be made as outlined in a, b, and c above or by selecting from the most recent (not exceeding two (2) years) pool of qualified applicants/nominees. Appointment procedures will be consistent with County policies for advisory board appointments, as specified in the Uniform Advisory Board Ordinance, Ordinance 95-31.

6. Approves all land acquisition contracts and documents provided to the Board by EEL staff, as recommended by the EEL Selection and Management Committee.

#### ***EEL Procedures Sub-Committee***

a. Membership shall consist of eight (8) members appointed by the Selection and Management Committee for a term of two years. Each of the nominees above will be chosen by a majority vote of the Selection and Management Committee.

Each member shall have knowledge of environmentally sensitive lands and have participated in activities to acquire or protect such lands. A Chair and Co-Chair shall be elected by a majority vote of the Procedures Sub-Committee. A voting seat will be designated on the Selection and Management Committee for a Procedures Sub-Committee member selected by a majority vote of the Procedures Sub-Committee for a two-year term.

#### ***EEL Procedures Sub-Committee Duties and Responsibilities***

1. Reconvene, at least one time each fiscal year, to review EEL Program compliance to the LAM, discuss procedural issues as they relate to the implementation of the EEL Program, and review modifications to the LAM, as necessary.
2. Advise the EEL Selection and Management Committee and EEL staff regarding opportunities and recommendations for outside funding for acquisition and management of acquired lands.

***EEL Selection and Management Committee***

Membership shall consist of twelve (12) members. Ten (10) members are appointed by the Board for a minimum term of two (2) years. Two additional voting seats are designated for one member of the Procedures Sub-Committee and one member of the Recreation and Education Advisory Sub-Committee as appointed by a majority vote from each member's committee. The Board of County Commissioners shall strive to maintain a committee membership that possesses a diversity of demonstrated expertise or experience to enhance the land acquisition and management goals of the EEL Program. The Board may appoint members that do not reside in the respective Commissioner's District. A Chair and Vice-Chair shall be elected annually by a majority vote of the EEL Selection and Management Committee.

***All EEL Selection and Management Committee members shall:***

1. Have a willingness to serve in a voluntary capacity.
2. Be willing to make a long-term commitment to the EEL Selection and Management Committee.

No further qualifications will be required for the members appointed through the TDC, EDC, business, finance or real estate, Procedures Sub-Committee or Recreation Education Advisory Sub-Committee.

All remaining EEL Selection and Management Committee members shall:

3. Have a four-year post-secondary academic degree (B.S. or equivalent) in biological or environmental sciences or demonstrated professional expertise (minimum six (6) years) in a closely related conservation field such as ecosystem management, natural resources conservation, aquatic biology, field ecology, marine biology, botany, geology, hydrology, fire ecology, natural areas management, human use and recreation in natural areas, science education, or natural area sanctuary design.
4. Have demonstrated knowledge of Brevard County ecosystems and specific knowledge of the habitat types and conservation land management techniques.



### ***EEL Selection and Management Committee Duties and Responsibilities:***

1. Establish a scientifically based set of criteria to use as guidance for land acquisition decisions. (Task completed – 1991).
2. Receive and review individual proposals nominated for purchase in accordance with the criteria established in this Land Acquisition Manual.
3. Create a land acquisition strategy in accordance with the criteria established in the LAM.
4. Receive and review individual proposals nominated for sale.
5. Make minor changes to the Land Acquisition Manual and recommend substantial changes to the LAM to the EEL Procedures Sub-Committee and the Board.
6. Provide technical and scientific guidance for the development of proposals for matching funds and management plans.
7. Provide technical and scientific guidance for land management on sanctuary sites within the EEL Program natural areas network.
8. Develop a county-wide conceptual management plan (Sanctuary Management Manual) to provide conceptual planning for land management and stewardship for all EEL sites within the county's natural areas network.
9. Provide scientific and technical guidance for protection (i.e., fencing) and development (i.e., nature centers and boardwalks) on sanctuary sites.
10. Provide scientific and technical guidance for development of educational programs.
11. Appoints members to the EEL Procedures Sub-Committee and EEL Recreation Education Advisory Sub-Committee.

### ***Brevard County EEL Program Staff***

County personnel shall be assigned to the Parks and Recreation Department to implement the EEL Program and assist the Procedures and EEL Selection and Management Committees.

### ***EEL Program Staff Duties and Responsibilities***

1. Receive all acquisition applications.
2. Evaluate applications for policy and procedural compliance.
3. Coordinate site reviews by EEL Selection and Management Committee.
4. Coordinate all land acquisition documents, appraisals, surveys and environmental assessments.
5. Arrange for discussions and meetings of EEL Committee Members and County, State and local governmental agencies, as required.
6. Prepare approval memorandum recommendations for Board consideration at the direction of the EEL Program Selection and Management Committee.
7. Identify source of funding for acquisition and management.
8. Develop, track, and administer grants and proposals for outside funding support.
9. Manage all aspects and phases of the land acquisition process.
10. Coordinate and implement on-site management, sanctuary development, and educational programs.

### ***Land Acquisition Staff and/or Negotiating Agent(s)***

County personnel, outside consultant(s) or both are assigned to provide land acquisition assistance to the EEL Selection and Management Committee and Board.

### ***Negotiating Agent Duties and Responsibilities***

1. Compile, review and track all acquisition data (including appraisal maps, title reports, boundary surveys, appraisals, comprehensive plan information, hazardous waste reports, and any additional "due diligence" items or data pertinent to the valuation or acquisition of real property).
2. Consult with interagency partners (i.e., Division of State Lands, Bureau of Land Acquisition, USFWS, SJRWMD, etc.) to ensure interagency policy and procedures consistency and compliance.
3. Coordinate appraisals, appraisal mapping, survey, and hazardous waste reports, or any other due diligence procedure for land acquisition used to determine the legal status, physical condition, or fair market value of a property.
4. Negotiate with owners for property. Negotiations by County staff or consultants will be based on the following premise: Negotiations with Brevard County landowners are to be fair and impartial. Negotiations are to be conducted in a professional manner. Purchase prices are to be based on information provided by a Member of the Appraisal Institute (MAI) appraisals, and staff review of real estate and market considerations. Land purchase prices will be determined by competitive negotiations. Offers will be consistent with land acquisition policies established by Brevard County and Florida Statutes. Final purchase price will be determined through competitive negotiations with the landowner with considerations for fair market value and fiduciary responsibility to the Brevard County Board of County Commissioners and Brevard County taxpayers. The EEL land acquisition process should serve the citizens of Brevard County in a professional and responsible manner

regardless of the final outcome of a negotiation to purchase real property.

5. Develop purchase contracts. All contracts will be reviewed by County legal staff and risk management staff prior to presenting a contract to the Board for review.
6. Provide monthly reports to EEL Program staff regarding acquisition progress and status of active negotiations, and support contracts presented to the Board of County Commissioners by the EEL Program. Contract must be signed and in the possession of EEL Program staff prior to placing an Agenda Request to the County Administration for Commission review of the Contract.
7. Act as the primary contact with property owners and County legal staff. EEL staff will facilitate and coordinate all interactions between legal representatives, owners and interagency partners during the contract and closing phases of the acquisition process. County land acquisition staff or contractors are responsible for all aspects of the acquisition process.
8. Negotiate and coordinate Florida Forever Program land acquisition reimbursements and property transfers with the Florida Division of State Lands and the Board of Trustees of the Internal Improvement Trust Fund for all multi-agency Florida Forever Program projects.



## Requisition of Manual

### ***Copies of this manual may be obtained through:***

Brevard County Parks & Recreation Department  
Environmentally Endangered Lands Program

91 East Drive

Melbourne, Florida 32904

Phone: 321-255-4466

Fax: 321-255-4499

Email: [eel-info@brevardparks.com](mailto:eel-info@brevardparks.com)

[www.eelbrevard.com](http://www.eelbrevard.com)

### **Maintenance and Disposal of Manual**

County staff of the EEL Program, through the Parks and Recreation Department or an administrative office, as designated by the County Manager, shall maintain a historical file of this manual and shall be responsible for updating the file.



## Chapter 3

### Goals, Objectives & Land Selection Criteria – EEL Selection and Management Committee

#### Purpose

The following review of land acquisition criteria represents a summary of a case study prepared by the EEL Selection and Management Committee for the Brevard County Environmentally Endangered Lands Program. These county-wide natural resources data were compiled and presented for scientific peer review. The work was published as part of *Partners in Stewardship: Proceedings of the 7<sup>th</sup> Conference on Research and Resource Management in Parks and on Public Lands*. W. E. Brown and S. D. Veirs, Jr. (Editors). George Wright Society, Hancock, Michigan, p. 452-462, 1993. The full text is provided in the LAM as part of the *Appendix*.

#### Land Acquisition Criteria: Scope

##### Goals

The goals of the EEL Acquisition Program are:

- **Primary Goal 1.** Protection of the rich biological diversity of Brevard County.
- **Secondary Goal 1.** Maintenance of ecosystem function.

## Additional Goals:

1. Protection of educational values of natural lands.
2. Protection of research or scientific values of natural lands.
3. Protection of cultural, passive recreational and aesthetic values of natural lands.

### **Criteria for Acquisition Selection**

The criteria that will be used to select lands under each of these goals are outlined below. A database/spreadsheet will be developed for potential sites or groups of sites that will collate relevant information under each variable.

- **Phase 1:** Determination of high priority sites based on environmental criteria.
- **Phase 2:** Determination of management requirements and feasibility, to include the expected cost for management.
- **Phase 3:** Determination of which high priority environmental sites are feasible acquisition options.

These criteria represent general standards that are considered as minimum technical standards for strategic evaluation of endangered lands acquisitions. By necessity, the specific criteria used to prioritize endangered lands for acquisition are open to scientific interpretation and consideration by the members of the Environmentally Endangered Lands Selection and Management Committee. The science members of the EEL Selection and Management Committee were chosen for their demonstrated expertise in conservation, land management, and ecological disciplines. The land acquisition criteria, natural resource considerations and comparative ecological value decisions required to assess the natural resource values of endangered lands are subject to change with an emerging and evolving understanding of biological diversity and ecosystem management.

These criteria were developed by the EEL Selection and Management Committee to be adaptive and responsive to the evolution of our ecological knowledge and understanding of natural area protection and stewardship. New criteria may be imposed, existing criteria may be modified, or existing criteria may be re-prioritized depending upon existing environmental conditions, new data/information, and changes in the status of environmentally endangered lands in Brevard County, Florida and the nation.

### **Phase 1: Determination of Environmental Status**

#### **Primary Goal: Protection of Biodiversity**

To achieve the primary goal of the protection of biodiversity, lands will be assessed under three broad categories:

1. Value for species;
2. Natural communities present; and,
3. Landscape values.

These three considerations will be integrated in the land evaluation process, but no one category will be rated more importantly than others. It will be the decision of individual members of the EEL Selection and Management Committee to establish their acquisition priorities based on a comprehensive analysis of specific criteria (much in the same way that the Florida Forever Program committee functions).

## Species

The species approach to selecting sites will depend on currently available data including existing county records, Florida Natural Areas Inventory (FNAI) data and site visits by the EEL Selection and Management Committee Members. Sites which will have high priority from a species perspective will include:

1. Records of listed species (USFWS, FGFWFC, FDA, FNAI).
2. Species for which Brevard County is particularly important based on status, distribution, and endemism.
3. Endemics present.
4. High species diversity.
5. Significant populations (e.g. migratory, breeding sites, roosting, colonial nesting, over wintering).
6. Part of a minimum viable population (MVP) polygon for a key species (FGFWFC data).
7. Species which are unusual records (e.g., estuarine species in inland lakes).

## Natural Communities

The extent of each natural community that is present on a site will be recorded based on the Florida DEP/FNAI Classification System. Highest priority communities for acquisition in Brevard County have been determined based on the following:

1. Frequency of natural communities in Brevard County.
2. The conservation status of these communities in terms of State rankings.
3. The extent to which these communities exist in protected areas in Brevard County.
4. The degree to which these communities support listed species.
5. Habitat loss and current legislative protection afforded these communities.

The natural communities present in Brevard County fall into three broad categories in terms of acquisition priorities. The allocation of acquisitions among high priority rare communities (Group A), representative widespread communities (Group B), and lower priority communities (Group C) is not fixed.

**Group A:** High priority communities that are rare in the County, have high state rankings (S2, S3), and are largely unprotected.

1. Scrub (sand pine, xeric oak), scrubby flatwoods
2. Coastal strand
3. Hardwood hammock (mesic and maritime)
4. Forested wetlands (including hardwood swamps, cabbage palm hammock, cypress)
5. Saline inland bogs
6. Seepage bogs

## 7. Mixed hardwood/pines

**Group B:** Communities that are fairly common in the County, largely unprotected, exist in large, often contiguous tracts and often with high habitat diversity:

1. Mesic and hydric pine flatwoods
2. Wet prairies
3. Dry prairies
4. Freshwater wetlands isolated from St. Johns River
5. Tidal marsh and tidal swamp

**Group C:** Communities that are common in the County, essentially protected by other agencies but which may be considered in conjunction with other communities if contiguous or selected under other criteria (species, landscape, ecosystem function, etc.)

1. St. Johns River freshwater marsh
2. Wetland scrub
3. Rangeland

Other issues which may be considered in relation to these natural communities are:

1. Is the site a good representative for this community type?
2. What is the community diversity present on the site?
3. What are the key community assemblages on a site (e.g. wetland-upland interface)?
4. What is the degree of naturalness of the site (or the degree of disturbance)?
5. Is the size of a site greater than the minimum dynamic area for species or community viability?
6. What is the extent and scale of fragmentation?

### **Landscape**

Important ecosystem and landscape values exist in Brevard County. Sites with the following landscape characteristics will be afforded higher priority:

1. Proximity to existing or proposed protected areas.
2. Inter-connectivity potential of the site. Does the site or sites have potential value as a corridor? This is particularly important in the north of the county where there is potential to connect protected areas like Farmton, St. Johns National Wildlife Refuge, Seminole Ranch, other SJRWMD properties, and Tosohatchee with the Canaveral National Seashore and Merritt Island National Wildlife Refuge.

### **Secondary Goal: Maintenance of Ecosystem Function**

The priorities for this goal fall under the following criteria:

## **Primary Considerations**

1. Proximity to water bodies
2. Value for fire management or mechanical management to simulate fire
3. Vegetation
4. Fire suppression, as it relates to the condition of the natural communities.

## **Secondary Considerations of Lower Importance**

1. Recharge potential
  - a. Soils
  - b. Vegetation
2. Run-off abatement
  - a. Buffering potential
  - b. Location
  - c. Land use
  - d. Vegetation
  - e. Soils
3. Floodplain
  - a. Floodway conveyance
  - b. Location

## **Additional Goals**

1. Educational Values Sites will be ranked on their potential educational values, primarily in relation to their accessibility, location, and suitability as educational sites. Natural resource factors, such as endangered species, endemic species, unique geological features, exceptional biological diversity, or traditional educational use of site will be considered.
2. Research or Scientific Values Sites which have any of the following characteristics may be considered more highly:
  - a. History of scientific research or study
  - b. Essential or unique monitoring site
  - c. Potential for scientific research or study
  - d. Locally significant scientific location (e.g., fossil bed, geological exposure, location of the specimen)

3. Cultural, Passive Recreational, or Aesthetic Values Sites which show the following characteristics may be considered more highly:
  - a. Site showing aspect of human ecology (man and environment, e.g., shell mounds, archaeological digs like Windover, early settlers' sites).
  - b. Sites that have potential for passive recreational activities.
  - c. Aesthetically pleasing sites - human bias might include hardwood forests, colorful wildflowers and orchids.



## **Phase 2: Selecting Feasible Management Options**

The following criteria will be incorporated into spreadsheet format and used to comparatively assess which sites are feasible in terms of management:

1. Limited development or encroachment in surrounding land uses.
2. Feasibility and requirements for fire management or alternatives to fire management regimes.
3. Ability to maintain natural hydrology or restore altered hydrology.
4. No extensive removal of exotics required.
5. Degree of access for the public.
6. Absence of hazardous materials.
7. Potential management costs.

8. Potential for restoration.

### **Phase 3: Selecting Feasible Acquisition Options**

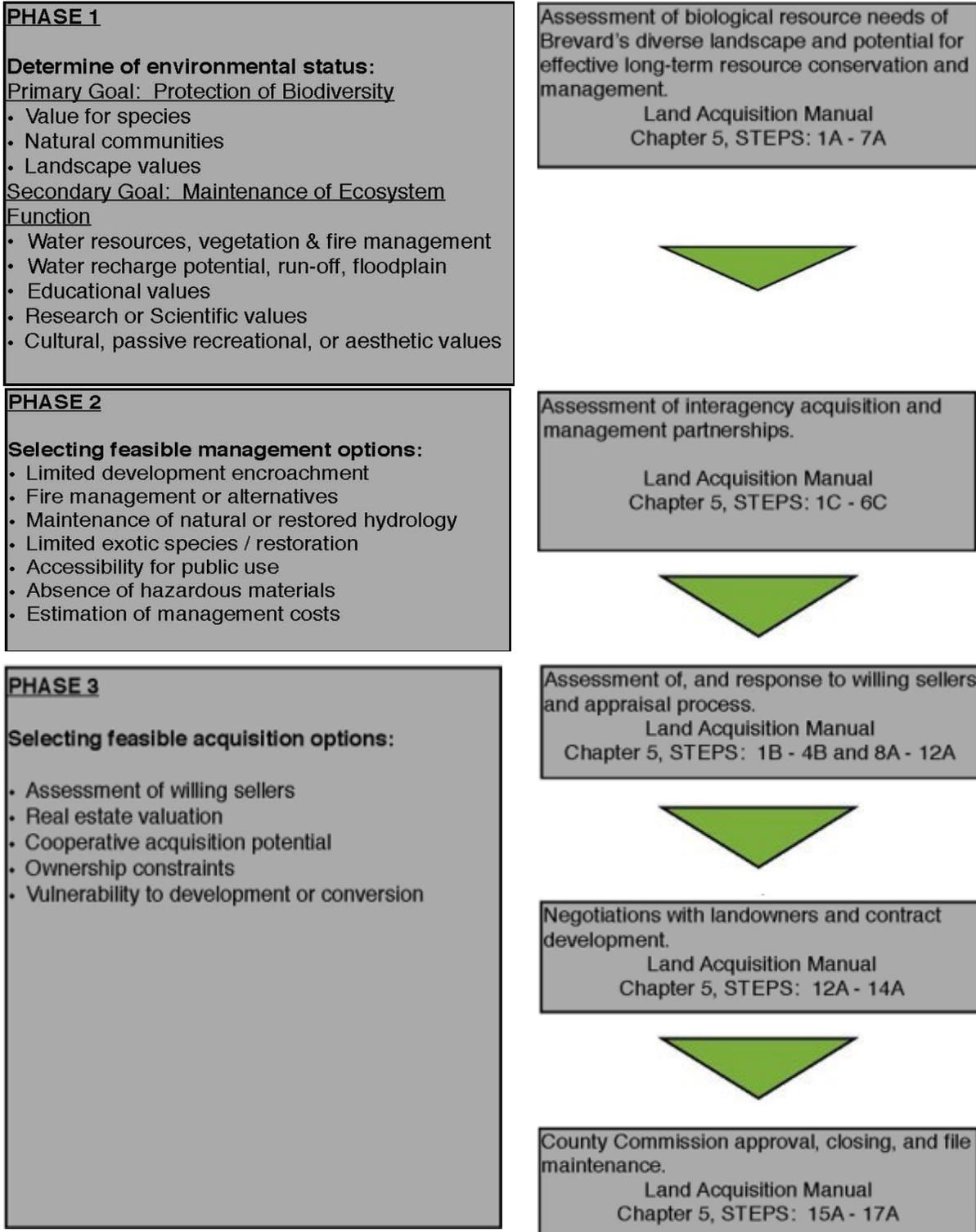
The following criteria will be incorporated into spreadsheet format and used to assess comparatively which sites are feasible in terms of funding.

1. Easy availability and reasonable value as determined by:
  - a. Tax role valuation/taxes
  - b. Appraised value
  - c. Asking price
  - d. Willing seller
  - e. Bargain sales
  - f. Donations
2. Cooperative acquisition potential
  - a. State
  - b. Federal
  - c. Non-profit/other
3. Ownership
  - a. Number of owners
  - b. Large landowner parcels
4. Vulnerability
  - a. Zoning
  - b. Existing regulatory protection
  - c. Threat of conversion



The chart below is a summary of the EEL Acquisition Process that is described in detail in Chapter 3 of this manual.

EEL Acquisition Process Summary  
Land Acquisition Manual



# Chapter 4

## Environmental Resource Protection Methods

### Purpose

The purpose of this chapter is to provide general information regarding the measures and strategies to be utilized to acquire properties in fee simple title or acquire rights through non-fee-simple techniques. The procedures identify a variety of methods that can be used individually or collectively to meet the conservation and management objectives of the EEL Program, as authorized by the EEL Program Referendums of 1990, 2004 and 2022.

### Scope

The EEL Program Referendums (1990, 2004 and 2022) authorized Brevard County to acquire, protect, and maintain environmentally endangered lands and make improvements as appropriate for passive recreation and environmental education. Private land ownership consists of a bundle of rights (interests). The EEL Program Selection and Management Committee and EEL staff should consider all available resource protection methods. When possible and practical, the EEL Program shall utilize methods to take minimum possible interest in lands, including none. The policy is to leave as large a proportion of these rights as possible in private ownership and still meet the defined objectives of the public referendum and the LAM.

Brevard County recognizes the need for long-term land management and stewardship to ensure the protection of Brevard's rich biological diversity, endangered natural communities, and listed species. The following resource protection methods provide a range of resource protection methods available to the County.

### Definition

#### Regulatory Controls

##### Zoning

This occurs where specific geographic areas have been assigned particular uses which are either permitted within the area, or prohibited. Zoning is ordinarily accomplished by a local jurisdiction. Zoning can be used to provide some measure of protection to both natural resources and property values. Zoning can protect environmental resources areas with a minimum of intervention and cost. The principal disadvantage of zoning is lack of permanency since laws can change from time to time. Zoning cannot be used to provide areas for public use without just compensation to the owner.

##### Regulatory Permits

A variety of State, Federal, and local permits are required to perform work on private or public lands. Examples of permits are: building permits, dredge and fill permits, land clearing, and landscaping permits.

##### Direct Land Use Controls

When regulatory controls are not available or feasible, it is often necessary to use more direct land use controls, which involve some degree of land acquisition. Since environmentally endangered lands exist in significant quantities on privately owned land, it is often necessary to acquire these lands in their entirety or in partial interest for the protection of environmental resource areas.

It is necessary to understand the concept of land ownership. No ownership is a single simple entity, but a composite of rights, which may be categorized as follows: water rights, trespass rights, mineral rights, development rights, etc. Collectively these are called property rights. Acquisition may involve all or part of

the total property rights.

Below are listed the various devices or documents used to transfer a property right between parties. They are listed in degree of rights acquired.

### **License, Permission, or Permits**

These are special authorizations for a specific act on land of another party. They are temporary in nature. Their benefits are simplicity and ease to negotiate. An example would be permission to conduct an inventory.

### **Cooperative Agreement**

This is a simple land acquisition action since it usually places no legally binding restriction on land. Agreements are consummated between government agencies, local governments, conservation groups, or individuals. An agreement is generally long term but can be modified by either party. They are most effective in establishing multiple-use management of land.

### **Lease**

This is a short- or long-term agreement for full or specified use in return for a rental payment (usually annual). The rights revert back to the owner at the termination of a specified lease period. This device is useful when the objectives are short term or the owners are unable to provide other forms of land transfer. The property remains on the tax rolls during the lease unless specific agreements are arranged by negotiation with the landowner. Generally, rights are reduced during the lease and taxes are correspondingly reduced because the land is serving a public interest.

### **Easement**

Often the acquisition of a single right (less than fee title) or easement can be of value in meeting an objective. This is the purchase of a right to do or not to do something. These can be viewed as positive easements or prohibitive easements. The purchase of a right to trespass on land would be a positive easement, while the right to leave timber standing (i.e. prohibit cutting) would be a negative easement.

Non-development or preservation easements are very often used to ensure that existing environmental concerns remain intact. Easements become part of the title to property and are not usually subject to termination except if bought back by the person holding title to the land. If a landowner sells his property, the easement continues as part of the title. Easements are especially useful when multiple uses for property can be developed. Properties subject to easements generally remain on the tax rolls, although the assessments may be reduced by the reduction of market value.

### **Preferential Tax Assessment**

Section 193.501 of the Florida Statutes provides for preferential tax assessments for environmentally endangered lands when land development rights have been conveyed or conservation restrictions covenanted. On November 20, 1992, Brevard County filed Ordinance 92-25 with the Secretary of State. The ordinance amended Chapter 21 by adding Article V "Preferential Tax Assessment Program". This program provided for preferential tax assessment for marine and estuarine marshes and mosquito impoundments by option of owners and providing for the provisions and covenants as outlined in Section 193.501.

### **Fee Title**

This is the acquisition of all control to a person's land. There is a total exchange of property with the formal conveyance of a title to the County. While a fee title acquisition involves major rights to a property, certain rights may be withheld or not purchased. (See water rights, mineral rights, and use reservation below). In many cases, acquisition of fee simple title may be the only real mechanism to ensure that the conservation objectives are met in perpetuity.

## **Property Rights**

Under the nomenclature of fee title (generally denoting acquisition of full usage) certain property rights can be excluded in any transaction. The more common of these are:

## **Water Rights**

Many properties have defined water rights associated with the real property and often these rights are part of the title. The law of Florida controls how water rights are administered. When a supply of water is a factor in planning, a determination must be made of what water rights exist and if they must be purchased separately or whether the owner can be allowed to reserve them for use on other lands.

In addition, Florida law provides that waters adjacent to navigable waters are sovereign lands. As a result, some wetlands adjacent to navigable waters may already be vested with public interest, and acquisition of these lands is probably not necessary because they are already owned by the State and are, therefore, in the public domain. Each potential acquisition of lands adjacent to navigable waters must specifically provide for delineation of sovereign lands boundaries so that the total consideration for the purchase of the property does not include any acquisition of sovereign lands.

## **Mineral Rights**

The right to explore for, or extract, minerals from land are often separated from other rights. A determination of what mineral rights are essential to the proposed acquisition must be made. If mineral exploration or extraction would impact adversely the intended use of the site, then it is necessary that these rights be included in the transaction. On the other hand, oil and gas may be extracted in a manner compatible with the intended land conservation effort, resulting in a potential savings of acquisition funds by allowing reservation of these rights.

## **Use Reservation**

On some occasions, it is desirable to acquire title to land but to permit the existing owner to continue to live on or use the land. This is called "extended use" or "use reservation." For example, if the property in question has a residence unit which is not of immediate need to the program, a life-use reservation may be granted to the owner and the owner can continue to live in the residence for the remainder of the owner's life. Many other types of use reservations can be negotiated such as agriculture, grazing and hunting. This is a very useful tool in developing a land acquisition strategy that has a minimum social impact. Use reservations should be phased out at the earliest possible time to ensure proper management of the project.

## **Common Methods of Land Acquisition**

There are a number of methods available to acquire property rights. These are direct purchase, condemnation, donation, exchange, transfer, or withdrawal. Not all these methods are used by the EEL Program. A brief discussion of each method follows:

### **Purchase**

This is a simple straightforward means of separately obtaining fee title or an easement. It involves a willing seller/willing purchaser situation wherein the purchaser negotiates the sale of one, some or all rights to property. All purchases by the County must be based on land values established by qualified, independent appraisers. The EEL Selection and Management Committee or Negotiation Agent will maintain a list of appraisers qualified by the Florida Division of State Lands (DSL). Consistent with State policy and Brevard County Policy BCC-24 the EEL Program shall select appraisers from a list of qualified appraisers provided by the Division of State Lands.

Direct acquisition agreements have the advantage of being quick, controllable, and generally non-controversial.

## **Condemnation** (not used by the EEL Program)

There are occasions when direct purchase is not possible because the owner does not want to sell or will not accept the price offered. When extremely high public values are endangered or threatened or the land is needed for protection, the County can exercise the right of eminent domain (the taking of land without consent of the owner). This judicial process is also called condemnation.

The disadvantages are that this process is almost always controversial, frequently creating highly emotional reaction on the part of the landowners and sometime the community at large. Furthermore, there is little control as to the cost which is generally determined as a result of a trial. In addition, the County must assume the judgment of the value that the jury places upon the land. The County may also pay additional costs and attorney fees of the property owners, as provided by law.

The EEL Program was established by voter- approved bond referendums in 1990,2004 and 2022 and was authorized in the Goals, Policies, and Objectives of the Brevard County Comprehensive Plan (1988). Policies 9.6 and 10.4 direct that the establishment of a county- wide land acquisition program (EEL Program) must be voluntary and shall not use the powers of eminent domain or condemnation.

## **Donation**

A citizen or group of citizens, foundation, or non- profit organization may wish to make a gift of property to the County. Such donations are often useful in carrying out the land acquisition program at a minimum of cost. Aside from the cost factor, these acquisitions are not different from any other means of obtaining land control. Gifts and donations have the same planning requirements as purchases.

Landowners often request information regarding Internal Revenue Tax benefits associated with donations. EEL staff should NOT provide information regarding potential tax benefits associated with land donations. Landowners should be cautioned that IRS regulations regarding donations are complex, likely to change, and require professional review by qualified tax lawyers or professional tax consultants.

## **Exchange**

Lands under County control can be exchanged for land having greater ability to satisfy the objective of the land acquisition program. This can involve land in private ownership or land under the administration of another governmental agency. Inherent in the exchange concept is the requirement to get dollar value for dollar value. Exchanges are attractive in that they do not increase land holdings and do not require funds for purchase. Exchanges should be carefully considered by the EEL Selection and Management Committee to ensure that conservation goals are satisfied by the exchange.

In some cases, it may be appropriate for the EEL Program to exchange or transfer lands with other County departments in order to further the goals of the EEL Program. Any exchange or transfer that involves the movement of acquisition funding from one department to another must be considered as a land sale and must follow the Land Sale Procedures as defined on Page 34. In the event that land being transferred to the EEL Program was originally part of a mitigation permit, and has a balance of management funding, it is understood that the remaining funds would be transferred to the EEL Program along with the property.

To ensure that all lands being considered for exchange or transfer are consistent with the intent of the voter-approved EEL referenda, and the Board- approved land selection criteria (Chapter 3 of the EEL Land Acquisition Manual), the following steps will be followed:

### **Step 1: Conceptual Exchange/Transfer Presentation by staff to SMC (for consideration of a 1<sup>st</sup> Majority Vote).**

The Conceptual Presentation would include the following information:

1. A brief history of the initial acquisition or donation and the sale/purchase history of all properties associated with the exchange/transfer.
  - a. Land exchanges or transfers that were acquired with partnership funding, or through donation may require approval from the original acquisition funding partner, permitting agency, or donor (where land use restrictions may exist, including but not limited to, easements, donor restrictions, etc.) before being considered for an exchange or transfer.
2. Justification for the exchange/transfer detailing how it will further the EEL Program goals and mission.
3. An overview of the conservation value and current habitat conditions. The SMC would have the option of conducting a site visit prior to their consideration of a 1<sup>st</sup> Majority Vote.

### **Step 2: Exchange/Transfer Proposal**

Staff will prepare an Exchange/Transfer Proposal for the Selection and Management Committee for consideration of a 2<sup>nd</sup> Majority Vote. All Exchange/Transfer Proposals must be carefully evaluated by the SMC, and must receive an extraordinary vote (at least eight (8) out of twelve (12) affirmative votes) in support of the proposal in order to authorize staff to prepare a Board Agenda Request for consideration by the Board of County Commissioners. The proposal will include at a minimum, the following information:

1. An overview of the current use of the property, the existing management, and required management obligations related to the property.
2. An overview of the anticipated management needs of the property, including the estimated initial and annual management costs, priorities, and management partnership opportunities.
3. An overview of public access and environmental education opportunities.

### **Step 3: Bring exchange/transfer concept to BoCC for direction**

EEL Staff will prepare an Agenda Request to present the land exchange/transfer to the Board for consideration. Upon consideration of the recommendation from the SMC, the Board will determine the most appropriate course of action for the disposition of the property including whether or not appraisals are necessary for the purpose of asset tracking and method of exchange/transfer, in accordance with County Ordinance Chapter 2, Article VIII and Florida Statutes 125.35 and 125.38.

### **Step 4: Initiation of Land Asset Transfer Process**

Upon approval of the Exchange/Transfer Proposal by the Board of County Commissioners, staff will initiate the process for the transfer of the county property between the appropriate county departments. All lands transferred into EEL management become formally designated as part of the EEL Sanctuary Network.

### **Land Sales**

In certain circumstances it may be appropriate to sell property previously purchased under the EEL Program where the conservation value has diminished since the property was acquired. In these situations, the EEL SMC may recommend the sale of property if they determine that such a sale would provide a greater opportunity to further achieve the conservation goals of the EEL Program. The value for the sale of any property will be based on its fair market value, and will be consistent with County Policies related to the sale of real property. The proceeds from such sale shall be used for the acquisition of comparable conservation lands.

The following sequential steps will be followed when considering land sales:

### **Step 1: Extraordinary Majority Vote from SMC**

All lands considered for sale will be carefully evaluated by the SMC, and must receive an extraordinary majority vote (at least eight (8) out of twelve (12) affirmative votes) in support of the sale to authorize staff to prepare a Board Agenda Request for consideration by the Board of County Commissioners.

### **Step 2: County Commission Consideration and Approval**

EEL Staff will prepare an Agenda Report Request to present the land sale to the Board for consideration. Upon consideration of the recommendation from the SMC, the Board will determine the most appropriate course of action for the disposition of the property including the determination of fair market value, negotiations, and method of sale, in accordance with County Ordinance Chapter 2, Article VIII and Florida Statutes 125.35 and 125.38.

### **Step 3: Contract Negotiations**

Based on the direction provided by the County Commission, staff will take the necessary steps to obtain a contract for sale for approval by either the County Commission or if so directed by the Board, the Chairman of the County Commission.

### **Step 4: SMC Final Review of Contract**

Prior to presenting the sale contract to the Board, EEL staff will present the general contract terms to the SMC for final review and authorization to proceed to the Board. The basic question to be answered in the discussion is: "Does the proposed sale meet the Program objectives and needs and should the SMC recommend the sale for Board approval?"

### **Step 5: BoCC Consideration of Contract and/or BoCC Chair Approval of Contract**

Based on the direction provided by the BoCC in Step 2, the final contract for sale will either be approved by the BoCC, or executed by the BoCC Chair. At this point the property will proceed to closing.

### **Installment Sales**

This concept has not been approved in Brevard County; however, an installment sale involves the sale of bonds. The prospective seller would contract to convey property to the County and in return, the County would issue a private placement bond. This bond would have to be paid back over a set number of years. The effect of this would be to create a potentially tax-free installment sale to the seller.

### **Use of Intermediaries**

Often, the County will find it advantageous to work with a private group as an intermediary to facilitate the transaction. The most common examples of this would be The Nature Conservancy or the Trust for Public Lands. Use of these intermediaries can bring about closing more rapidly and offer certain tax motivated aspects to the transaction. Use of intermediaries can provide an opportunity to obtain expert acquisition support services without permanently enlarging EEL Program staff.

### **Off-site Mitigation, Land Transfers or Mitigation Banking**

Off-site mitigation requirements, as required by the County or other agencies having regulatory authority, for the incidental taking of endangered species or protected habitats (i.e. wetlands, scrub, etc.) often results in a transfer of real property or money to a regulatory agency or in the case of cash transfer, to a mitigation escrow account or "mitigation bank". The successful implementation of endangered land acquisition programs throughout Florida provides opportunities for the establishment of off-site mitigation banks with funds transferred to local, state, or federal land management and conservation sites. Mitigation assessments for development can result in the transfer of real property, cash, or cash held in a management endowment fund (or a combination thereof) to a local government having an established land acquisition program. Government agencies involved in wetland regulation include the Army Corps of Engineers, U.S. Environmental Protection Agency (Clean Water Act), Florida Department of Environmental Protection, or the St. Johns River Water Management District. The U.S. Fish and Wildlife

Service enforces regulations authorized by the Endangered Species Act.



## **Chapter 5**

### **Acquisition Planning Process**

#### **Purpose**

The purpose of this Chapter is to describe a comprehensive and strategic planning process for land acquisition. The process identifies three phases of decision-making:

1. Resource Planning,
2. Acquisition Planning, and
3. Acquisition.

#### **Scope**

The summary, flowchart and narrative provided in this Chapter describe the specific stages of the property review and acquisition processes. The EEL Selection and Management Committee and EEL staff will adhere to the details of the process to ensure that all properties considered for acquisition by the EEL Program are administered in a consistent, responsible, and professional manner. Specific decision points and EEL staff reports are highlighted in the process to provide enhanced accountability to the Board and the public.

## Introduction to the Acquisition Planning Process

### ***Resource Planning Phase***

The Resource Planning Phase determines the ecological significance of a property through a preliminary ecological assessment by the EEL Selection and Management Committee. At a minimum, this phase considers site location, natural communities, biological diversity, habitat quality, and contribution to functional ecological integrity. During the Resource Planning Phase, the EEL Selection and Management Committee develops a conceptual plan to meet the program's conservation objective(s). The EEL Selection and Management Committee reviews the ecological values of a property or group of properties using the land acquisition criteria developed by the EEL Selection and Management Committee (see Chapter 3 and Appendix). (Note: This first phase of planning is called the "Resource Planning Boundary Phase" in the Florida Forever Program process).

The end result of the Resource Planning Phase is the identification of an acquisition objective presented in the form of an EEL Selection and Management Committee report (in the case of site-specific reviews) or development of a land acquisition proposal (for larger multi-parcel acquisition initiatives).



### ***EEL Selection and Management Committee Action***

The EEL Selection and Management Committee votes on the resource values of the property or group of properties and authorizes the next phase of acquisition planning with a First Majority Vote (seven (7) out of twelve (12) Selection Committee members). Note: This first phase of planning is called the "Resource Planning Boundary Phase" in the state's Florida Forever Program process. The First Majority Vote authorizes EEL staff to expend EEL funds on aerial photographs, appraisal maps, expanded site assessments, appraisals, title reports and other due diligence items that are required to further determine ecological values, economic values and property status.

### ***Acquisition Planning Phase***

The Acquisition Planning Phase re-examines and expands upon the information collected in the Resource Planning Phase. Real estate and economic considerations are now brought into full consideration through the analysis of title reports, appraisal maps, appraisal reports, and synthesis of all pertinent real estate and resource data.

While the resource planning for an acquisition can be relatively unstructured and general, detailed planning and accurate real estate information are required to present all of the pertinent real estate and environmental data to the appraisers for effective land valuation.

Information required by the appraisers includes accurate delineation of ownership boundaries, property acreage, zoning, future land use designations, presence, location and size of jurisdictional wetlands,

potential for endangered species, physical encroachments and any other information required to assess the real estate status, value and availability of the property.

The end-result of the Acquisition Planning Phase is a compilation of information in a file, report format, or proposal which details the real estate status of the property. (Note: This second phase of planning is called the "Project Design Phase" in the state's Florida Forever Program process).

### **EEL Selection and Management Committee Action**

Based on the findings of the Resource Planning and the Acquisition Planning Phases, the EEL Selection and Management Committee votes to authorize EEL staff to begin negotiations with a Second Majority Vote. The Second Majority Vote requires an extraordinary majority (eight (8) out of twelve (12) affirmative votes).

### **Land Acquisition Phase**

The negotiating agent shall prepare a pre- negotiation strategy for EEL Program staff approval as part of the confidential negotiation file to prepare the negotiation agent or team for strategic decisions required during the negotiation. The negotiating agent will negotiate with a landowner for as long as the landowner remains a willing seller and the negotiations are moving in a productive and professional manner. The EEL Program is a non-regulatory program that acquires lands from willing sellers. Negotiation staff can terminate negotiations with a landowner or their representative at the discretion of the staff negotiator or negotiation agent. EEL staff or the negotiation agent will brief EEL Selection and Management Committee members at regularly scheduled EEL Selection and Management Committee meetings regarding the general status of land negotiations.

Until negotiations are completed and an acquisition contract is executed by the Board, all negotiation files and appraisals will remain in a confidential negotiation file. EEL staff will maintain the confidentiality of all appraisals, offers and other negotiation matters as required by Sections 259.041(7)(e) and 259.041(8)(c), Florida Statutes and Chapter 18-1 F.A.C. or as directed through Multi-Party Acquisition Agreements with inter-agency acquisition partners.

Once an acceptable purchase price is negotiated, the negotiating agent or EEL staff will present a contract to the landowner for signature. The negotiating agent may enter into a contract with the landowner for assignment to the County for closing, or may close directly on the property for subsequent sale to the County upon disclosure by the negotiating agent of its purchase price and all transaction expenses. EEL staff will prepare an Agenda Request for presentation to the Board at a regularly scheduled Board meeting date.

At a minimum, the agenda package will include the following information items:

1. Contract for Sale or Purchase with legal description of the property and a map of the property.
2. Summary of the natural resource attributes of the site and ecological reasons for the acquisition.
3. Negotiation Summary Report with details about the negotiation history, purchase price, appraised values, and justification of the purchase price.

### ***The Board of County Commissioners has final and sole authority to accept or deny a contract to acquire property.***

All negotiation files, appraisals, and negotiation materials become part of the public records when a contract is executed by the Board. Disclosure of these details will occur two weeks prior to the execution of the contract when the Agenda Request is presented to the County Administration and the Board. After the Board executes the contract, all records pertaining to the acquisition shall become public records,

subject to public access in the same manner as are other public records, pursuant to the provisions of

Chapter 119, Florida Statutes. The key steps and decision points of this three-phased land acquisition process is summarized in Figure 1.

### **Specific Procedures for Land Acquisition Planning**

The EEL Selection and Management Committee decision process of the acquisition of environmentally endangered lands will follow a two-pronged process.

#### **Process A**

Resource planning boundaries and acquisition strategies will be developed by the EEL Selection and Management Committee based on identification of problems and/or needs assessment; and

#### **Process B**

Properties will be considered that are brought to the EEL Selection and Management Committee by landowners and/or landowner representatives.

Additional procedures are described that address interagency management proposals and emergency acquisition procedures. All components of the Resource Planning Phase will consider the guidelines outlined in the EEL Program Goals, Objectives, and Selection Criteria (Chapter 3). The two-pronged decision process is outlined in the narrative that follows. Any EEL Selection and Management Committee member that has a potential conflict of interest must identify the potential conflict and abstain from discussions or voting.



### **FIGURE 1: MAJOR DECISION POINTS LAND ACQUISITION PROCESS**

#### **1. RESOURCE PLANNING PHASE**

Identify Needs and Objectives

Make Preliminary Resource Assessment

Prepare Resource Assessment Data (Part of Resource File)

#### **DECISION POINT (EEL SMC FIRST MAJORITY VOTE) OPTIONS:**

- Land Acquisition Not Required (Does not meet EEL criteria)
- Land Acquisition Not Required (Alternative to Fee Simple Acquisition provides best option)
- Land Acquisition Provides Best Option

#### **2. ACQUISITION PLANNING PHASE**

Develop Project Design for Acquisition

Identify and Establish Funding Mechanisms and Partnerships

Compile Acquisition Plan Documents

- Soil Maps
- Appraisal Maps
- Title Report
- Tax Information
- Wetland-Upland Determination
- Ecological Data
- Ownership Information
- Appraisals

**DECISION POINT (EEL SMC SECOND MAJORITY VOTE) OPTIONS:**

1. Authorize Negotiations and Land Acquisition
2. Reject Acquisition Option

3. LAND ACQUISITION PHASE

Staff or Negotiation Agent Review of Acquisition Plan Documents

Staff or Negotiation Agent Prepares Negotiation Strategy

Staff or Negotiation Agent Negotiates Terms of Acquisition with Landowners

Staff or Negotiation Agent Prepares Contract for Signature; Contract Signed by Landowner

Staff or Negotiation Agent Prepares Negotiation Summary and Acquisition Justifications

Staff or Negotiation Agent Present Contract and Property Summary Report to Board

**DECISION POINT (BOARD AUTHORIZATION OF CONTRACT) OPTIONS:**

1. Board Accepts Contract
2. Board Denies Contract; Staff Notifies Landowner(s)

EEL Staff and County Legal Staff Prepare Closing Documents and Execute Closing.

*Figure 1: Major Decision Points Land Acquisition Process*

**Process A: EEL Selection and Management Committee Identifies Resource Protection Needs**

**1. Resource Planning Phase**

**Step 1A: Identify Acquisition Priorities**

The identification of program priorities or needs is performed by the Selection and Management Committee. EEL staff works with the Selection and Management Committee to identify land acquisition priorities, acquisition strategies, or alternative strategies to meet the goals of the program. The Selection and Management Committee will identify priorities for site-specific acquisitions and/or establish acquisition strategies that consider local, regional, or statewide conservation concerns. The goal is to establish a strategic framework for land acquisitions that considered the biological resources needs of Brevard's diverse landscape and potential for effective long-term resource conservation and management.

**Step 2A: Preliminary Resource Assessment**

The staff makes a broad assessment of the County's natural resources to define in general terms the magnitude of the conservation problems or needs. The assessment is made using the best available scientific data, maps and other pertinent information. For example, the loss of habitat and high level of

endangered species within scrub habitats along the Atlantic Coastal Ridge represents a national conservation need or problem that requires a comprehensive acquisition solution. For property specific acquisitions, a formal discussion of the property assessment will be made by the Selection Committee. Individual properties may be integrated into a larger strategic acquisition plan or properties may be considered as “stand alone” properties for acquisition.

Preliminary resource assessments for all acquisition projects will consider the Goals, Objectives, and Selection Criteria of the EEL Program developed by the EEL Selection and Management Committee (Chapter 3). The EEL Selection and Management Committee will follow a scientific approach to the needs assessment that considers species level, natural community-level and ecosystem-level issues. EEL staff will coordinate with the EEL Selection and Management Committee and other persons or agencies that may be involved in the identification or implementation of land acquisition solutions or alternative solutions. It is important that local land acquisition decisions consider and integrate local, state, and national perspectives for conservation needs and priorities. Preliminary resource assessments by the Selection and Management Committee may include on-site visits conducted with the permission of the landowner (see Step 5A).

Preliminary contact with affected local governments and participating agencies should begin at this time. Contacts will gauge levels of local interest and identify areas for potential interagency conflicts or concerns. All participants should establish a firm basis in preliminary planning before preliminary decisions are made and prior to initiating the detailed planning phase. All options and land acquisition alternatives should be considered.

Documentation for the preliminary resource assessment may be presented in a verbal report, formal report, land acquisition strategy proposal, or memorandum from EEL Selection and Management Committee members or EEL Staff. The preliminary resource assessment will be discussed during the regularly scheduled EEL Selection and Management Committee meetings.

Opportunities for public comment will be provided at all scheduled EEL Selection and Management Committee meetings. If the EEL Selection and Management Committee determines that they are not prepared to entertain a motion to decline or accept the proposed project, or if there is a consensus by the EEL Selection and Management Committee to pursue more information, the decision will be tabled until such time that additional information is prepared by EEL staff.



### **Step 3A: Decision Point (Preliminary Review Vote)**

If the identification of priority needs is complete, the EEL Selection and Management Committee may entertain a motion to decline to move forward with project development. Projects that are moved to be retained for further acquisition consideration will be placed in “active status.” At this time, the EEL Selection and Management Committee will direct EEL staff to prepare resource assessment data. EEL staff will notify landowner(s) of the decision.

### **Step 4A: Resource Planning Assessment**

EEL staff prepares resource and real estate data, as available, to begin the Resource Planning Assessment summary. The assessment is represented by information and data that describe the property, location, resource importance, significant ecological attributes, and preliminary real estate data for the site. At this stage, the EEL staff and EEL Selection and Management Committee will contact outside agencies and potential acquisition partners to see if there are ongoing negotiations on the property, opportunities for acquisition partnerships or more appropriate acquisition agencies. Gaps in resource data are identified. All available resource data are compiled by EEL staff.

### **Step 5A: Schedule and Conduct On-site Visits**

EEL staff coordinates with landowners (or their designated representatives) and the EEL Selection and Management Committee to schedule and conduct field trips on the subject property or properties. Site visits are used by the EEL Selection and Management Committee to further evaluate the sites based on the EEL Selection Criteria. Information obtained on the site visit or visits will be compiled into a field report by one or several members of the EEL Selection and Management Committee. The field report(s) will be presented to the EEL Selection and Management Committee and EEL staff at a regularly scheduled EEL Selection and Management Committee meeting. Attendance by the landowner or land representative will be encouraged. The EEL Selection and Management Committee field reports will be combined with the resource assessment data and archived as part of the Resource Planning Assessment.

### **Step 6A: Resource Planning Assessment Report**

The Resource Planning Assessment report will be filed as a compilation of all available resource data on a property or group of properties. This information will be used to prepare Resource Planning Boundaries for multi-parcel Florida Forever Program boundaries, prepare summary reports for site resource attributes or as information sources for outside acquisition funding. EEL staff is encouraged to seek land acquisition funding opportunities and multi-agency partnerships to extend the efficient use of EEL Program acquisition funds.

### **Step 7A: Contact Agencies**

The EEL Selection and Management Committee and EEL staff will discuss potential acquisition partners based on the ecological attributes of the site and local, state, and national acquisition and management programs. At any time during the process, EEL staff are encouraged to seek acquisition partners to extend the available financial resources of the program. Verbal and written inquiries will be sent to all agencies or programs to identify potential levels of interest and funding availability for acquisition or management. Special attention will be given to programs having significant matching funds, such as Florida Forever Program, Florida Communities Trust, and the North American Wetlands Conservation Council. Each of these programs has their own guidelines and rules for acquisition. County staff must coordinate with every acquisition partner to ensure that EEL Program procedures are complementary to and consistent with partner agency programs.

## 2. Acquisition Planning Phase

### Step 8A: Decision Point (First Majority Vote)

The First Majority Vote is an important decision point that initiates Phase 2, the Acquisition Planning-Project Design phase of the process. This phase will include acquisition planning and real estate valuation. The EEL Selection and Management Committee initiates Phase 2 by a majority vote of the members.

### Step 9A: Project Design Report

The EEL Selection and Management Committee determines land acquisition priorities and the timetable for moving properties into the detailed planning phase for land acquisition. Basic to the establishment of acquisition priorities are considerations for resource values, resource vulnerability, economic opportunities, acquisition partnership opportunities, and availability of willing sellers. The development of a strategy for land acquisition should consider an ecosystem approach to acquisition which includes four general phases of project design development:

1. Resource and real estate data synthesis and analysis;
2. Proposal development with acquisition justification;
3. Identification of funding sources and interagency acquisition partners; and
4. Third party valuation of the property (appraisal process), which includes appraisal maps and title reports for the property.

Decisions regarding acquisition priorities should consider the establishment of a proper climate for effective negotiations. Generally, the EEL Program should not establish a prioritized, linear list of properties to be acquired. The list of properties to be acquired by the program should exceed the available funds at any given time in the process. This will provide flexibility and an enhanced negotiation position for the program. Properties and groups of properties of highest and equal resource value should be given priority consideration. The process must remain flexible to ensure that acquisition staff can capitalize on unique real estate opportunities and “bargain sale” opportunities.

Considerations during the Project Design phase include the urgency of the conservation need, the priority of the resource, estimated cost of the action, the potential for funding, opportunities for interagency partnerships, availability of willing sellers, options to fee simple acquisition and other factors.

For acquisition proposals which require large commitments of EEL matching funds or long-term program commitments to acquisition and management, a state or federal land acquisition proposal may be prepared by the EEL staff and EEL Selection and Management Committee in compliance with the requirements of the funding agency. Land acquisition proposals and requests for outside funding support must be submitted to the Board for approval.

EEL Program staff may submit preliminary proposals for funding support in advance of formal approval by the Board in circumstances where Board authorization is not possible prior to the application deadline. In such circumstances, EEL staff will present the proposal to the Board at the earliest available Board meeting. If the Board does not approve of the submission or makes changes to the proposal, EEL staff will either submit a revised proposal to the funding agency or remove the proposal from further review and consideration. The EEL staff is encouraged to seek matching fund opportunities generated by the Preservation 2000 Act (passed by the Florida Legislature in 1990), Florida Forever Program and other local, state, federal, and private sources of land acquisition and management funding.

The comprehensive nature of Florida Forever Program and Florida Communities Trust (FCT) proposals and the extensive property review process required by the State will satisfy the requirements of the Resource Planning Assessment Report and the Project Design Report for multi-agency acquisition projects initiated by the EEL Program.

The EEL Selection and Management Committee may allocate available EEL Program funds by projects, studies, or functions through Program Memoranda which authorize the allocation of funds and staff resources for detailed planning to meet the needs identified in the concept plan. Planning beyond the preliminary or concept plan stage should not proceed until requested by a Program Memorandum and authorized by the EEL Selection and Management Committee as part of the First Majority Vote. The EEL Program budget is approved annually by the Board for all administrative needs, land acquisitions, capital expenditures, and for required staff support.

With the issuance of the appropriate Program Memoranda from the EEL Selection and Management Committee, EEL staff should proceed with the process of developing detailed acquisition and project design plans. A standardized planning process should be followed in planning for any land acquisition proposal. The development of a detailed plan should include direct EEL staff contact with affected government agency staff. The major components in planning for projects which involve land acquisition are:

**1. Defining, redefining, or amplifying the objectives or purposes.**

The program objectives for the action must be clearly identified at the beginning of the project design planning. For most acquisition projects in the EEL Program, fee simple acquisition will be the primary program objective as authorized by the EEL Program Referendums of 1990, 2004 and 2022.

**2. Assuring public awareness of the problem or objective and the planning process to be followed.**

Inherent in the land acquisition planning is the need for public awareness of the project. At a minimum, contacts with the affected landowner, local political entities and interested political leaders should be made to make them aware of the project and the scope of alternatives under consideration. Very often, well-timed public input into the planning process can make the difference between success and failure.

The range of public participation and information techniques available to the EEL Selection and Management Committee and EEL staff is extensive. Particular techniques depend on conditions present and the needs. EEL staff and the EEL Selection and Management Committee should encourage public participation with the EEL Selection and Management Committee.

The following are some of the possible techniques available to enhance public involvement in the EEL Program:

- a. Holding or attending meetings, public hearings, or lectures
- b. Working meetings
- c. Open meetings
- d. Conducting workshops or seminars
- e. Producing and releasing materials for communication to the public
- f. Publishing a newsletter or informational brochures
- g. Educating the public about the decision-making process

- h. Presenting the full range of feasible alternatives
- i. Interacting with the public in the County offices

**3. Applying the planning process to seek a solution to the problem.**

The planning phases provide a dynamic process to assess the possibility of a property acquisition and the importance of the acquisition to the long-term goals and objectives of the EEL Program. The land acquisition process is a tool the EEL Selection and Management Committee and EEL staff should use to implement effective solutions to identified problems.

**4. Reporting the procedure followed.**

Accurate documentation of procedures followed, and justification for decisions made are essential to effective program implementation and public accountability. The Project Design represents the compilation of available information used to identify a recommended land acquisition action.

In broad terms, the Project Design process calls for:

- a. Clearly identifying the purpose or need for the action (defining objectives)
- b. Identifying alternatives that solve the problems or meet the objectives
- c. Evaluating the effectiveness of the alternatives to meet the objectives
- d. Identifying possible or probable consequences or impacts of each option

Incorporating resource and economic considerations into the planning process, the format for preparing a Project Design is likely to differ slightly from project to project. At a minimum, the Project Design report should include the following general information for consideration:

**4-a: Project History and Purpose**

A brief account of the events which led to the proposal should be given. If there are existing reports on the proposal, the relationship of the recommended action to the Project Design Report should be explained. Objective(s) should be defined to clarify and reinforce the purpose of the proposal. The need for the action should be described and a rationale for its accomplishment should be developed. Threats to the environment or resource should be described, as well as establishing the level of urgency for the acquisition or acquisition alternative. The relationship of the land acquisition or acquisition alternative to the program goals should be discussed.



#### **4-b: Vicinity and Property Descriptions and Maps**

A broad description of the project area with a map to orient the reviewer should be provided. An appraisal map, diagram or survey of the property boundaries with a legal description should be provided for each property within the project area.

#### **4-c: Title Reports**

A title report should be provided for each property in the project. The chain of title should be investigated for at least the last 30 years.

#### **4-d: Appraisal Reports**

The County will contract for appraisal of all parcels to be acquired as provided by this section. The appraisals shall be prepared by qualified appraisers, certified by the State of Florida, who are included on a qualified list of appraisers approved by the Florida Division of State Lands, Bureau of Appraisal. All appraisals prepared for the EEL Program must comply with the procedures and requirements set forth in Section 259.041(7) Florida Statutes, Rule 18-1.006 Florida Administrative Code and the Bureau of Appraisal's Uniform Appraisal Standards (and amendments to these rules, policies, and procedures as they are adopted). Appraisal reports should meet the technical standards of the Uniform Standards of Professional Appraisal Practice. In addition, an affidavit from each appraiser shall be submitted with the appraisal reports certifying that the appraiser has no vested or fiduciary interest in the parcels being appraised.

Each parcel to be acquired shall have at least one appraisal. Two appraisals are required when the estimated value of the parcel exceeds \$500,000. However, when two appraisals are obtained that differ significantly (the higher of the two values exceeds 120% of the lower value) a third appraisal may be obtained as determined by the EEL Program Manager. Additionally, an appraisal review shall be obtained for any appraisal exceeding \$250,000. All appraisals and reviews will be prepared by MAI appraisers contracted by the EEL Program, provided by Brevard County as permanent appraisal review staff or identified by the Division of State Lands (DSL), Bureau of Appraisal as part of an interagency acquisition project (as defined by a Multi- Party Acquisition Agreement).

Additional items that may be included in the Project Design Report are:

- a. Description of the planning process followed
- b. Description of the present environment or resource setting
- c. Discussion of alternatives to fee simple acquisition
- d. Discussion of the environmental, administrative and institutional consequences of each alternative
- e. Discussion of the alternatives considered, chosen, and rejected
- f. Discussion of potential problems for the County and its municipalities
- g. Discussion of the degree of public involvement and public sentiment
- h. Identification of commitments made to the public, local governments, or State and Federal agencies, if applicable
- i. Documentation of compliance with policies, regulations, and the law

j. Projections of project costs and community impact

The basic information (as described in the previous steps) relates to the planning process and provides much of the information needed for responsible land acquisition decisions. Land acquisition decisions often require additional material and data which may be pertinent to specific land acquisition sites and objectives. EEL Program staff should consider every property as a unique entity, with site-specific issues and challenges.

Responsible and comprehensive pre-acquisition planning is essential to the successful completion of an acquisition initiative. As general guidance for EEL staff, the Project Design Report shall contain the basic information needed for making an informed real estate acquisition decision. Key components include appraisal map (with wetland and upland delineation), appraisals, title reports, and any additional information essential to the negotiation.

Various laws, regulations, and policy directives which pertain to the proposed land acquisition must be considered prior to making decisions on land acquisition. The Project Design Report should contain a brief and concise statement indicating what has been done to comply with these laws, regulations, and policies, if applicable.

Since the planning process requires consideration of a number of resource and economic considerations, the feasibility of a land acquisition initiative must consider economic issues. Land costs and funding availability may be a key consideration. Effective planning and priority setting require a close liaison between the EEL Selection and Management Committee and the Negotiation Agent or EEL acquisition staff.

Although the final acquisition cost estimate for land and improvements is presented as a lump sum, the estimate should be based on a total of the following considerations separately stated.

- a. Direct cost of acquisition based on current estimate.
- b. Land appreciation projected over a reasonable period to a proposed date of acquisition. Presumptions on projections should also be stated.
- c. Indirect cost of acquisition: appraisals, negotiations, title, survey, closing costs and other land acquisition-related costs. These may entail a certain amount of cost projection.

The size and nature of a project will generally dictate what additional facts are needed to get an overall picture of the proposed project, project locale and the impact the project could have on local communities. These considerations may include:

- a. The general financial situation of the county or municipality where the project is located. This should include the county/city tax or millage rate schedule showing the proposed distribution of taxes to the State, county, school districts, roads, and other purposes.
- b. Information on drainage, water rights, stormwater control, and the Water Management District interests to be affected by the proposed project.
- c. The number and size of school districts partly or wholly within the proposed project and the effect the project will have on these.
- d. Other impacts of the project on the local area that should be identified may include the impact on an individual, on adjacent landowners or on the local community at large.

- e. Any possible acquisition problems uncovered during the feasibility study should be discussed, as well as any other matters which might have a bearing on the proposed project or which would be helpful in considering the proposal.

### **5. *Recommending an Action.***

A land acquisition strategy shall be developed based on the information compiled in the Project Design Report. The strategy should outline in general terms the order of acquisition priority, recognizing such factors as resource protection, public and administrative needs, changing land values and willingness of owners to sell. The land acquisition strategy should also address any proposed schedule for the transfer of property owned by other government agencies. For multiple parcels or complex property ownership patterns, the general acquisition strategy developed at the pre-acquisition stage should be updated and re-evaluated as necessary.

#### **Step 10A: Contact Agencies**

The EEL Selection and Management Committee and EEL staff will discuss potential acquisition partners based on the ecological attributes of the site and local, state, and national acquisition and management programs. At any time during the process, EEL staff are encouraged to seek acquisition partners to extend the available financial resources of the program. Verbal and written inquiries will be sent to all agencies or programs to identify potential levels of interest and funding availability for acquisition or management. Special attention will be given to programs having significant matching funds, such as Florida Forever Program, Florida Communities Trust, and the North American Wetlands Conservation Council. Each of these programs has their own guidelines and rules for acquisition. County staff must coordinate with every acquisition partner to ensure that EEL Program procedures are complementary to and consistent with partner agency programs.

#### **Step 11A: Decision Point (Second Majority Vote)**

The Second Majority Vote requires an extraordinary majority vote (at least eight (8) out of twelve (12) affirmative votes) of the EEL Selection and Management Committee and provides authority to EEL acquisition staff to begin negotiations, prepare land acquisition contracts and to proceed towards the purchase of real property, contingent upon approval by the Board.

### **3. Land Acquisition Phase**

#### **Step 12A: Appraisal Review and Negotiation Strategy**

All appraisals and reviews will be prepared by MAI appraisers contracted by the EEL Program, provided by Brevard County as permanent appraisal review staff or identified by the Division of State Lands (DSL), Bureau of Appraisal as part of an interagency acquisition project (as defined by a Multi-Party Acquisition Agreement). Any appraisal review required by this manual will evaluate appraisals for adherence to minimum technical standards and acceptable appraisal procedures. All appraisals shall be prepared by qualified appraisers, certified by the State of Florida, who are included on a qualified list of appraisers approved by the Florida Division of State Lands, Bureau of Appraisal (see 39, 4-d: Appraisal Reports) and qualified appraisers will be required in accordance with State policy to submit fully completed Bureau of Appraisal, Appraisal Checklist with each appraisal report.

EEL Program acquisition staff and/or the acquisition agent have authority to:

1. Request new appraisals if appraisal dates are older than 6 months or if recent comparable sales indicate that new appraisals are warranted.
2. Request a third appraisal or new appraisals if appraisals are greater than 20% divergent and no rectification of value appears possible through the third-party appraisal review process.

3. Require appraisal revisions from appraisers if appraisals do not conform to appraisal standards specified by the Florida Statutes, the Uniform Standards of Professional Appraisal Practice, or policies adopted by the Florida Division of State Lands, Bureau of Appraisal, or as indicated by third-party appraisal reviewer.
4. Establish the maximum value for negotiation purposes as follows:
  - a. The maximum value for a parcel to be acquired shall be the value indicated in a single approved appraisal if only one appraisal is required. If two appraisals are obtained and approved when only one is required, the maximum value shall be the higher of the appraisals, regardless of their divergence.
  - b. If two appraisals are required and the values do not differ significantly (the higher of the two values does not exceed 120% of the lower value), the maximum value shall be the higher value indicated in the two approved appraisals.
  - c. If two appraisals are required and the values of the two appraisals differ significantly (the higher of the two values exceeds 120% of the lower value), the maximum value shall be 120% of the lower of the two appraisals or a third appraisal shall be obtained.
  - d. If a third appraisal is obtained when two appraisals are required, the maximum value shall be the value contained in the higher of the two closest appraisals as long as the two closest appraisals do not differ significantly. If the two closest appraisals differ significantly, the maximum value shall be 120% of the lower of the two appraisals.

Based on the appraisal reports and review of all real estate information associated with a site, EEL staff will develop a written negotiation strategy report which is placed in the confidential negotiation files. The EEL Program will follow the policies, rules, and directives for confidentiality as established by the Florida Statutes. Only essential land acquisition staff will have access to negotiation files or will be identified on Confidentiality Agreements with the Division of State Lands or St. Johns River Water Management District. Typically, these individuals will be limited to the acquisition agent, EEL Program Manager, EEL Selection and Management Committee Chair, and Legal Staff assigned to the project.

If a land acquisition agent is involved in the negotiation, the agent must review the negotiation strategy with the EEL Program Coordinator prior to initiating the negotiation with the landowner or land representative. The negotiation strategy report provides clear directives to aid the staff member or negotiation agent through the negotiation process.

The negotiation files for a given property, which includes appraisal report(s), negotiation strategy, offers and counter-offers, negotiation notes and the negotiation summary, become part of the public record when the Board executes the contract. Prior to that time, the negotiation files are considered confidential, as required by Sections 259.041 (7)(e) and 259.041 (8)(c) Florida Statutes, Chapter 18-1, F.A.C. and provisions of any Multi- Party Acquisition Agreements with the Division of State Lands (DSL), Department of Environmental Protection as agent for the Internal Improvement Trust Fund of the State of Florida.

A Negotiation Summary Report will be completed by the acquisition agent or acquisition staff at the termination of all negotiations, whether the negotiation is successful or not. The Negotiation Summary Report will be presented to the Board with the Contract or Option Agreement signed by the landowner and a summary of important resource and project design considerations. Submission of the Agenda Request to the County Manager and acceptance of the Agenda Request for scheduling at a Board meeting places this negotiation information in the public record.

In instances where EEL Program staff are negotiating on Florida Forever Program Project parcels on behalf of the DSL, it is necessary for County staff to adhere to all land acquisition procedures, rules and policies of DSL. EEL staff are strongly encouraged to network with DSL acquisition, appraisal and survey staff and maintain a high level of communication and coordination among interagency staff members. All appraisal reports, appraisal maps, negotiation strategies, boundary surveys and contract formats should be reviewed by appropriate DSL staff prior to initiating a negotiation.

### **Step 13A: Property Negotiations**

Designated County staff, land acquisition agents representing agency partners, or land acquisition contractors will negotiate for the purchase of all properties. The acquisition agent will negotiate with owners or their authorized representative(s). EEL staff will negotiate only with the individual(s) identified by the landowner on the Owner's Authorized Representative Form (see Appendix). The current status of the Owner's Authorized Representative Form will be confirmed immediately prior to initiating negotiations. In situations where a significant time (over 6 months) has passed since the Owner's Authorized Representative Form was signed, EEL staff will request a new Owner's Authorized Representative Form from the landowner. Although negotiations are likely to involve much verbal discussions, all offers and counter-offers will be formally presented in writing. The acquisition agent will maintain complete records of the negotiation process.

### **Step 14A: Contract Development and EEL Staff Review**

To ensure complete consideration of land acquisition documents, the following County staff must review all contract documents:

1. Parks and Recreation Department
2. Negotiation Agent
3. The County Attorney or designated legal staff from the County Attorney's Office
4. Designated staff from the Risk Management Office
5. Per County Administrative Order AO-37, all land purchases that have a contract price of \$750,000 or more are reviewed by the County's Land Acquisition Review Committee to ensure that the facts upon which the appraisals are based are accurate and that all information necessary for the Board's consideration has been provided.

EEL staff reviews shall seek clarification on minor points or additional information by informal communication with County legal and survey staff, other agencies or other parties to the acquisition. If significant problems are encountered, formal communications shall be forwarded to the EEL Selection and Management Committee by EEL staff. No acquisition contract will be presented to the Board until all essential legal and technical issues are addressed and considered by staff.

Prior to presenting the acquisition contract to the Board, EEL staff or the acquisition agent will present the general contract terms to the EEL Selection and Management Committee for final review and authorization to proceed to the Board. The basic question to be answered in the discussion is: "Does the proposed action meet the Program objectives and needs and should the EEL Selection and Management Committee recommend the acquisition for Board approval?"

Consultation with other County entities should occur for any property that has the potential to impact other County or municipal programs. EEL staff should consider the following general questions prior to presenting an acquisition to the Board for consideration:

1. Will the proposal have an impact on County or municipal programs or properties?
2. Are there technical errors or omissions which may affect a decision by the County Commission?

If it is determined by the EEL Selection and Management Committee that Board approval should not be sought, the Board shall be made aware of the decision by staff memorandum. EEL staff will notify the landowner(s) of the decision.

#### **Step 15A: Decision Point (Board Review of Contract)**

EEL staff will prepare an Agenda Request to present the land acquisition documents to the Board for review and approval. The Agenda Request will present a summary of the project and will include:

1. Resource values of the property
2. Justification for the action
3. Program and administrative consequences
4. Economic impacts of the requested action
5. The EEL Selection and Management Committee's recommended action

At a minimum, staff will include the following items as attachments to the Agenda Request to the Board:

1. Legal documents (Contract, Option Agreement, etc.) for the purchase of the property. All legal documents must be signed by the landowner(s) prior to staff submission of the Agenda Request.
2. A vicinity map and property boundary map of the subject parcels.
3. A Negotiation Summary Report, which at a minimum should include:
  - a. Purchase price
  - b. Appraised values
  - c. Brief summary of the negotiation history.
  - d. Justification of the purchase price

The Board approves the land acquisition proposal presented in the Project Design by signing the Approval Memorandum (Contract or Option Agreement for purchase of Real Property or other legal instruments, as appropriate). Prior to the Board's action any EEL Selection and Management Committee member has the option of concurring with the recommendation or providing a written minority statement to the Board. The EEL Selection and Management Committee is made aware of the Board's decision by announcement at the next regularly scheduled EEL Selection and Management Committee meeting or by distribution of a copy of the signed memorandum. All Approval Memorandums and supporting documents are to be filed by EEL staff.

If the Board-approved action involves other agencies and funding sources, EEL staff will transmit the Agenda Report and all pertinent documentation to the partner agencies at least two (2) weeks prior to the scheduled Board meeting. The EEL staff is responsible for providing copies of all Board-executed documents to the partner agencies.

### **Step 16A: Closing**

Closing documents will be prepared by County legal staff and EEL staff. Closing will be contingent upon satisfaction of the contractual agreements as specified in the Contract for Sale and Purchase. The County negotiates the terms of the contract, but generally does not pay for back taxes, closing costs or broker fees. Documents essential to execute the closing include a Phase 1 hazardous waste assessment, an acceptable boundary survey, proof of marketable title and any additional documents as required by the County legal staff or specified in the Contract for Sale and Purchase.

### **Step 17A: File Maintenance and Archives**

The EEL staff is responsible for all file maintenance, organization and updates. Acquisition files should be organized by property and owner. Data spreadsheets MUST include full listings of the property tax identification numbers for every parcel acquired. Property acquisition files can be organized by projects. EEL staff must keep all records of program activities and memoranda. For Preservation 2000 Projects, duplicate copies of all closing documents, title policies, contracts for purchase, invoices for costs for appraisals, surveys, hazardous waste reports and wetland jurisdictional surveys, Negotiation Summary Reports, and dates of decisions by the Board of County Commissioners and agency partners will be required for all reimbursement requests that are submitted to the Division of State Lands. All property files must be archived in the EEL Program office. Complete files, inactive files or files older than 3 years can be placed in the County archives. If a negotiation agent is used, and the subcontractor's office is not located in the EEL Program office, all files must be duplicated, in full for both offices. The subcontractor will provide completed files to Brevard County EEL staff at the completion of each.

## **Process B: EEL Selection and Management Committee Response to Landowner Submissions**

### **1. Resource Planning Phase**

For properties entering the Resource Planning Phase as submissions from owners or their designated representatives, proceed through the following steps:

#### **Step 1B: Submittal and Application**

Landowners and/or designated representatives will be required to present a formal application to the EEL Selection and Management Committee which consists of:

1. Application Form dated and signed by the landowner and/or the designated representative;
2. A signed and dated Owner's Authorized Representative Form; and
3. Authorization to Enter Property Form.

These three items will constitute a complete application. Applications will not be processed if any component of the application package is missing or incorrectly/incompletely filled out. (See Appendix for copies of these forms. Refer to the front cover page for the contact to receive additional copies of these forms.)

#### **Step 2B: Initial EEL Staff/Selection and Management Committee Review**

EEL staff and the EEL Selection and Management Committee will review the resource characteristics of a site to determine if the property meets the land acquisition criteria of the EEL Selection and Management Committee. If a property does not meet the minimum criteria, the EEL Selection and Management Committee, at their discretion, can decline the property and remove it from further consideration. If sufficient data are available to accept the property, the EEL Selection and Management Committee can vote to retain the property on an active list. If insufficient data are available, the EEL Selection and Management Committee can direct EEL staff to provide additional information or schedule

a site visit to review the property (refer to Step 5A, if applicable).

### **Step 3B: Data Collection and Synthesis**

Data collection and synthesis is the responsibility of EEL Program staff. The EEL Selection and Management Committee shall function as a technical and scientific advisory committee.

### **Step 4B: Preliminary EEL Selection and Management Committee Review**

At the completion of the preliminary planning process (Resource Planning Phase – Steps 1A-7A, all applicable steps), the EEL Selection and Management Committee will entertain a motion to accept or decline a property or group of properties submitted by the landowner. The decision and reasons for the decision will be compiled by EEL staff in a letter, which will be sent to the landowner. A copy of the letter will be sent to the acquisition designated representative (if applicable). Application materials and documentation for properties that are declined will remain the property of the County as a permanent record of the application and decision process.

### **Step 5B: Return to Step 7A: Contact Agencies and Proceed**

## **Process C: Inter-Agency Acquisition Proposals**

### **2. Acquisition Planning Phase**

Proposals that pass the EEL Selection and Management Committee's First Majority Vote and are submitted by the Brevard County EEL Program for outside funding support will comply with the following procedural steps:

#### **Step 1C: Project Design Proposal**

A completion of the Resource Planning Assessment Report (Step 6A) and Project Design Report (Step 9A) will serve as the basic data to prepare all proposals for land acquisition funding. Proposals will be developed and submitted following the specific guidelines of the funding agency or program. In many instances, the agencies will provide workshops or training sessions to instruct local municipalities regarding proper proposal format. Staff will be encouraged to participate in these opportunities as they greatly increase the quality of the proposal and the potential for successful funding.

#### **Step 2C: Proposal Review**

The EEL staff and EEL Selection and Management Committee will review all proposals for technical and scientific accuracy and adherence to proposal format. Outside assistance and partnerships are encouraged to increase the quality of the proposal. Proposals require full review by EEL staff and the EEL Selection and Management Committee prior to submission for Board review.

#### **Step 3C: Decision Point (Second Majority Vote)**

The Second Majority Vote (by extraordinary majority – Step 11A) is required at this stage for expenditure of EEL funds for land acquisition proposal preparation. Almost all land acquisition proposals require a commitment of local funds as a prerequisite of proposal ranking and matching fund appropriations. Most state and federal programs have lengthy proposal review cycles that can last up to one year. Once accepted and funded, the County is expected to meet the financial, acquisition and program commitments as outlined by the proposal.

#### **Step 4C: Commission Review and Resolution**

All proposals for outside funding support must be submitted to the Board for full review prior to submission of the proposal. In circumstances where proposal notification provides no time for formal Board review, a proposal may be submitted in advance of Board approval. Staff must place the proposal on the next available agenda for Board consideration. If the Board determines that the proposal should

not be submitted or requires modification, staff will immediately contact the funding agency and remove the proposal from further consideration or make requested changes.

### **Step 5C: Proposal Submission**

Land acquisition proposals involving outside funding support are to be submitted to the partner agency(s) in the proper format and with the appropriate signatures as are necessary. The Board may elect to provide a Resolution of Support to be appended in the proposal or submitted independently to demonstrate their level of support for the project.

### **Step 6C: Agency Review and Proposal Tracking**

Each agency has individual procedures and policies for proposal review. EEL staff is responsible for coordinating local support and lobbying efforts, liaison with agency staff, providing verbal testimony at public hearings, tracking the proposal review process, and coordinating all efforts that contribute to the successful ranking and funding of the proposal.

### **Step 7C: Boundary Maps and Appraisal**

Prior to making an offer for the acquisition of a parcel, the County will have prepared all due diligence (Site Visit Reports, Phase 1 hazardous Waste Assessment Report, Title Report, Appraisal and/or Survey Maps), including appraisals of the fair market value of parcels to be acquired following the procedures of the EEL Program LAM or those of the acquisition partner's agency. The appraisals shall be ordered from State of Florida certified appraisers who are listed on the State's Division of State Lands qualified list of appraisers, as approved by the EEL Selection and Management Committee. The Board shall be regulated by Florida Statutes which limit the amount that local governments can pay for land.

### **Step 8C: Boundary Map and Appraisal Review**

Acquisition staff and/or County acquisition consultants are required to implement a procedure for appraisal review that is consistent with and accepted by the Florida Division of State Lands (DSL) and the partner agencies involved in the acquisition. Staff and review appraiser are responsible to ensure that appraisals meet minimum technical standards.

A complete technical review of mapping and appraisal reports is essential to maintain work-product accuracy and consistency with minimum technical standards established by local policies or the Division of State Lands. Internal policies and rules within State agencies may change on a regular basis. In some cases, a number of procedural options may exist for local programs to enhance the process of land acquisition and increase the efficiency of the process.

For example, landowners are very concerned about the length of time for acquisition when selling to government agencies. Outside funding agencies, like the Division of State Lands, conduct their own review analyses, but completion of DSL reviews is a lengthy process. Although DSL reviews remove the burden of review from the local municipalities, map and appraisal review may be contracted by the County to expedite the land acquisition process.

For direct acquisitions, staff are required to ensure that all work products conform to policies and standards as established by the County, State agencies, or professional associations. Staff must establish ongoing relationships with the Division of State Lands and other acquisition partners to ensure that local policies and actions are consistent with and acceptable to our acquisition partners. EEL staff can use their professional discretion when considering these matters and moving acquisition projects forward in an efficient manner. When reimbursement funds are potentially at risk, all local decisions concerning appraisal maps and appraisals should be discussed with staff from the partnership agency and supported by written confirmation of the discussions.

## [Step 9C: Return to Main Procedure Path at 13A and Proceed](#)

### **Emergency Procedures**

While it is most desirable to plan for all land acquisitions in accordance with the procedures set forth in this handbook, it is recognized that under some circumstances such planning is not possible. Emergency situations occur which may require expeditious actions that will not permit the expenditure of time required in the normal planning process and it is administratively desirable to bring certain matters to the Board's attention.

A formal declaration of an emergency situation is necessary before any action can take place. This may be an independent or joint determination to be made by the EEL Selection and Management Committee, staff or an appropriate local, State, or Federal agency. An emergency can be declared only if one of the following conditions exists:

1. Identified critical habitat or natural resources are under an unforeseen immediate threat of destruction, damage, development, or loss of availability.
2. An existing Land Acquisition Project is in danger of destruction, damage, development, or loss of availability.

**The following steps must be followed in a declared emergency situation:**

#### **Step 1: *Land Acquisition Application***

An EEL Program Application Form must be completed by the EEL staff, EEL Selection and Management Committee or the property owner. Proposals may be rejected if incomplete. The application must document the existence of an emergency situation. EEL staff can convene an emergency meeting of the EEL Selection and Management Committee by advertising the meeting in compliance with Florida Sunshine Laws. Applicants will be notified and provided the opportunity to supply the essential information for the meeting.

#### **Step 2: *Emergency Assessment Report: Resource Assessment and Project Design***

A written Emergency Assessment Report is prepared by EEL Program staff or EEL Selection and Management Committee members to address the following:

1. General location and size of project.
2. Natural resources including community types and Natural Area Inventory and Brevard County ranking, endangered and threatened species, other plants and animals, forest resources, geologic resources, water resources, etc.
3. Verification of vulnerability and endangerment
4. Archaeological resources
5. Conformance with Brevard County Land Acquisition Plan, Conservation, Coastal Zone Management, Recreation, and Open Space elements, and/or related elements of adopted Comprehensive Plan in Brevard County.
6. Ownership patterns and relative ease of acquisition
7. Estimated cost with respect to availability of other funding, alternative acquisition techniques, management costs, etc.
8. Suitability and proposed use, including functional use, manageability, and designated

management agencies.

9. Location relative to urban areas and other public lands.
10. Zoning and Future Land Use designation of the parcel and surrounding properties.
11. Five-year history of ownership, taxes and assessment
12. Sovereignty and jurisdictional lands
13. Public and non-profit ownerships
14. Information on land use and development trends, including zoning changes, annexations, and extension of utilities.
15. Alternative acquisition techniques and the availability of other funding sources.
16. Proposed land uses within the project boundary
17. Protective land uses within the project boundary
18. Minimum due diligence information

Regardless of the circumstance of the emergency, on-site visits by the EEL Selection and Management Committee and staff are required.

Landowners requesting emergency consideration may be required to provide essential information at their own cost and verification of the emergency need. EEL staff will communicate directly with the Chairman of the EEL Selection and Management Committee to discuss the emergency request, review the available data, and determine if an emergency meeting of the EEL Selection and Management Committee is warranted.

### **Step 3: *EEL Selection and Management Committee Review***

As soon as sufficient information is compiled for the project and a reasonable demonstration of emergency circumstances is presented to EEL Program staff, the project will be evaluated by the EEL Selection and Management Committee at a regularly scheduled EEL meeting or an emergency meeting declared by EEL staff. This meeting will present the pertinent data to the EEL Selection and Management Committee to determine if the project has ecological merit and meets the emergency acquisition criteria.

The Emergency Assessment Report is presented to the EEL Selection and Management Committee for review of the site attributes consideration of less than fee simple techniques to protect the property and analysis of opportunities to phase acquisitions within the project. If applicable, a time-sequence for acquisition is recommended to acquire the most critical parcels first, with primary consideration given resource management concerns and parcels' endangerment and vulnerability. Additionally, potential acquisitions which exceed current levels of funding can be divided, according to relative resource importance, into phases.

### **Step 4: Landowner Presentations**

As a general rule, landowners or their representatives are encouraged to provide oral testimony and visual or written materials in support of acquisition proposals at EEL Selection and Management Committee meetings. For emergency acquisition requests, the landowner and/or the representative will be required to address the EEL Selection and Management Committee, in person and/or in writing, to present justification for the request for emergency consideration. Committee members may request

additional information from landowners and/or their representatives.

#### **Step 5: Decision Point (First Majority Vote)**

The EEL Selection and Management Committee votes to determine whether the project proposal will be subjected to a full review process after reviewing the information provided on the Application Form, Emergency Assessment Report, and owner testimony. Proposals that have sufficient documentation of resource value and emergency need may receive the First Majority Vote and the Second Majority Vote in immediate succession. The Second Majority Vote at this time provides advanced authority for EEL acquisition staff to immediately negotiate the terms of the acquisition based on appraisals and other required acquisition due diligence.

At the EEL Selection and Management Committee discretion, specific terms or contingencies of the Second Majority Vote can be established to direct acquisition staff. The EEL Selection and Management Committee has authority to request additional information from the landowner, refuse emergency consideration of the property based on resource values or need, or to table an emergency decision for future consideration.

#### **EMERGENCY PROCEDURES SHOULD NOT BE USED AS PROCEDURAL RESPONSE TO EXPEDITE THE ACQUISITION PROCESS**

Emergency procedures will not be invoked unless exceptional circumstances or financial and resource opportunities exist.

The sponsors of these proposals may be asked by the EEL Selection and Management Committee or EEL staff to provide additional information. EEL staff should try to accommodate the specific needs and timetable of the landowner; however, the landowner must realize that greater responsibilities may be placed on the owner as a result of the emergency request. Proposals failing to receive a First Majority Vote may not be reconsidered as an emergency purchase, unless SIGNIFICANT new data is provided to EEL staff or additional verification of emergency status is provided. A simple need to sell quickly may not be considered sufficient reason to invoke emergency procedures.

The EEL Selection and Management Committee must agree to initiate the emergency acquisition process as part of the First Majority Vote. Emergency acquisition proposals must receive unanimous support from the EEL Selection and Management Committee if the project is to be considered under emergency procedures. EEL staff will notify the landowner in writing of the decision.

#### **Step 6: Boundary Map for Appraisal Purposes**

After the Committee approves the emergency status of a project proposal, appraisal maps, title reports and appraisals are ordered, if they were not ordered previously. Appraisal maps can be waived if a property boundary survey is supplied by the landowner, or if sufficient data allows the reasonable estimation of wetland and upland acreage for use in the appraisal process. Approximate upland and wetland acreage will be computed for the parcel. Title information reports are prepared by an abstractor to identify ownerships and encumbrances. When time constraints are critical, property surveys provided by a landowner can be updated and re-certified for use in the acquisition process. Care must be taken by EEL staff to consider the policies and requirements of interagency land acquisition partners when making decisions to waive appraisal maps or accept surveys from landowners that might not meet the rigorous standards of the Florida Division of State Lands, Bureau of Survey and Mapping.

#### **Step 7: Appraisal Review**

Prior to making an offer for the acquisition of a parcel, the County will have received an appraisal or appraisals of the fair market value of the parcel(s) to be acquired. Appraisals shall be prepared by certified appraisers who shall be on a qualified list of appraisers as approved by the Division of State Lands, Bureau of Appraisal. In an emergency situation, the EEL Selection and Management Committee

can recommend that staff negotiate the terms of the acquisition prior to third party appraisal review, if, after a second majority vote, acquisition staff receives two independent appraisal values that are divergent by no more than 10% or \$250,000. If the divergence exceeds either of these two values, a third-party appraisal shall be ordered.

**Step 8: Decision Point (Second Majority Vote)**

If no second majority (extraordinary) vote was considered previously, acquisition staff will present the property information to the EEL Selection and Management Committee for a Second Majority Vote which authorizes EEL staff or the negotiation agent to negotiate the terms of the land acquisition contract.

**Step 9: Submission to Board: Public Hearing**

The EEL Selection and Management Committee's recommendation for project acquisition is submitted to the Board along with the contract, Emergency Assessment Report, and negotiation summary at the next available Board meeting.

The Board has sole authority to authorize a land acquisition proposal presented to them by the EEL Selection and Management Committee and EEL staff. The Board may approve the acquisition, decline the acquisition, or table a Board decision pending the delivery of additional information not provided in the assessment. If the Commission disapproves the recommendation for acquisition by the EEL Selection and Management Committee, then the EEL Selection and Management Committee and/or applicant may evaluate and address the Commission's concerns and resubmit the application for further consideration. If the project does not receive a majority vote by the Board on the second hearing, then the application will be denied further consideration under emergency acquisition procedures. The Clerk of the Court will be instructed to notify the landowner, in writing, of the Board's decision.



## **Chapter 6 Alternatives to Fee Simple Title**

### **Purpose**

The following Chapter provides general guidance for the use of less than fee simple techniques. The policy on land acquisition calls for a comprehensive review of options, which would accomplish EEL conservation objectives. Although the EEL Referendums of 1990, 2004 and 2022 authorized the acquisition of endangered lands, less-than-fee techniques may provide a variety of effective options to fee simple acquisition. The procedures, herein described, apply to situations where some form of land acquisition is to be recommended. Other options will require an appropriate analysis to determine the level of requirements.

## Scope

The EEL Selection and Management Committee and EEL staff should explore and evaluate reasonable alternatives to fee simple title acquisition. Alternatives should be discussed fully by the EEL Selection and Management Committee and EEL staff. A record of those considerations should be summarized in the written minutes of the meetings or in a separate memorandum and included as part of the property file.

The question facing planners is what alternatives must be considered in the acquisition planning phase, which alternatives have demonstrated effectiveness in protecting natural resources and which alternatives are feasible to implement within the EEL Program structure and referendum authority. Since many objectives involve the need to protect, preserve, restore or manage resource areas, the control of land or land rights becomes a central issue. The following alternatives to control land use should be considered and evaluated as to their relative practicability to meet an objective:

- Easements
- Withdrawal (Public Domain)
- Fee Title Acquisition
- Cooperative Agreement
- Administrative Regulation
- Mitigation Banking
- Rental (Lease)
- Zoning
- Acquisition by Other Entities
- Permit Restrictions
- Mitigation
- No Action

The “no action” alternative is usually not utilized. The objective of land acquisition planning is to solve a problem which stems from the status quo or from the projected future of the resource. The “no action” alternative is essentially maintenance of current conditions and prediction of future conditions if no action is taken. As such, it provides a benchmark against which to measure the impacts of the alternatives.

The status quo is a description of the present situation. It is essential to have the description of the present situation as a baseline for projecting the future (without the project or action) situation.

Discussion of the “no action” alternative provides a foundation to evaluate impacts to the resources, if conditions are allowed to proceed without an action by the EEL Selection and Management Committee. A scientific basis for selection of alternatives is a desirable, but often difficult task. Standards and criteria should be set forth to be used in choosing among the options. If possible, numerical quantification of standards and criteria should be considered and developed. Unfortunately, numerical quantification of standards and criteria for direct comparisons is difficult or impossible to achieve. A well-designed matrix should integrate resource, legal and real estate knowledge to establish a process that provides a rapid and simple means of comparing various land acquisition alternatives and their ability to meet the standards and criteria.

An example of a simple matrix follows in Table 1.

Table 1: Standards and Objectives

	1	2	3	4	5
OPTION A	+	+	+	0	-
OPTION B	+	+	+	0	+
OPTION C	0	-	--	-	+

Wherein:     + = exceeds standards and criteria  
                   0 = meets standards and criteria  
                   - = fails to meet standards and criteria

*Table 1: Standards and Options*

Based on the data presented in the matrix and the resource/environmental consequence of each alternative, a discussion of each should be prepared to explain why the preferred alternative was selected, as well as why alternatives were rejected. The data can be weighted, of course, to reflect differing levels of importance among the factors.

Environmental elements affected by the acquisition options should be presented in sufficient detail so that the reader can visualize existing environmental conditions. Only conditions which would be changed or modified by one of the alternatives should be emphasized. Since this approach might provide a primary basis for deciding, important environmental components should be quantified, whenever possible, to facilitate comparisons.

Resource values could be included as important environmental elements and the importance of the area for the specific value could be highlighted. For example, it is not enough to state that the area is valuable for ducks. The number and kinds of birds using the area or nesting or harvested should be given. Accurate and detailed biological resource data are essential. Federal or State listed endangered or threatened species of plants or animals and essential habitats must be adequately described. For these reasons, the development and quality control review of an acceptable acquisition option matrix is likely to take some time and expertise for development and effective use.

Until such time as sufficient data is available to develop and test the effectiveness of the matrix approach to decision making, the EEL Selection and Management Committee will consider and discuss all options to direct acquisition. The EEL Selection and Management Committee and EEL staff should consider the following aspects in the development of the matrix and in their formal discussions.

## **Consequences and Impacts**

Each alternative can be considered to have two general types of impacts or consequences: environmental and administrative. Environmental consequences relate to the broad ecological and conservation issues, while the administrative consequences include those factors which cannot be clearly identified with the natural physical or human environment, but must be taken into consideration in making responsible decisions.

## **Environmental Consequence**

A forecast of significant impacts or consequences for each alternative must be made and displayed for the decision maker. Since the term “significant” is not defined, a judgment determination must be made on each environmental factor and similarly on each consequence. Ideally, the environmental consequences should be developed without bias, with all elements given equal consideration. Since resource management is a primary issue of concern, components of the environment should be treated in a comprehensive manner. The importance of the environmental consequences should not be minimized. One of the major objectives is to provide public disclosure of the environmental

consequences of proposed actions.

In resource planning, where the objective is usually to enhance the quality of resources or to improve the value of an area (an environmental component), the consequences of each acquisition alternative are of utmost importance. The planning goal should optimize the beneficial impacts, while having the least possible adverse impacts on other environmental issues.

Since decisions rest primarily on the impacts of a proposed action, it is important to clearly describe the consequences of each alternative and to present a comprehensive analysis of each. A matrix showing the important impacts of the alternative should be presented for rapid and easy evaluation of each. A simplified example is shown in Table 2.

Table 2: Environmental Consequences

Alternative	Social Impact	Archaeological Resource	Endangered
A (No Action)	150 New Homes	4 Ruins Lost	3 of 3 Eagle Roosts Lost
B	110 New Homes	2 Ruins Lost	3 of 3 Eagle Roosts Lost
C (10 Acre Fee Title)	50 New Homes	1 Ruins Lost	1 of 3 Eagle Roosts Protected
D (100 Acre Fee Title)	0 New Homes	No Impact	3 of 3 Eagle Roosts Protected

Table 2: Environmental Consequences

### **Administrative/Institutional Consequences**

The administrative/institutional factors; which must be taken into consideration in the decision-making process, include such topics as:

1. Real Estate feasibility
2. Engineering feasibility
3. Initial cost factors
4. Annual operation and maintenance
5. Labor requirements
6. Public relations
7. Program considerations
8. Policy and legal compliance

The consequence section of the report could provide a comparison of how each alternative would impact each of these factors. When possible a quantitative evaluation of consequences is desirable.

The EEL Selection and Management Committee and EEL staff should consider the environmental and administrative consequences of their acquisition decisions as part of the long-term planning for land stewardship and program implementation within the proposed natural areas network.

# Chapter 7

## Post-Acquisition Responsibilities

### Purpose

The purpose of this Chapter is to provide a brief introduction to post-acquisition responsibilities of the EEL Program. Lands that are acquired within the EEL Program are to be managed as conservation areas for Brevard County. The responsibilities associated with resource conservation and land stewardship represent long-term commitments to responsible resource management.

### Scope: Management of Environmentally Endangered Lands

Lands acquired under the EEL Program shall be managed to maintain important natural characteristics; preserve biological diversity; protect rare, threatened or endangered species; and maintain critical natural ecosystem functions. A secondary, but no less important, issue will be the ecologically and fiscally responsible management of natural lands with provisions for public access, passive recreation, scientific research, and public environmental education. Lands acquired by the EEL Program will be managed as nature sanctuaries within a countywide natural areas network.

### The Sanctuary Management Manual (SMM)

On May 16, 1994, the EEL Selection and Management Committee and EEL staff hosted a statewide Conference on Natural Areas Management. Over 40 people representing eighteen agencies attended. The Conference provided a forum for discussions regarding the challenges and opportunities for endangered land managers and programs, as acquisition efforts are completed and management challenges arise. As a result of this Conference, EEL staff and the EEL Selection and Management Committee concluded that a conceptual management plan for the countywide natural areas network was essential to guide the EEL Program and the Board as specific conservation and management decisions arose for individual sanctuary sites acquired by the EEL Program. Specific information obtained from the conference was critical to the development of the Sanctuary Management Manual and establishment of interagency partnerships for management of the protected area network.

As a result of the Conference and by direction of the Land Acquisition Manual (herein), the EEL Selection and Management Committee will develop a Sanctuary Management Manual to serve as the conceptual planning document for the proposed natural areas network in Brevard County. The Sanctuary Management Manual will provide strategic planning for sanctuary development, management funding, and EEL Program organization. The Land Acquisition Manual and the Sanctuary Management Manual represent complimentary procedures and guidance documents for use by Brevard County acquisition and land management staff. The documents represent model planning tools that will be available to other local governments embarking on land acquisition and management programs throughout Florida. The SMM will be presented to the public for review and to the Board for review and ratification.

The Land Acquisition Manual and the Sanctuary Management Manual represent the general conceptual and procedural guidelines for the implementation of the EEL Program.

At a minimum, the SMM will consider the following issues:

#### 1. Unique Natural Areas:

The essential natural characteristics of these areas will be enhanced or maintained to ensure protection of the natural resources of the land. Areas may be maintained or enhanced by a variety of methods including, but not limited to, elimination or control of invasive non-native species, fire management, restoration of ecosystem function, elimination of off-road vehicle access, and prohibition of dumping. Effects of on-site management practices will be monitored to provide data for long-term evaluation and development or revisions to management practices.

## **2. Public Access:**

Opportunities for passive (non-destructive) recreational experiences will be provided to highlight the rich biological diversity of Brevard's coastal landscape. Some levels of public access and use will be provided on all sites acquired by the EEL Program. Consideration for natural resource carrying capacity will govern the types and levels of human activities on EEL sanctuary sites. Limited facilities will be developed at selected sites to encourage public enjoyment of the land and its resources in a natural setting. Nature trails, boardwalks, educational displays, educational centers, and observation platforms are types of facilities that may be developed.

The policies and procedures that govern the development and human use of these protected areas will be found in the Sanctuary Management Manual developed by the EEL Selection and Management Committee and County staff for the EEL Program natural areas network. In addition, the EEL Selection and Management Committee and County staff will develop a comprehensive management plan for each site or management unit (composed of multiple parcels) purchased in the program. When properties are acquired and managed in partnership with other agencies or programs, interagency management agreements will establish the levels and locations of public access and use that are consistent with the conservation and recreation goals of the management partners. The EEL Selection and Management Committee and EEL staff will work with entities such as the Brevard County Parks and Recreation Department, the Economic Development Council and the Tourist Development Council to identify compatible conservation, tourist, and economic opportunities available through ecotourism.

## **3. Environmental Education:**

Environmental education and awareness is vital to the implementation and management of a successful land acquisition and stewardship program. The public must understand the complicated issues associated with endangered land management, endangered species protection and long-term land stewardship. Brevard's rich biological diversity has regional and national environmental and economic significance. The EEL Selection and Management Committee and County staff shall promote opportunities to develop and implement environmental awareness and education programs that highlight the natural resources of Brevard County and the resource values of the EEL Program natural areas network. The EEL Program will promote environmental education and awareness about Brevard's unique natural attributes and rich biological diversity to local residents and visitors.

## **4. Citizen Involvement and Participation:**

General citizen involvement through advisory committees, non-profit citizen support groups (such as the "Friends of Enchanted Forest") and county-wide citizen volunteer programs will be encouraged and implemented as part of an innovative EEL program community involvement campaign.

## **5. ADA Compliance (Americans with Disabilities Act):**

Nature trails for access by individuals with disabilities will be established at specific EEL Sanctuary sites within the protected areas network. ADA compatible nature trails will be developed at selected sites to showcase examples of the natural communities in conservation in the Brevard County sanctuary network. The goals of a trail network and specific programs for disabled individuals are to:

- a) Meet or exceed ADA standards to provide unique and innovative opportunities for persons with physical disabilities to experience, appreciate and enjoy Brevard's natural lands with a high degree of quality, security and safety;
- b) Establish Brevard County and Brevard's natural areas network as a model program for

other local communities interested in providing “wilderness” type experiences to the disabled; and

- c) Highlight the EEL Program natural areas network and Brevard County as a community that is aware of, and responsive to, the unique needs and concerns of the retirement community and persons with physical disabilities.
- d) To this end, the EEL Program staff and the EEL Selection and Management Committee should continue to conduct workshops and programs that encourage active EEL Program participation among disabled individuals in Brevard County. Active participation should be encouraged through specific programs and advisory committees established by the EEL Selection and Management Committee and EEL staff as directed in the Sanctuary Management Manual.

#### **6. Racial and Ethnic Group Participation:**

The EEL Selection and Management Committee and EEL staff will establish a greater level of citizen participation among all of Brevard County’s citizens. Direct citizen participation in all aspects of conservation, land management, environmental education, and passive recreation within the natural areas network will be encouraged through special programs, citizen involvement in committees and local community participation in nearby EEL sanctuary sites.

#### **Responsible Management: The Ultimate Goal**

The acquisition of endangered lands presents many opportunities, challenges and responsibilities for local governments. Once a property is acquired, responsibilities shift to site security, long-term maintenance, conservation, public access, public education and awareness, public use and strategic management planning. If implemented in an effective and efficient manner, a natural areas network provides exceptional natural resource, economic, and aesthetic values to a community for generations to come.

Brevard County will assume primary management responsibility or joint management responsibility for all sites purchased through the EEL Program. The identification and partnership with outside land acquisition and management agencies is viewed as an essential step towards effective and efficient ecosystem management. Interagency agreements will be actively pursued by EEL Program staff to ensure that all sites in the natural areas network are managed responsibly. A central theme of the EEL Program will be that innovative and cooperative partnerships lead to more efficient use of available funds, shared responsibilities and a strong foundation for interagency coordination.

The Sanctuary Management Manual provides conceptual program guidance for facilities development and long-term land stewardship within the EEL Program Natural Areas Network. Site-specific management plans must provide guidance and directives for management decisions within each sanctuary site or natural area management unit acquired by the program. A facilities’ needs assessment is an essential part of the comprehensive management planning process. Issues related to public access, types of passive recreational uses, resource management goals, natural area carrying capacity, ecosystem functions, endangered species protection and historical human impacts must be integrated with current and future facilities’ needs. Development of facilities should be planned to result in the minimum amount of environmental impact, efficient land management planning, and effective resource conservation.

## **Appendix Contents**

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**[EEL Original Selection Committee Members](#)**

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Application Form](#)**

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**[Authorization to Enter Property](#)**

**[Field Report: Guideline for EEL Selection and Management Committee Evaluation \(Form EEL 2.97\)](#)**

**[Resource Planning Report \(Form EEL 3.97\)](#)**

**[Project Design Report \(Form EEL 4.97\)](#)**

**[Negotiation Strategy Report \(Form EEL 5.97\)](#)**

**[Negotiation Summary Report \(Form EEL 6.97\)](#)**

**[Legal Checklist – For Contracts for Sale or Purchase \(Form EEL 7.97\)](#)**

**[Checklist – Closing Package for Files \(Form EEL 8.97\)](#)**

**[Property Tracking & Procedures Form \(Form EEL 9.97\)](#)**

**[Brevard County Environmentally Endangered Lands – Land Acquisition Chart](#)**

## Environmentally Endangered Lands Original Procedures Committee Members

### Original Appointment Resolution 89-464

- Kenneth Friedland appointed by District 1
- Jane Furguson appointed by District 1
- Jim Swann appointed by District 2
- Karl Eichorn appointed by District 2
- Margaret Hames appointed by District 3
- Ed Weed appointed by District 3
- Nedra Sekera appointed by District 4
- Paul Joyal appointed by District 4
- Priscilla Griffith appointed by District 5
- Richard Burges appointed by District 5
- Sue Carlson appointed by Parks and Recreation Advisory Committee

## Environmentally Endangered Lands Original Selection Committee Members

### Original appointment August 22, 1990

- David T. Cox
- Kenneth Friedland, Esq.
- Margaret T. Hames
- Dr. Charles Ross Hinkle
- Dr. Randall W. Parkinson
- Dr. Paul A. Schmalzer
- Dr. Hilary Swain

EEL Staff at time of original manual: Dr. Duane De Freese & Anne Birch  
Layout & design by Jan McLarty

## EEL Selection Committee Criteria Publication

### *EEL Selection Committee Criteria Publication*

*(Partners In Stewardship: Proceedings of the 7th Conference on Research and Resource management in Parks and on Public Lands. W.E. Brown and S. D. veirs, Jr. (eds.). George Wright Society. Hancock, Michigan. p. 452-462. 1993)*

#### *Stewardship at the Local Level: A Case Study From Brevard County Florida.*

**Hilary Swain**

*Department of Biological Sciences, Florida Institute of Technology, 150 West University Blvd., Melbourne, Florida 32901*

**C. Ross Hinkle and Paul A. Schmaizer**

*The Bionetics Corporation, NASA Biomedical Operations and Research Office, Mail Code BIO 2, John F. Kennedy Space Center, Florida 32899*

**M**OST OF THE STRATEGIC PLANS FOR THE PROTECTION OF BIODIVERSITY and land acquisition in the U.S.A. are focused at the national or state level (e.g., Scott et al. 1987). However, in Florida, there has been a growing emphasis on acquisition promoted and funded at the local level; this corresponds with the perceived shift of environmental support away from the large national organizations towards small locally relevant efforts. At present (October 1992), Florida has a total of 15 endangered lands acquisition programs funded at the county level with four additional programs pending and one city program (Fig. 1).

The most common revenue sources for these programs are ad valorem taxes and bonds; other sources include sales taxes, impact fees, and mitigation fees. For example, in September 1990, citizens of Brevard County, Florida passed a referendum supporting an ad valorem tax increase to fund a \$55 million bond for the acquisition, protection, and management of environmentally endangered lands. The total funds involved in these programs are significant with existing programs totalling over \$600 million and funding levels in individual counties ranging from \$2.5 million to \$100 million.

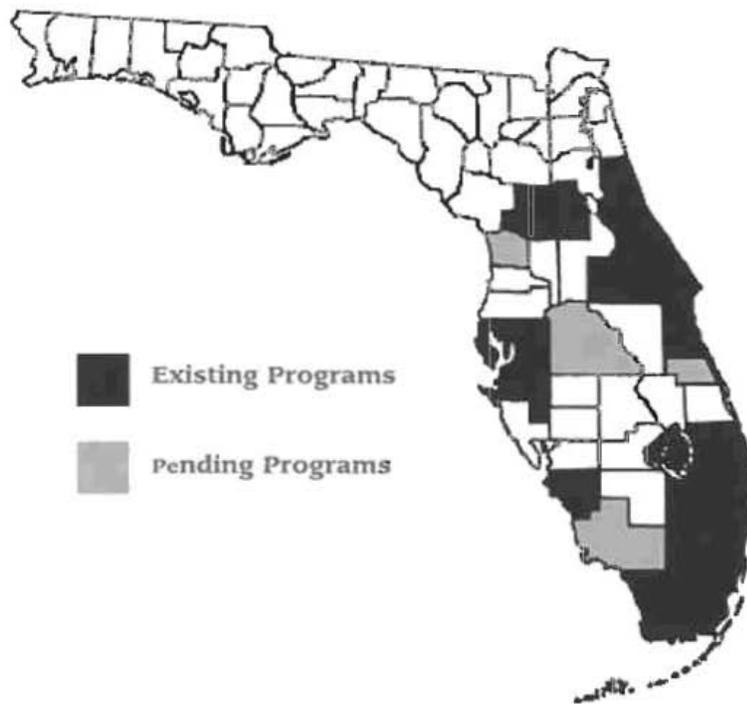
Different counties in Florida have had a variety of approaches to select lands for acquisition under such local acquisition programs. Most programs have concentrated on acquisition of environmentally endangered or sensitive lands although some include recreational sites. Brevard County is recognized as having implemented a very successful strategy where the County Commissioners appointed a committee, the Environmentally Endangered lands Selection

Committee, of seven volunteer professional ecologists and local experts and gave them the responsibility to develop criteria and to select lands for acquisition. This committee worked under the procedural guidelines of a Land Acquisition Manual, adapted from a similar document developed by Volusia County, Florida. They set the primary goal to select local sites for acquisition that would complement larger state and federal acquisition programs and protect biodiversity values lying outside the current network of protected areas in the county. The secondary goal of the program was to address the need to maintain ecosystem function in the county. Additional goals included selecting sites with educational value, scientific value and also cultural, aesthetic and passive recreation value.

Brevard County is an area rich in biodiversity and, as such, a challenging county in which to determine conservation priorities. It has an area of approximately 336,821 ha including 267,296 ha of land, 5,079 ha fresh water lakes, and 64,446 ha saltwater lagoons (Randy

[Figure 2: Long description EEL Selection Committee Criteria Publication page 1 of 11.](#)

*County Environmental Land Acquisition  
Programs in Florida*



**Figure 1.**  
The distribution of proposed and  
existing local land acquisition programs  
in Florida (1992).

Kautz, Florida Game and Fresh Water Fish Commission, pers. comm.). It extends 116 km from north to south and 40 km east to west. The major ecological features of the county are: barrier islands including Cape Canaveral and Merritt Island; estuarine lagoons (Indian River Lagoon, Banana River Lagoon, and Mosquito Lagoon), an ancient north/south dune ridge dating from the Pleistocene known as the Atlantic Coastal Ridge and finally the broad marshes of the St. Johns River. The climate is warm and humid, transitional between warm temperate and subtropical which results in a diverse local flora and fauna containing northern species near their southern limits and subtropical species near their northern limits, contributing to a high biological diversity. Many local species are already listed as rare, threatened or

endangered by a variety of state and federal agencies (Table 1).

There are extensive existing publicly owned lands in the county including: the Kennedy Space Center (KSC) where non-operational areas are managed as Merritt Island National Wildlife Refuge or Canaveral National Seashore. This area supports no fewer than 13 federally listed threatened and endangered species. Other federal interests are the St. Johns National Wildlife Refuge, lands already acquired for the Archie Carr National Wildlife Refuge, and the proposed expansion of the Pelican Island National Wildlife Refuge. In addition to federal properties there are state owned lands such as the Sebastian Inlet State Recreational Area and parts of the Upper St. Johns River Basin, acquired by the St. Johns River Water Management District.

**Table 1.**  
Threatened, Endangered, or Rare Species  
in Brevard County, Florida

TAXA	USFWS <sup>1</sup>	CITIES <sup>2</sup>	FDA <sup>3</sup>	FGFWFC <sup>4</sup>	FCREPA <sup>5</sup>	TOTAL
Plants	18	30	95	0	12	109
Fish	1	1	0	3	7	9
Reptiles/ Amphibians	12	6	0	11	12	16
Birds	13	6	0	22	43	59
Mammals	7	2	0	5	10	11
Invertebrates	0	0	0	0	5	5
Total	51	45	95	41	89	208

1. U.S. Fish and Wildlife Service (E:12, T:9, TIS/A:1, C1:3, C2:26).  
2. Convention on International Trade in Endangered Species of Wild Fauna and Flora (I:8, II:37).  
3. Florida Department of Agriculture (E:32, T:65, SP:1, CE:7).  
4. Florida Game and Fresh Water Fish Commission (E:10, T:13, SSC:18).S.  
5. Florida Committee on Rare and Endangered Plants and Animals (E:14, T:31, R:12, SCC:27, SU:6).

Figure 4: Long description EEL Selection Committee Criteria Publication page 3 of 11.

This paper addresses how Brevard County, Florida, a locale rich in biodiversity, has approached the issue of how to protect biodiversity through local land acquisition. To achieve the goal of the protection of biodiversity, lands were assessed under three broad categories: the natural communities present, the value for species, and the landscape context. These three considerations were integrated and no one category rated more highly than others.

***Natural Community Components***

One of the most widely accepted methods of protecting biodiversity is to protect representative examples of all natural community types thereby assuring protection of most of the biodiversity typical for each of the community types present. This is known as the 'coarse filter' approach to conservation planning (Noss, 1987). Clearly local acquisition programs have inadequate funds to purchase enough land to assure adequate representation of all natural community types found within a county. However aiming at representation demands integrated approaches at a variety of geographical scales; representative coverage requires coordination between federal, state and local agencies and, to date, this has not yet been tackled for Florida. The decision was made, therefore, to focus the Brevard County land acquisition program on natural community types that were relatively rare at both a local and a state level and were also under represented within the existing local protected area network. We acknowledge this puts the emphasis on rarity rather than overall representation.

The highest priority was given to natural communities that exhibit the following characteristics:

- under a high degree of threat throughout the state (e.g., ranked as S1, S2, S3 under Florida Natural Areas Inventory state heritage program ranking system

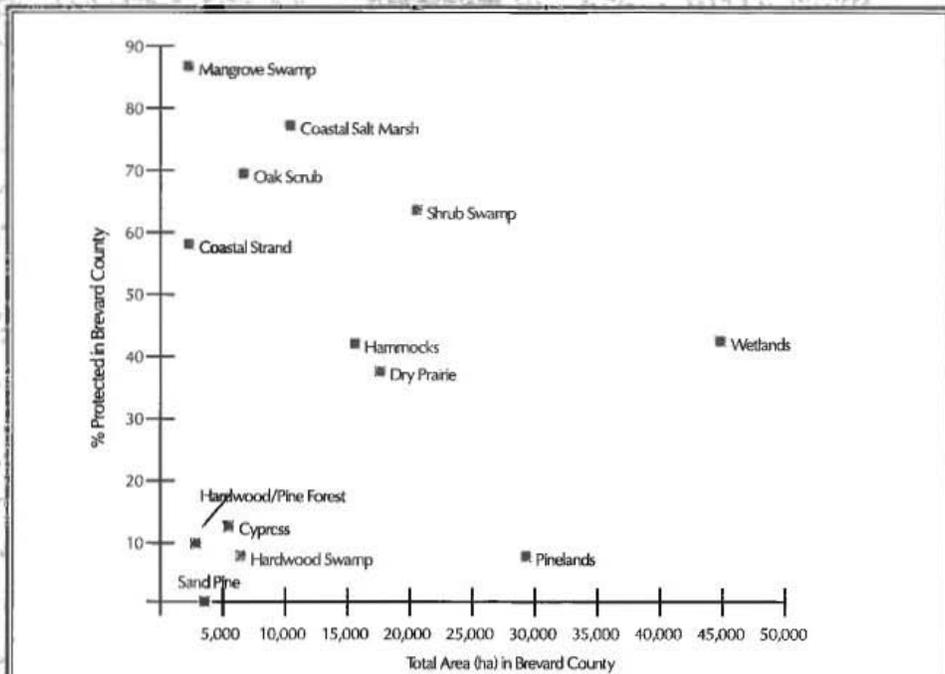
where S1 are the most imperiled natural communities).

- locally rare and under represented in the existing local protected area network (Fig. 2).
- critical for the support of a large numbers of listed species.
- known to have declined considerably in extent.
- unprotected by state or federal regulatory provisions.

Based on all of these factors the highest acquisition priority was given to rare communities, with high state rankings, that are relatively unprotected in the county. These included: scrub communities such as sand pine scrub, Xeric oak scrub and scrubby flatwoods; coastal strand; hardwood hammocks (mesic and maritime); forested wetlands such as hardwood swamps, cabbage palm savanna and cypress; and saline inland marshes. Communities that are fairly common in the county, largely unprotected and exist in large and often contiguous tracts were given the next highest priority. This covered communities such as mesic and hydric pine flatwoods, wet prairies, coastal wetlands. Lower priority for direct acquisition was given to communities that are common in the county and protected to some degree by regulatory provisions such as fresh water marshes. Some examples of natural communities which ranked very highly in the committees selection process are given in Table 2.

In addition to selecting sites supporting high priority natural communities, consideration was also given to whether sites supported good representative examples of community types without much disturbance. We also chose sites that supported an array of different community types including important assemblages such as wetland-upland interfaces. Clearly factors such as the degree of fragmentation of a site and its isolation from other similar natural community

Figure 5: Long description EEL Selection Committee Criteria Publication page 4 of 11.



**Figure 2.**  
The area of natural community types in Brevard County in relation to the extent to which they occur in protected areas in the county (based on data kindly provided by Jim

types were also part of the assessment. These factors will weigh considerably in terms of the long-term viability of natural communities on sites.

#### *Species Components*

Species based approaches to selecting sites for acquisition have been a feature of many acquisition programs, particularly for federal agencies operating under the Endangered Species Act. Although the sole presence of a key species did not dictate the selection of any particular site, high priority was afforded to sites with species that exhibit the following characteristics:

- listed as rare, threatened, species of special concern and endangered etc.

by state agencies, federal agencies, or nongovernmental review committees (Table 1)

- have a narrow geographic range and restricted to this region of Florida
- highly habitat specific
- do not occur, or only occur at low densities, within the current protected area network in the county
- have large proportion of their total population occurring locally (including migratory stop-overs, breeding sites, roosting sites and wintering grounds)

Some examples of the many species that fall into these categories are given in Table 3. When selecting sites with a high priority

for these listed or vulnerable species we were also concerned that the areas selected should be able to support viable populations; in the case of some plant species such data are almost impossible to ascertain at present, but in the case of species such as scrub jays consideration was certainly given to the size of the local population which could be afforded some protection. In addition to considering sites in terms of listed species, we also compared the overall species diversity found on different sites.

***Landscape and Ecosystem Components***

One of the greatest general failures of local land acquisition programs is the lack of consideration of the long-term effects of surrounding land use changes. Not only is this important in a buffer sense but also in the sense of maintaining some critical ecosystem processes. In Florida this revolves primarily around maintaining hydrological regimes and fire periodicity. Hence one of the overriding concerns we faced in deliberating the selection of sites under the

**Table 2.**  
**Characteristics of selected high priority community types for protection in Brevard County, Florida.**

<p><b>MARITIME HAMMOCKS</b>          Canopy: live oak (<i>Quercus virginiana</i>), red bay (<i>Persea barbonia</i>), cabbage palm (<i>Sabal palmetto</i>).          Understory: naked wood (<i>Myrcianthes fragrans</i>), <i>Eugenia</i> spp., other subtropical species. Epiphytes (ferns, bromeliads) often common.          Inland on barrier island from coastal strand. Windward side often pruned by salt spray.          Most are lost to development, remaining are fragmented. Not in protected areas in county.          Focus of Maritime Hammock Project.</p>
<p><b>CABBAGE PALM SAVANNA</b>          Canopy: scattered cabbage palm.          Understory: grasses—sand cordgrass (<i>Spartina bakeri</i>); rushes—black rush (<i>Juncus roemerianus</i>); sedges—<i>Cyperus</i> spp., <i>Rhynchospora</i> spp.; and forbs.          On gradient between hammocks and marshes.          About 2300 ha in existing protected area (KSC). In the Northern Indian River Corridor Project.</p>
<p><b>SAND PINE SCRUB</b>          Canopy: sand pine (<i>Pinus clausa</i>).          Understory: myrtle oak (<i>Quercus myrtifolia</i>), sand live oak (<i>Quercus geminata</i>), Chapman oak (<i>Quercus chapmanii</i>), saw plametto (<i>Serenoa repens</i>), rusty lyonia (<i>Lyonia ferruginea</i>), staggerbrush (<i>Lyonia fruticosa</i>), dwarf blueberry (<i>Vaccinium myrsinites</i>).          Restricted to high, dry ridges, primarily on the Atlantic Coastal Ridge. About 1000 ha remain in county, most in patches of 5 ha or less. Little (&lt;10 ha) in existing protected areas. Large-flowered rosemary, Florida scrub lizard (<i>Scleropus woodi</i>), and other species depend on this community.          Three of four Scrub Jay Refugia sites contain sand pine scrub as part of scrub landscape.</p>

Figure 7: Long description EEL Selection Committee Criteria Publication page 6 of 11.

environmentally endangered lands program was to review these sites in terms of their context (surrounding landscape) as well as their content. In some cases this meant reviewing sites with high species and natural community content to assess their long-term viability in the light of foreseeable changes in the surrounding landscape. In other cases this meant reviewing sites to see if their primary role may lie in their landscape potential—for example, could they serve as a landscape linkage or buffer for existing protected areas? Alternatively, could they serve a role in terms of maintaining broader landscape-scale processes such as protecting water quality or hydrological integrity? Clearly no site should be considered for landscape potential alone; endangered land acquisitions based on landscape roles should also have high biological content.

In the light of these considerations higher priority was given to sites in the local landscape that exhibit the following characteristics:

- contiguity with existing protected areas and the potential to serve as landscape linkages. Such interconnectivity is an important consideration for the northern end of the county where a large number of protected areas occur in both Brevard County and neighboring counties of Seminole and Volusia.
- stepping stone sites providing some opportunity for movement across the landscape for certain habitat specific but vagile species.
- a range of ecotonal linkages, in particular providing ecotonal transitions missing within existing protected areas.
- those which help maintain hydrological function.
- sites and communities that support fire-driven ecosystems.

One example of landscape scale protection is found in some of the lands bordering the

Indian River Lagoon. These protect some of the state's areas of highest water quality and represent some of the best remaining examples of upland-wetland-estuarine landscapes on the east coast. They support extensive seagrass beds which provide high primary production, sediment stabilization, food resources through direct and detrital grazing, shelter and nursery grounds, accumulation of nutrients from surrounding waters, and feeding grounds for the greatest number of manatees on the east coast of Florida.

#### *Acquisition Strategy*

The acquisition program proposed by the Environmentally Endangered Lands Selection Committee is an integrated strategy which aims to protect much of the biodiversity in the county that has fallen outside the existing protected area network. The three main areas of focus for this strategy are shown on Fig. 3 and discussed separately below.

1. The *Maritime Hammock Initiative* was designed to protect five of the last nine areas of maritime hammock remaining on the barrier islands in Brevard County, which represent nearly 40% of hammocks remaining on the east coast of the state (Johnson et al., 1991). Maritime hammocks with tropical components are very rare and fragmented, rapidly declining and largely unprotected in the county. They provide habitat for an array of federal and state listed plants and animals such as Florida lantana (*Lantana depressa* var. *floridana*) and beach verbena (*Glandularia maritima*) which are often entirely dependent upon these coastal habitats. The project is both contiguous with and considerably enlarges existing and proposed protected areas such as the Archie Carr National Wildlife Refuge and Sebastian Inlet State Park. It provides for an ocean-to-estuary ecotone going from beach dune through coastal strand and scrub to maritime hammock and estuarine wetlands. The initiative will also protect, in a stepping-

Figure 8: Long description EEL Selection Committee Criteria Publication page 7 of 11.

**Table 3.**  
**Examples of high conservation priority species**  
**for Brevard County, Florida.**

<p>FLORIDA SCRUB JAY (<i>Aphelocoma coerulescens coerulescens</i>)            Status: United States Fish and Wildlife Service: threatened            Florida Game and Fresh Water Fish Commission: threatened            Florida Natural Areas Inventory: state ranking S3</p> <p>A Florida endemic which is found in Brevard County in a series of disjunct populations due to habitat loss and fragmentation. Scrub Jays are restricted to highly threatened scrub habitats, which greatly increases their vulnerability. A large population (700 families) occurs within the existing protected area on Kennedy Space Center, however no mainland populations are protected in the county which limits dispersal and regional variability. Medium population sizes (&gt;30 families) are present on some sites but their territory requirements are large necessitating setting aside considerable acreage of scrub to support locally viable populations. The scrub jay is the focus of a new Endangered Species Act Initiative in Brevard County to develop a regional Habitat Conservation Plan for Florida scrub jays which will incorporate some aspects of endangered land acquisition.</p>	
<p>FLORIDA EAST COAST TERRAPIN (<i>Malaclemys terrapin tequesta</i>)            Status: Florida Natural Areas Inventory: state ranking 3</p> <p>This terrapin is reported for the North Indian River Lagoon (Siegel, pers. comm.). It does not have a current listed status although it is recognized, at the state level, as being a subspecies in need of review and consideration (Millsap et al., 1990). It is clearly vulnerable since it has such a limited geographical range (East Central Florida), found locally in the estuarine waters of the Indian River and local population aggregations were reported recently as quite large (&gt;100 individuals) but recent surveys suggest a decline. The population size on existing protected areas is essentially unknown, although under investigation.</p>	
<p>FLORIDA LANTANA (<i>Lantana depressa var. floridans</i>)            Status: United State Fish and Wildlife Service: candidate 1            Florida Natural Areas Inventory: state ranking S2/G2</p> <p>Florida lantana occurs along the barrier islands of East Central Florida but it is not found on any protected areas in the county. This species is a Florida endemic, restricted to central and southern Florida primarily along the Atlantic coast. It is highly habitat specific, occurring within coastal strand, coastal dune, and open maritime hammock. Local populations are medium in size (10-60 individuals/site).</p>	
<p>TAMPA VERVAIN (<i>Glandularia tampensis</i>)            Status: United States Fish and Wildlife Service: candidate 1            Florida Department of Agriculture: endangered            Florida Natural Areas Inventory: state ranking S1/G1</p> <p>The Tampa vervain is another Florida endemic, with disjunct populations on the east and west coasts of central to southern Florida. It occurs primarily in hammocks and flatwoods. Although a few individuals occur within one protected area (Kennedy Space Center), other local populations which are small to medium (10-15 individuals/site), are outside the protected area network.</p>	
<p>LARGE-FLOWERED ROSEMARY (<i>Conradina grandiflora</i>)            Status: United States Fish and Wildlife Service: candidate 2            Florida Department of Agriculture: endangered            Florida Natural Areas Inventory: state ranking S3/G3</p> <p>The large-flowered rosemary is another endemic, restricted to southeast Florida primarily along Atlantic Coastal Ridge. It is highly habitat specific, and found in sand pine scrub and xeric oak scrub on the mainland. Although local population can be large (&gt;100 individuals/site), none are found on existing protected areas in the county.</p>	

stone fashion a north-south series of sites that show a physiogeographic gradation of barrier island habitats. In addition to biological value, acquisition of barrier island habitats will enhance protection and stability of the

barrier island system during major stochastic events such as hurricanes.

2. The Northern Indian River Lagoon Project, also known as Turnbull Hammock, was designed to protect the natural

Figure 9: Long description EEL Selection Committee Publication Criteria page 8 of 11.



communities of the northern Indian River lagoon watershed, including the largest hydric hardwood hammock on Florida's east coast and expanses of coastal wetlands and cabbage palm savanna. This watershed protection provides, in turn, for the protection of the highest density of submerged aquatic vegetation in the lagoon system. This area supports a rich fisheries and forms the basis of a regional economy. The northern watershed of the Indian River lagoon incorporates natural functional linkages associated with upland, marsh, and estuarine communities; this serves species such as wading birds which are known to utilize a variety of habitats in this area for feeding, roosting and breeding sites.

This project will help conserve the outstanding biological diversity of the Indian River lagoon, acknowledged to be the most species-diverse estuarine waterbody in the U.S. The project is contiguous with federal lands on the barrier islands at Merritt Island National Wildlife Refuge and provides for an unfragmented landscape bridge from these areas to the mainland. The area also affords some long-term potential to establish a natural landscape linkage, an east-west connection between the coastal marshes in the east and the St. Johns River system to the west. From a biogeographical perspective protecting the Indian River lagoon also maintains the north-south connection of the temperate Carolinian biotic province and the tropical-subtropical Caribbean biotic province.

3. The *Scrub Jay Refugia Project* was designed to protect the largest remaining and least fragmented areas of mainland scrub along the Atlantic Coastal Ridge in the county. This includes some of the rarest natural community types in the county such as sand pine scrub, xeric oak scrub and scrubby flatwoods. It also provides habitat for the Florida scrub jay, a federally listed threatened species, which was selected as a flagship species to name this project. The Florida

scrub jay occurs on all Scrub Jay Refugia sites and some Maritime Hammock Project sites. The acquisition of these sites will form the cornerstone of a proposed Habitat Conservation Plan for the Florida scrub jay in Brevard County. The Scrub Jay Refugia project also protects many other species dependent upon the unique scrub habitat including large-flowered rosemary (*Conradina grandiflora*) and Florida scrub lizard (*Sceloporus woodi*). Since scrub was always limited in distribution in the county and has now been very heavily fragmented, the Scrub Jay Refugia project is a series of disjunct sites; the four largest remaining areas of scrub with the largest scrub jay populations present. The Brevard County Habitat Conservation Plan for the scrub jay will address protection of enough additional areas to attempt viability for the county's scrub jays. The need to manage these sites, particularly with fire management is a top priority and will be the subject of detailed management plans for each site. In addition to biological value the protection of these sites also assists in the protection of critical groundwater re-charge areas.

#### *Partnerships*

The strategy that has been developed for the protection of biodiversity at the local level in Brevard County has been the foundation for seeking matching funds to assist in acquisition of these lands. The county has submitted three proposals to the state Conservation and Recreation Lands Program and the Florida Community Trust Program (see also Fig. 3), both of which are funded by an extremely assertive statewide land acquisition initiative, Preservation 2000. This is three years into a ten year program aimed at raising \$3 billion for acquisition of endangered lands throughout Florida. Our local land acquisition programs have sought partnerships for many acquisitions with the St. Johns River Water Management District and adjacent county acquisition programs. We have entered into agreements with the Nature Conservancy and

Figure 11: Long description EEL Selection Committee Criteria Publication page 10 of 11.

are bidding on properties from the Resolution Trust Corporation. Previous local acquisition programs in Brevard County were successful at getting matching funds from other state programs such as Save Our Coasts. The Endangered Lands Program has applied to other national acquisition programs such as the North American Wetlands Conservation Act. Locally funded programs have also contributed towards completion of projects of national significance, such as participation in acquisition of the proposed Archie Carr National Wildlife Refuge in Brevard County.

It is clear that, cumulatively, local acquisition programs, such as the one in Brevard County, could be very important contributors to the overall protection of biodiversity. They need expert guidance and will be most successful with a great deal of coordination and a liaison between local initiatives and state and federal programs. Local initiatives engender a strong sense of stewardship in the local community for acquired lands and should be viewed as a growing component of the protected area network.

#### *Acknowledgments*

We would like to acknowledge the major role the other members of the Brevard County Environmentally Endangered Lands Selection Committee—Randy Parkinson, Margaret Hames, Dave Cox, and Ken Friedland—have played in formulating the strategy

#### *References*

- Johnson, A. F., J. W. Muller, and K. A. Bettinger. 1990. An assessment of Florida's remaining coastal upland natural communities: southeastern Florida. Florida Natural Areas Inventory. Report to DER-CZM.
- Millsap, B.A., J.A. Gore, D.E. Runde, and S.I. Cerulean. 1990. Setting priorities for the conservation of fish and wildlife in Florida. *Wildlife Monographs* 111:1-57.
- Noss, R. R. 1987. From plant communities to landscapes in conservation inventories: a look at The Nature Conservancy (USA). *Biological Conservation* 41, 11-37.
- Scott, J.M., B. Caulti, J.D. Jacobi, and J.E. Estes. 1987. Species richness: a geographic approach to protecting future biological diversity. *BioScience*, 37(11):782-788.

discussed in this paper. In addition, special acknowledgment to Duane De Freese, the outstanding staff coordinator for this program, who takes our plans from the committee meetings to the drawing board and on to acquisition reality; no mean feat! We would also like to thank the many other local, state and federal acquisition programs, and the Nature Conservancy who have given us guidance and assistance throughout this initiative.

Figure 12: Long description EEL Selection Criteria Publication page 11 of 11.

**Brevard County Environmentally Endangered Lands Program Application (Form EEL 1.97)**

*Brevard County Environmentally Endangered Lands  
Program Application (Form EEL 1.97)*

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- Application Form
- Owner's Authorized Representative Form
- Authorization to Enter Property

**Instructions:**

The Brevard County Environmentally Endangered Lands (EEL) Program was authorized by the citizens of Brevard County by public referendum in September, 1990. The referendum provided ad valorem revenues to support bond funds for the acquisition and management of environmentally endangered lands. The EEL Program goal is to establish a sanctuary network throughout Brevard County that protects the finest examples of Brevard's natural communities, endangered species and rich biological diversity. Nature sanctuaries established in the program will consider public access, passive recreation and environmental education as components of the overall acquisition and conservation objectives of the program.

The Land Acquisition Selection and Management Committee is authorized to review lands for acquisition consideration and to acquire property rights necessary for the protection of environmentally endangered lands in Brevard County. If a parcel or parcels fulfill the resource criteria as established by the EEL Selection and Management Committee, the Committee will consider it for inclusion in its land acquisition plan. All property purchases will be submitted to the Board of County Commissioners for review prior to initiating a contract purchase.

In order for a property to be considered by the EEL Selection and Management Committee the following three items **MUST** be completed and submitted to the Environmentally Endangered Lands Program at the address indicated on the letterhead:

1. Application Form
2. Owner's Authorized Representative Form
3. Authorization to Enter Property

## *Environmentally Endangered Lands Program Application*

**I. PROGRAM (see Note 1)**

- A. Property Name: \_\_\_\_\_
- B. Property is located in:  
Township \_\_\_\_\_; Range \_\_\_\_\_ Section \_\_\_\_\_;
- C. Tax Parcel Number: \_\_\_\_\_
- D. Does the Property have a lien? \_\_\_\_\_; If Yes, Explain:
- E. Size of Parcel: \_\_\_\_\_ acres.
- F. This property is located on the north, south, east, west, side (**circle** the appropriate direction) of \_\_\_\_\_ (road), approximately \_\_\_\_\_ (feet, miles) from its intersection with \_\_\_\_\_ (road) in the community of \_\_\_\_\_. The property is near \_\_\_\_\_ (recognizable landmark).
- G. Attach a legal description and survey or map showing the boundaries of the property, existing streets, buildings, watercourses, easements, section lines and any deed restrictions or encumbrances.
- H. List owner(s) of record:
- | NAME  | ADDRESS | TELEPHONE and FAX |
|-------|---------|-------------------|
| _____ | _____   | _____             |
| _____ | _____   | _____             |

- I. Attach a copy of the deeds(s) (if available)
- J. Briefly describe the character of the parcels(s) (e.g. wetlands, swamp, scrub, pine forest etc.)
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- K. Briefly explain why this parcel(s) should be considered as environmentally endangered and eligible for purchase in the Brevard County EEL Program:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- L. This application is being submitted by owner, owner authorized representative, other (circle one). If other, explain below:

APPLICANT'S NAME (print)	ADDRESS	TELEPHONE
_____	_____	_____

APPLICANT SIGNATURE	DATE
_____	_____

*Figure 14: Brevard County EEL Program Application: Page 2 of 5.*

**II. ATTACHMENTS**

- a. Vicinity map at a scale of 1" = 20000'; with sufficient information to locate the property in the field (i.e. roads, water bodies, landmarks, etc.) (See note 2).
- b. Existing zoning (See note 3).
- c. Land use designation according to the current Brevard County Comprehensive Plan (See note 4).
- d. A topographic quadrangle map (U.S.G.S. with boundaries of property sketched in) (See note 1).
- e. Photographs or video tape representing the characteristics of the property (optional: if available).

**III. VALUATION**

- a. Fair market value (document with current appraisal, if available or asking price).
- b. Documentaion of current assessed value (See note 1).
- c. Documentaion of owner(s) willingness to sell

**NOTES:**

- 1. Information available at Property Appraisers Office
- 2. Information available at Transportation Department
- 3. Information available at Zoning Division
- 4. Information available at Planning Department

**Owner's Authorized Representative Form**

BLA Acquisition Number \_\_\_\_\_

Parcel Number(s)

Owner \_\_\_\_\_

Owner \_\_\_\_\_

Owner \_\_\_\_\_

Owner \_\_\_\_\_

*Owner's Authorized Representative  
to The Board of Trustees of  
The Internal Improvement Trust Fund*

In accordance with CH. 253, Fla. Stat., this is to advise that the individual named below is the authorized representative of the owner(s) of the real property described below, which is located in \_\_\_\_\_ County, Florida, for any negotiations concerning conveyance of the property to the Board of Trustees.

AUTHORIZED REPRESENTATIVE \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY

OWNER \_\_\_\_\_

OWNER \_\_\_\_\_

OWNER \_\_\_\_\_

OWNER \_\_\_\_\_

DATE SIGNED \_\_\_\_\_

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## Authorization to Enter Property

### *Authorization to Enter Property*

Re: Land submitted to the Brevard County Environmentally Endangered Lands Program.

I \_\_\_\_\_, the Owner or Owner's Representative of the property described below agree that from the date this Agreement is executed, the members of the Environmentally Endangered Lands Selection and Management Committee, upon reasonable notice, shall have the right to enter the property located at \_\_\_\_\_ for the purposes of environmental site review and for all lawful purposes associated with the evaluation of the property for acquisition consideration by the Environmentally Endangered Lands Program.

The granting of this permission by the undersigned is not intended, nor should it be construed, as an admission of liability on the part of the undersigned or undersigned successor's.

This permission is contemplated to be used for the following activities which may be performed by the Brevard County Parks and Recreation Department, its agents, representatives, or contractors.

- a. Survey of the natural community types on-site or property boundary survey prior to closing.
- b. Nondestructive surveys of the flora and fauna on-site, including the identification and survey of rare, threatened or endangered plants and animals.
- c. The collection of written and photographic data required for comprehensive site review during the EEL site selection process or property appraisal review.
- d. Survey of the property boundaries.

\_\_\_\_\_  
Name of Authorized Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Owner

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

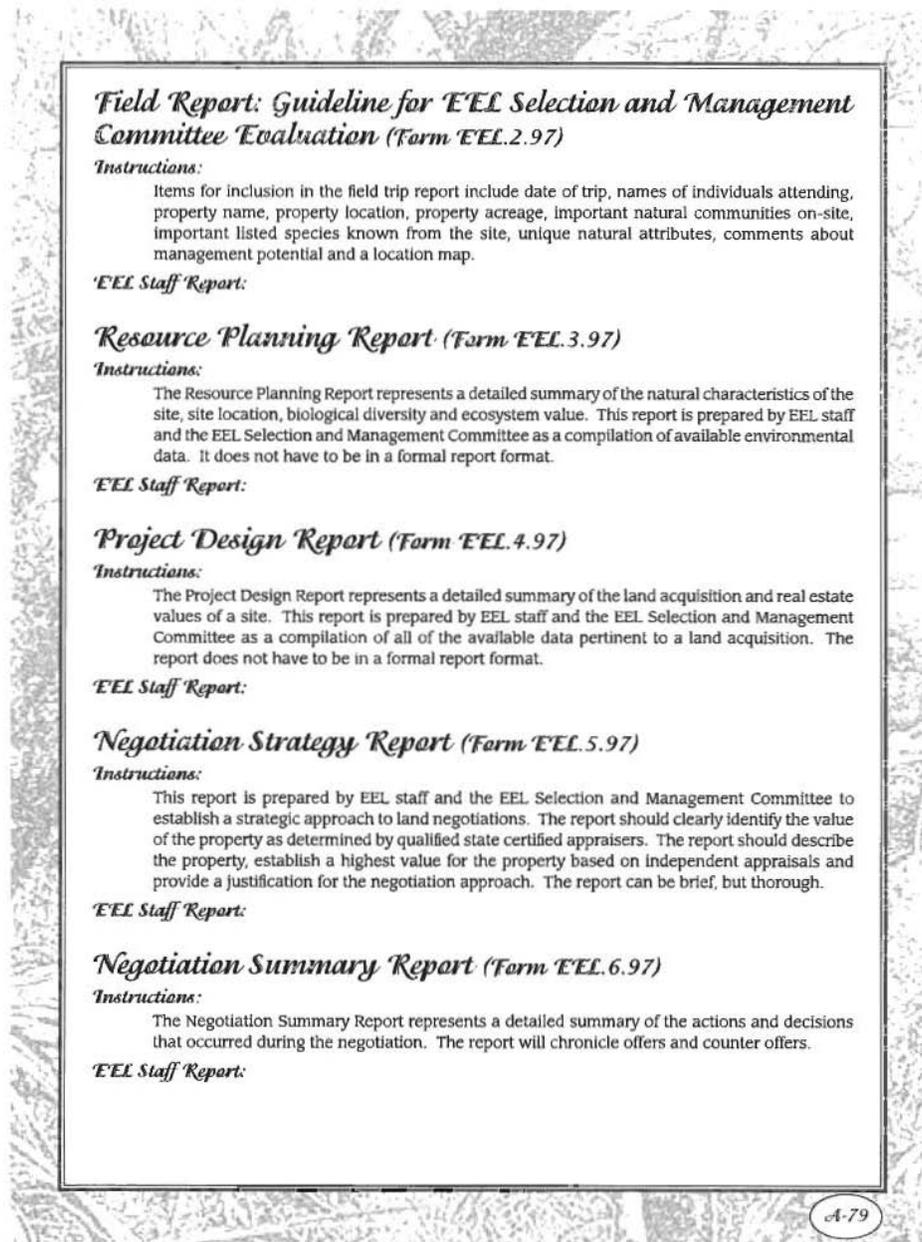
[Field Report: Guideline for EEL Selection and Management Committee Evaluation \(Form EEL 2.97\)](#)

[Resource Planning Report \(Form EEL 3.97\)](#)

[Project Design Report \(Form EEL 4.97\)](#)

[Negotiation Strategy Report \(Form EEL 5.97\)](#)

[Negotiation Summary Report \(Form EEL 6.97\)](#)



[Figure 16: EEL Forms 2.97, 3.97, 4.97, 5.97, and 6.97.](#)

Legal Checklist – For Contracts for Sale or Purchase (Form EEL 7.97)  
Checklist – Closing Package for Files (Form EEL 8.97)

*Legal Checklist—For Contracts for Sale or Purchase  
(Form EEL 7.97)*

1. Sellers Name:
2. Sellers Name if Company:
3. Sellers Address:
4. Sellers Telephone Number:
5. Second Sellers Name:
6. Buyers Name: Board of County Commissioners, Brevard County, Florida
7. Buyers Chairman of the Board of County Commissioners , Chairman
8. Buyer(s) Address:
9. Buyers Telephone Number:
10. Property Located In:
11. Legal Description of Property:
12. Street Address of Property:
13. Personal Property Description:
14. Purchase Price:
15. Other Amount:
16. Time for Acceptance:
17. Title Evidence Time-Frame:
18. Title Evidence: Title Commitment
19. Closing Date:
20. Restrictions: Purpose(s):
21. Assign Ability:
22. Special Clauses: Addendum attached; Exhibits

*Contract Formats*

---

*Checklist—Closing Package for Files (Form EEL 8.97)*

- \_\_\_\_\_ Application Page
- \_\_\_\_\_ EEL Selection and Management Committee Field Report(s)
- \_\_\_\_\_ Boundary Survey
- \_\_\_\_\_ Title Report
- \_\_\_\_\_ Phase 1 Hazardous Waste Assessment
- \_\_\_\_\_ Appraisal Reports
- \_\_\_\_\_ Contract for Property Acquisition with Board Authorization
- \_\_\_\_\_ Title Commitment
- \_\_\_\_\_ Closing Documents

**Property Tracking & Procedures Form (Form EEL 9.97)**

***Property Tracking & Procedures Form (Form EEL.9.97)***

(Must be filled out by EEL staff for each property submitted or considered.)

Page 1 of 3

Property Name: \_\_\_\_\_

Location: T \_\_\_\_\_; R \_\_\_\_\_; S \_\_\_\_\_

Owner/Applicant

Owner Name: \_\_\_\_\_

Representative: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

FAX: \_\_\_\_\_

FAX: \_\_\_\_\_

DATE OF APPLICATION: \_\_\_\_\_

BASIC RESOURCE PLANNING (check boxes, dates, and initial where appropriate)

Date of Submission: \_\_\_\_\_

EEL Selection and Management Committee Preliminary Assessment

\_\_\_\_\_ ;  
Date Vote: Y N Tabled

If Tabled, Second Consideration

\_\_\_\_\_ ;  
Date Vote: Y N Tabled

Site Visit(s); Dates; EELSMC Members in Attendance

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

Preliminary Project Summary Completed by EEL Staff \_\_\_\_\_

Date & Initial

Agency(s) Contacted and Response

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

***EEL Selection &  
Management Committee  
First Majority Vote***

\_\_\_\_\_ ;  
Date Vote: Y N Abstain

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***Property Tracking & Procedures Form (Form EEL.9.97)***

(Must be filled out by EEL staff for each property submitted or considered.)

Page 2 of 3

**ACQUISITION PLANNING**

Completion of Project Design Proposal:

- With information from feasibility study, if direct purchase \_\_\_\_\_  
Date & Initial

*EEL Selection &  
Management Committee  
Second Majority Vote* \_\_\_\_\_ ;  
Date

Vote: Y N Abstain

- Without information from feasibility study, if joint purchase \_\_\_\_\_  
Date & Initial

*EEL Selection &  
Management Committee  
Second Majority Vote* \_\_\_\_\_ ;  
Date

Vote: Y N Abstain

Proposal Submitted to \_\_\_\_\_ on \_\_\_\_\_  
Agency Date

Proposal Funded or Not Funded (circle one) \_\_\_\_\_  
Date

- Mapping Completed \_\_\_\_\_  
Date & Initial Contractor

- Title Reports Completed \_\_\_\_\_  
Date & Initial Contractor

- Appraisal Completed \_\_\_\_\_  
Date & Initial Contractor

\_\_\_\_\_  
Date & Initial Contractor

- Appraisal Review \_\_\_\_\_  
Specify: In-House, Agency or Third Party  
Specify Reviewer: \_\_\_\_\_ Date & Initial

***Property Tracking & Procedures Form (Form EEL.9.97)***

(Must be filled out by EEL staff for each property submitted or considered.)

Page 3 of 3

**ACQUISITION PHASE**

- Negotiations Begin \_\_\_\_\_  
Date & Initial
  
- First Offer: \_\_\_\_\_  
Response:
  
- Counter Offer: \_\_\_\_\_  
Response:
  
- Negotiations End  
Contract Signed by Owner \_\_\_\_\_  
Date & Initial
  
- No Deal \_\_\_\_\_  
Date & Initial
  
- Board Action \_\_\_\_\_  
Agenda Item                      Date                      Decision
  
- Closing Documents Filed \_\_\_\_\_  
Date & Initial
  
- Acquisition File Completed  
and Properly Archived \_\_\_\_\_  
Date & Initial

***EEL Selection Committee Criteria Publication: Page 1 of 11.***

(Partners in Stewardship: Proceedings of the 7th Conference on Research and Resource management in Parks and on Public Lands. W E Brown and S D Veirs, Jr. (eds.). George Wright society. Hancock, Michigan. pages 452 to 462. 1993

*Stewardship at the Local Level: A Case Study from Brevard County Florida*  
*Hillary Swain*

Department of Biological Sciences, Florida Institute of Technology, 150 West University Blvd. Melbourne, Florida 32901

C. Ross Hinkle and Paul A. Schmalzer  
The Bionetics Corporation, NASA Biomedical Operations and Research Office, Mail Code BIO 2, John F. Kennedy Space Center, Florida 32899

Most of the strategic plans for the protection of biodiversity and land acquisition in the USA are focused at the national or state level (e g, Scott et al. 1987). However, in Florida, there has been a growing emphasis on acquisition promoted and funded at the local level; this corresponds with the perceived shift of environmental support away from the large national organizations towards small locally relevant efforts. At present (October 1992), Florida has a total of 15 endangered lands acquisition programs funded at the county level with four additional programs pending and one city program (Fig. 1).

The most common revenue sources for these programs are ad valorem taxes and bonds; other sources include sales taxes, impact fees, and mitigation fees. For example, in September 1990, citizens of Brevard County, Florida passed a referendum supporting an ad valorem tax increase to fund a \$55 million bond for the acquisition, protection, and management of environmentally endangered lands. The total funds involved in these programs are significant with existing programs totaling over 600 million dollars and funding levels in individual counties ranging from \$2.5 million to 100 million dollars.

Different counties in Florida have had a variety of approaches to select lands for acquisition under such local acquisition programs. Most programs have concentrated on acquisition of environmentally endangered or sensitive lands although some include recreational sites. Brevard County is recognized as having implemented a very successful strategy where the County Commissioners appointed a committee, the Environmentally Endangered lands Selection Committee, of seven volunteer professional ecologists and local experts and gave them the responsibility to develop criteria and to select lands for acquisition. This committee worked under the procedural guidelines of a Land Acquisition Manual, adapted from a similar document developed by Volusia County, Florida. They set the primary goal to select local sites for acquisition that would complement larger state and federal acquisition programs and protect biodiversity values lying outside the current network of protected areas in the county. The secondary goal of the program was to address the need to maintain ecosystem function in the county. Additional goals included selecting sites with educational value,

scientific value and also cultural, aesthetic and passive recreation value. Brevard County is an area rich in biodiversity and, as such, a challenging county in which to determine conservation priorities. It has an area of approximately 336,821 ha including 267,296 ha.

**EEL Selection Committee Criteria Publication. Page 2 of 11.**

County Environmental Land Acquisition Programs in Florida

Image of a map of existing programs and pending programs in Florida in 1992. At present, (October 1992) Florida has a total of 15 endangered lands programs funded at the county level with 4 additional programs pending and one city program.

Image of the caption: Figure 1. The distribution of proposed and existing local land acquisition programs in Florida (1992)

**EEL Selection Committee Criteria Publication: Page 3 of 11.**

of land, 5,079 ha fresh water lakes, and 64,446 ha saltwater lagoons (Randy Kautz, Florida Game and Fresh Water Fish Commission, personal communication). It extends 116 kilometers from north to south and 40 kilometers east to west. The major ecological features of the county are: barrier islands including Cape Canaveral and Merritt Island; estuarine lagoons (Indian River Lagoon; Banana River Lagoon: and Mosquito Lagoon), an ancient north/south dune ridge dating from the Pleistocene known as the Atlantic Coastal Ridge and finally the broad marshes of the St. Johns River. The climate is warm and humid, transitional between warm temperate and subtropical which results in a diverse local flora and fauna containing northern species near their southern limits and subtropical species near their northern limits, contributing to a high biological diversity. Many local species are already listed as rare, threatened or endangered by a variety of state and federal agencies (Table 1).

There are extensive existing publicly owned lands in the county including: the Kennedy Space Center (KSC) where non-operational areas are managed as Merritt Island National Wildlife Refuge or Canaveral National Seashore. This area supports no fewer than 13 federally listed threatened and endangered species. Other federal interests are the St. Johns National Wildlife Refuge, lands already acquired for the Archie Carr National Wildlife Refuge, and the proposed expansion of the Pelican Island National Wildlife Refuge. In addition to federal properties there are state owned lands such as the Sebastian Inlet State Recreational Area and parts of the Upper Saint Johns River Basin acquired by the Saint Johns River Water Management District.

Image of caption: Table 1. Threatened, Endangered, or Rare Species in Brevard County Florida

Image of explanation of abbreviations numbered 1 through 5 included in table 1.  
1. US Fish and Wildlife Service (E:12. T:9. T(S/A) ·1, C1:3, C2:26)

2. Convention or international Trade in Endangered Species or Wild Fauna and Floras (1:8, 11:3 7)
3. Florida Department of Agriculture (E:22, T:65, SP:1, CE:7)
4. Florida Game and Fresh Water Fish Commission (E:10, T:13, SSC:18).5.
5. Florida committee on Rare and Endangered Plants and Animals (E:14, T:31, R:12, SCC:27, SU:5)

Image of table with 1 column (TAXA) and 7 rows USFWS 1 of 7; CITIES 2 of 7; FDA 3 of 7; FGFWFC 4 of 7; FCREPA 5 of 7, Invertebrates 6 of 7, and total 7 of 7. List for each TAXA follows.

1. Plants
  - a. USFWS – 18
  - b. CITIES – 30
  - c. FDA – 95
  - d. FGFWFC – 0
  - e. FCREPA – 12
  - f. TOTAL - 109
2. Fish
  - a. USFWS – 1
  - b. CITIES – 1
  - c. FDA – 0
  - d. FGFWFC – 3
  - e. FCREPA – 7
  - f. TOTAL – 9
3. Reptiles/Amphibians
  - a. USFWS – 12
  - b. CITIES – 6
  - c. FDA – 0
  - d. FGFWFC – 11
  - e. FCREPA – 12
  - f. TOTAL - 16
4. Birds
  - a. USFWS – 13
  - b. CITIES – 6
  - c. FDA – 0
  - d. FGFWFC – 22
  - e. FCREPA – 43
  - f. TOTAL - 59
5. Mammals
  - a. USFWS – 7
  - b. CITIES – 2
  - c. FDA – 0
  - d. FGFWFC – 22
  - e. FCREPA – 43
  - f. TOTAL - 59
6. Invertebrates

- a. USFWS – 0
  - b. CITIES – 0
  - c. FDA – 0
  - d. FGFWFC – 0
  - e. FCREPA – 5
  - f. TOTAL - 5
7. Total
- a. USFWS – 51
  - b. CITIES – 45
  - c. FDA – 95
  - d. FGFWFC – 41
  - e. FCREPA – 89
  - f. TOTAL - 208

***EEL Selection Committee Criteria Publication: Page 4 of 11.***

This paper addresses how Brevard County, Florida, a locale rich in biodiversity, has approached the issue of how to protect biodiversity through local land acquisition. To achieve the goal of the protection of biodiversity, lands were assessed under three broad categories: the natural communities present, the value for species, and the landscape context. These three considerations were integrated and no one category rated more highly than others.

**Natural Community Components**

One of the most widely accepted methods of protecting biodiversity is to protect representative examples of all-natural community types thereby assuring protection of most of the biodiversity typical for each of the community types present. This is known as the 'coarse filter' approach to conservation planning (Noss,1987). Clearly local acquisition programs have inadequate funds to purchase enough land to assure adequate representation of all-natural community types found within a county. However, aiming at representation demands integrated approaches at a variety of geographical scales; representative coverage requires coordination between federal, state and local agencies and, to date, this has not yet been tackled for Florida. The decision was made, therefore, to focus the Brevard County land acquisition program on natural community types that were relatively rare at both a local and a state level and were under represented within the existing local protected area network. We acknowledge this puts the emphasis on rarity rather than overall representation.

The highest priority was given to natural communities that exhibit the following natural characteristics.

- under a high degree of threat throughout the state (e.g., ranked as S1, S2, S3 under Florida Natural Areas Inventory state heritage program ranking system where S1 are the most imperiled natural communities).
- locally rare and underrepresented in the existing local protected area network  
Figure 2
- critical for the support of a large number of listed species.

- known to have declined considerably in extent.
- unprotected by state or federal regulatory provisions.

Based on all of these factors the highest acquisition priority was given to rare communities, with high state rankings, that are relatively unprotected in the county. These included: scrub communities such as sand pine scrub, Xeric oak scrub and scrubby flatwoods; coastal strand; hardwood hammocks (mesic and maritime); forested wetlands such as hardwood swamps, cabbage palm savanna and cypress; and saline inland marshes. Communities that are fairly common in the county, largely unprotected and exist in large and often contiguous tracts were given the next highest priority. This covered communities such as mesic and hydric pine flatwoods, wet prairies, coastal wetlands. Lower priority for direct acquisition was given to communities that are common in the county and protected to some degree by regulatory provisions such as fresh water marshes. Some examples of natural communities which ranked very highly in the committee's selection process are given in Table 2.

In addition to selecting sites supporting high priority natural communities, consideration was also given to whether sites supported good representative examples of community types without much disturbance. We also chose sites that supported an array of different community types including important assemblages such as wetland-upland interfaces. Clearly factors such as the degree of fragmentation of a site and its

**EEL Selection Committee Publications. Page 5 of 11.**

Image of Graph of Total Area (ha) in Brevard County and the % Protected in Brevard County of 13 natural communities from the rarest. The following are estimated percentages and total area (ha). 1 of 13 sand pine 1% of 2,000 (ha); 2 of 13 hardwood Swamp 9% of 5,000 (ha); 3 of 13 Pinelands 8% of 29,000 (ha); 4 of 13 Hardwood Pine Forest 10% of 1000 (ha); 5 of 13 Cypress 12% of 4,000 (ha); 6 of 13 Dry Prairie 39% of 18,000 (ha); 7 of 13 Hammocks 42% of 16,000 (ha); 8 of 13 Wetlands 41% of 45,000 (ha); 9 of 13 Coastal Strand 58% of 1,200 (ha); 10 of 13 Shrub Swamp 63% of 22,000 (ha); 11 of 13 Oak Scrub 69% of 6,000 (ha); 12 of 13 Coastal Salt Marsh 77% of 10,000 (ha); 13 of 13 Mangrove Swamp 87% of 1,800 (ha).

Image of caption: Figure 2. The area of natural community types in Brevard County in relation to the extent to which they occur in protected areas in the county (based on data kindly provided by Jim Cox, Florida Game and Fresh Water Fish Commission).

isolation from other similar natural community types were also part of the assessment. These factors will weigh considerably in terms of the long-term viability of natural communities on sites.

**Species Components**

Species based approaches to selecting sites for acquisition have been a feature of many acquisition programs, particularly for federal agencies operating under the Endangered Species Act. Although the sole presence of a key species did not dictate the selection of any particular site, high priority was afforded to sites with species that

exhibit the following characteristics:

- listed as rare, threatened, species of special concern and endangered etc. by state agencies) federal agencies, or nongovernmental review committees Table 1
- have a narrow geographic range and restricted to this region of Florida
- highly habitat specific
- do not occur, or only occur at low densities, within the current protected area network in the county
- have large proportion of their total population occurring locally (including migratory stop-overs, breeding sites, roosting sites and wintering grounds)

Some examples of the many species that fall into these categories in Table 3. When selecting sites with a high priority.

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for these listed or vulnerable species, we were also concerned that the areas selected should be able to support viable populations; in the case of some plant species such data are almost impossible to ascertain at present, but in the case of species such as scrub-jays consideration was certainly given to the size of the local population which could be afforded some protection. In addition to considering sites in terms of listed species, we also compared the overall species diversity found on different sites.

### Landscape and Ecosystem Components

One of the greatest general failures of local land acquisition programs is the lack of consideration of the long-term effects of surrounding land use changes. Not only is this important in a buffer sense but also in the sense of maintaining some critical ecosystem processes. In Florida this revolves primarily around maintaining hydrological regimes and fire periodicity. Hence one of the overriding concerns we faced in the deliberating the selection of sites under the

Image of Table 2. Characteristics of selected high priority community types for protection in Brevard County Florida. Three community types: 1 of 3 Maritime Hammocks, 2 of 3 Cabbage Palm Savannah, and 3 of 3 Sand Pine Scrub.

- Maritime Hammocks (1 of 3)
  - Canopy: live oak (*Quercus virginiana*), red bay (*persea barbonia*), cabbage palm (*Sabal palmetto*).
  - Understory: naked wood (*Myrcianthes fragrans*), *Eugenia* spp., other subtropical species. Epiphytes (ferns, bromeliads) often common.
  - Inland on barrier island from coastal strand. windward side often pruned by salt spray.
  - Most are lost to development, remaining are fragmented. Not in protected areas in county.
  - Focus of Maritime Hammock Project.
- Cabbage Palm Savannah (2 of 3)

- Canopy: scattered cabbage palm.
- Understory: grasses-sand cordgrass (*Spartina bakeri*); rushes-black rush (*Juncus roemerianus*); sedges - *Cyperus* spp., *Rhynchospora* spp.; and forbs.
- On gradient between hammocks and marshes
- About 2300 ha in existing protected area (KSC). In the Northern Indian River Corridor Project.
- Sand Scrub Pine (3 of 3)
  - Canopy: sand pine (*Pinus clausa*).
  - Understory: myrtle oak (*Quercus myrtifolia*), sand live oak (*Quercus geminata*), Chapman oak (*Quercus chapmanii*), saw palmetto (*Serenoa repens*), nusty lyonia (*Lyonia femtinea*), staggerbrush (*Eronia fruticosa*), dwarf blueberry (*Vaccinium myrsinites*).
  - Restricted to high, dry ridges, primarily on the Atlantic coastal Ridge. About 1000 ha remain in county, most in patches of 5 ha or less. Little (less than 10 ha) in existing protected areas. Large flowered rosemary, Florida scrub lizard (*Scleropus woodi*), and other species depend on this community.
  - Three of four Scrub-Jay Refugia sites contain sand pine scrub as part of scrub landscape.

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environmentally endangered lands program was to review these sites in terms of their context (surrounding landscape) as well as their content. In some cases, this meant reviewing sites with high species and natural community content to assess their long-term viability in the light of foreseeable changes in the surrounding landscape. In other cases, this meant reviewing sites to see if their primary role may lie in their landscape potential for example, could they serve as a landscape linkage or buffer for existing protected areas? Alternatively, could they serve a role in terms of maintaining broader landscape scale processes such as protecting water quality or hydrological integrity? Clearly no site should be considered for landscape potential alone; endangered land acquisitions based on landscape roles should also have high biological content.

- In the light of these considerations higher priority was given to sites in the local landscape that exhibit the following characteristics:
  - contiguity with existing protected areas and the potential to serve as landscape linkages. Such interconnectivity is an important consideration for the northern end of the county where a large number of protected areas occur in both Brevard County and neighboring counties of Seminole and Volusia.
  - stepping stone sites providing some opportunity for movement across the landscape for certain habitat specific but vagile species.
  - A range of ecotonal linkages, in particular providing ecotonal transitions

- missing within existing protected areas.
- those which help maintain hydrological function.
- sites and communities that support fire driven ecosystems.

One example of landscape scale protection is found in some of the lands bordering the Indian River Lagoon. These protect some of the state's areas of highest water quality and represent some of the best remaining examples of upland-wetland-estuarine landscapes on the east coast. They support extensive seagrass beds which provide high primary production, sediment stabilization, food resources through direct and detrital grazing, shelter and nursery grounds, accumulation of nutrients from surrounding waters, and feeding grounds for the greatest number of manatees on the east coast of Florida.

### Acquisition Strategy

The acquisition program proposed by the Environmentally Endangered Lands Selection Committee is an integrated strategy which aims to protect much of the biodiversity in the county that has fallen outside the existing protected area network. The three main areas of focus for this strategy are shown on Figure 3 and discussed separately below.

1. The Maritime Hammock Initiative was designed to protect five of the last nine areas of maritime hammock remaining on the barrier islands in Brevard County, which represent nearly 40 percent of hammocks remaining on the east coast of the state (Johnson et al., 1991). Maritime hammocks with tropical components are very rare and fragmented, rapidly declining and largely unprotected in the county. They provide habitat for an array of federal and state listed plants and animals such as Florida lantana (*Lantana depressa* var. *floridana*) and beach verbena (*Glandularia maritima*) which are often entirely dependent upon these coastal habitats. The project is both contiguous with and considerably enlarges existing and proposed protected areas such as the Archie Carr National Wildlife Refuge and Sebastian Inlet State Park. It provided for an ocean-to-estuary ecotone going from beach dune through coastal strand and scrub to maritime hammock and estuarine wetlands. The initiated will also protect, in a stepping-

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Table 3 Examples of high conservation priority species for Brevard County Florida.

#### FLORIDA SCRUB JAY (*Aphelocoma coerulescens* *coerulescens*)

- Status: United States Fish and Wildlife Service: threatened
- Florida Game and Fresh Water Fish Commission: threatened
- Florida Natural Areas Inventory: state ranking 53
- A Florida endemic which is found in Brevard County in a series of disjunct populations due to habitat loss and fragmentation. Scrub Jays are restricted to highly threatened scrub habitats, which greatly increases their vulnerability. A large population (700 families) occurs within the existing protected area on Kennedy Space Center however no mainland populations are protected in the county which limits dispersal and regional variability. Medium population sizes

(greater than 30 families) are present on some sites but their territory requirements are large necessitating setting aside considerable acreage of scrub to support locally viable populations. The scrub jay is the focus of a new Endangered Species Act initiative in Brevard County to develop a regional Habitat Conservation Plan for Florida scrub jays which will incorporate some aspects of endangered land acquisition.

#### FLORIDA EAST COAST TERRAPIN (*Malaclemys terrapin* Tequesta)

- Status: Florida Natural Areas Inventory: state ranking 3
- This terrapin is reported for the North Indian River Lagoon (Siegel, pers. comm.). It does not have a current listed status although it is recognized, at the state level, as being a subspecies in need of review and consideration (Millsap et al., 1990). It is clearly vulnerable since it has such a limited geographical range (East Central Florida) found locally in the estuarine waters of the Indian River and local population aggregations were reported recently as quite large (greater than 100 individuals) but recent surveys suggest a decline. The population size on existing protected areas is essentially unknown although under investigation.

#### FLORIDA LANTANA (*Lantana depressa* var. *floridana*)

- Status: United State Fish and Wildlife Service: candidate 1 Florida Natural Areas Inventory state ranking S2/G2
- Florida lantana occurs along the barrier islands of East Central Florida but it is not found on any protected areas in the county. This species is a Florida endemic restricted to central and southern Florida primarily along the Atlantic coast. It is highly habitat specific, occurring within coastal strand, coastal dune, and open maritime hammock. Local populations are medium in size (10-50 individuals/site).

#### TAMPA VERVAIN (*Glandularia tampensis*)

- Status: United States Fish and wildlife Service: candidate 1. Florida Department of Agriculture: endangered. Florida Natural Areas Inventory: state ranking S1/G1.
- The Tampa vervain is another Florida endemic, with disjunct populations on the east and west coasts of central to southern Florida. It occurs primarily in hammocks and flatwoods. Although a few individuals occur within one protected area (Kennedy Space Center), other local populations which are small to medium (10-15 individuals/site) are outside the protected area network.

#### LARGE-FLOWERED ROSEMARY (*Conradina grandiflora*)

- Status: United States Fish and Wildlife Service: candidate 2. Florida Department of Agriculture: endangered. Florida Natural Areas Inventory: state ranking S3/G3.
- The large-flowered rosemary is another endemic, restricted to southeast Florida primarily along Atlantic Coastal Ridge. It is highly habitat specific and found in sand pine scrub and xeric oak scrub on the mainland. Although local population can be large (greater than 100 individuals/site) none are found on existing protected areas in the county.

stone fashion a north-south series of sites that show a physio geographic gradation of

barrier island habitats. In addition to biological value, acquisition of barrier island habitats will enhance protection and stability of the barrier island system during major stochastic events such as hurricanes.

2. The Northern Indian River Lagoon Project, also known as Turnbull Hammock, was designed to protect the natural

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Image of map of the Brevard County Environmentally Endangered Lands Program CARL Proposal 1992. CARL proposal boundaries represent areas of acquisition interest based on natural communities that are threatened in Brevard county located on the east coast of Central Florida. Brevard County is bordered to the north by Volusia County and to the South by Indian River County and to the East by the Atlantic Ocean.

Map of Brevard county including the county wide Scrub Jay Refugia Project; the core scrub projects in Titusville, Rockledge, Grant, Malabar, and at the Indian River County line; the Northern Indian River Corridor Project (joint proposal with Brevard County, Volusia County and the Saint Johns River Water Management District in the northwest section of Brevard County); the Maritime Hammock Project (properties of interest are west of A1A and link with Archie Carr Sea Turtle Refuge; and the Florida Communities Trust Project Sites (all are Atlantic Coastal Ridge Scrub Communities).

Image of caption: Figure 3. The distribution of proposed acquisition sites under the Environmentally Endangered Lands program in Brevard County Florida. Kindly compiled by Duane de Freese, Office of Natural Resources Brevard County.

### **EEL Selection Committee Criteria Publication. Page 10 of 11.**

communities of the northern Indian River lagoon watershed, including the largest hydric hardwood hammock on Florida's east coast and expanses of coastal wetlands and cabbage palm savanna. This watershed protection provides in turn for the protection of the highest density of submerged aquatic vegetation in the lagoon system. This area supports a rich fishery and forms the basis of a regional economy. The northern watershed of the Indian River lagoon incorporates natural functional linkages associated with upland, marsh, and estuarine communities; this serves species such as wading birds which are known to utilize a variety of habitats in this area for feeding, roosting and breeding sites.

This project will help conserve the outstanding biological diversity of the Indian River lagoon, acknowledged to be the most species-diverse estuarine waterbody in the US. The project is contiguous with federal lands on the barrier islands at Merritt Island National Wildlife Refuge and provides for an unfragmented landscape bridge from these areas to the mainland. The area also affords some long-term potential to establish a natural landscape linkage, an east-west connection between the coastal marshes in the east and the Saint Johns River system to the west. From a biogeographical perspective protecting the Indian River lagoon also maintains the north-south connection of the temperate Carolinian biotic province and the tropical-subtropical Caribbean biotic

province.

3. The Scrub Jay Refugia Project was designed to protect the largest remaining and least fragmented areas of mainland scrub along the Atlantic Coastal Ridge in the county. This includes some of the rarest natural community types in the county such as sand pine scrub, xeric oak scrub and scrubby flatwoods. It also provides habitat for the Florida scrub jay, a federally listed threatened species, which was selected as a flagship species to name this project. The Florida scrub jay occurs on all Scrub Jay Refugia sites and some Maritime Hammock Project sites. The acquisition of these sites will form the cornerstone of a proposed Habitat Conservation Plan for the Florida scrub jay in Brevard County. The Scrub Jay Refugia project also protects many other species dependent upon the unique scrub habitat including large-flowered rosemary (*Conradina grandiflora*) and Florida scrub lizard (*Sceloporus woodi*). Since scrub was always limited in distribution in the county and has now been very heavily fragmented, the Scrub Jay Refugia project is a series of disjunct sites; the four largest remaining areas of scrub with the largest scrub jay populations present. The Brevard County Habitat Conservation Plan for the scrub jay will address protection of enough additional areas to attempt viability for the county's scrub jays. The need to manage these sites, particularly with fire management is a top priority and will be the subject of detailed management plans for each site. In addition to biological value the protection of these sites also assists in the protection of critical groundwater re-charge areas.

#### Partnerships

The strategy that has been developed for the protection of biodiversity at the local level in Brevard County has been the foundation for seeking matching funds to assist in acquisition of these lands. The county has submitted three proposals to the state Conservation and Recreation Lands Program and the Florida Community Trust Program (see also Fig. 3), both of which are funded by an extremely assertive statewide land acquisition initiative, Preservation 2000. This is three years into a ten-year program aimed at raising \$3 billion for acquisition of endangered lands throughout Florida. Our local land acquisition programs have sought partnerships for many acquisitions with the Saint Johns River Water Management District and adjacent county acquisition programs. We have entered into agreements with the Nature Conservancy and

#### **EEL Selection Committee Criteria Publication. Page 11 of 11.**

are bidding on properties from the Resolution Trust Corporation. Previous local acquisition programs in Brevard County were successful at getting matching funds from other state programs such as Save Our Coasts. The Endangered Lands Program has applied to other national acquisition programs such as the North American Wetlands Conservation Act. Locally funded programs have also contributed towards completion of projects of national significance, such as participation in acquisition of the proposed Archie Carr National Wildlife Refuge in Brevard County.

It is clear that, cumulatively, local acquisition programs, such as the one in Brevard County, could be very important contributors to the overall protection of biodiversity.

They need expert guidance and will be most successful with a great deal of coordination and a liaison between local initiatives and state and federal programs. Local initiatives engender a strong sense of stewardship in the local community for acquired lands and should be viewed as a growing component of the protected area network.

### Acknowledgments

We would like to acknowledge the major role the other members of the Brevard County Environmentally Endangered Lands Selection Committee - Randy Parkinson, Margaret Hames, Dave Cox, and Ken Friedland have played in formulating the strategy discussed in this paper. In addition, special acknowledgment to Duane De Freese, the outstanding staff coordinator for this program, who takes our plans from the committee meetings to the drawing board and on to acquisition reality; no mean feat! We would also like to thank the many other local, state and federal acquisition programs, and the Nature Conservancy who have given us guidance and assistance throughout this initiative.

### References

Johnson, A. F., J. W Muller, and K.A. Bettinger. 1990. An assessment of Florida's remaining coastal upland natural communities: southeastern Florida. Florida Natural Areas Inventory. Report to DER-CZM.

Millsap, B.A., J.A. Gore, D.E. Runde, and S.I. Cerulean. 1990. Setting priorities for the conservation of fish and wildlife in Florida. *Wildlife Monographs* 111:1-57

Noss, R. R. 1987. From plant communities to landscapes in conservation inventories: a look at The Nature Conservancy (USA). *Biological Conservation* 41, 11-37.

Scott, J.M., B. Csutti, J.D. Jacobi, and J.E. Estes. 1987. Species richness: a geographic approach to protecting future biological diversity. *Bioscience*, 37 (11):782-788.

### [Brevard County Environmentally Endangered Lands Program Application \(Form EEL 1.97\) Page 1 of 5.](#)

- Application Form
- Owner's Authorized Representative Form
- Authorization to Enter Property

### Instructions:

The Brevard County Environmentally Endangered Lands (EEL) Program was authorized by the citizens of Brevard County by public referendum in September 1990, 2004 and 2022. The referendum provided ad valorem revenues to support bond funds for the acquisition and management of environmentally endangered lands. The EEL Program goal is to establish a sanctuary network throughout Brevard County that protects the finest examples of Brevard's natural communities, endangered species and rich biological diversity. Nature sanctuaries established in the program will consider public access, passive recreation and environmental education as components of the

overall

acquisition and conservation objectives of the program.

The Land Acquisition Selection and Management Committee is authorized to review lands for acquisition consideration and to acquire property rights necessary for the protection of environmentally endangered lands in Brevard County. If a parcel or parcels fulfill the resource criteria as established by the EEL Selection and Management Committee, the Committee will consider it for inclusion in its land acquisition plan. All property purchases will be submitted to the Board of County Commissioners for review prior to initiating a contract purchase.

In order for a property to be considered by the EEL Selection and Management Committee the following three items MUST be completed and submitted to the Environmentally Endangered Lands Program at the address indicated on the letterhead:

1. Application Form
2. Owner's Authorization Representative Form
3. Authorization to Enter Property

**Environmentally Endangered Lands Program Application. Page 2 of 5.**

1. Program (see Note 1)
  - A. Property Name: (space to write the property name)
  - B. Property is located in: Township (space to write township); Range (space to write range); Section (space to write section)
  - C. Tax Parcel Number: (space to write tax parcel number)
  - D. Does the Property have a lien? (space to write response) If yes, explain: (space to write explanation)
  - E. Size of Parcel: (space to input response in acres).
  - F. This property is located on the north, south, east, west, side (circle the appropriate direction) (blank space to write name of road), approximately (blank space to write the number of feet or miles) from its intersection with (blank space to write the name of the intersecting road) in the community of (blank space to write the community name). The property is near (blank space to write a recognizable landmark)
  - G. Attach a legal description and survey or map showing the boundaries of the property, existing streets, buildings, watercourses, easements, section lines and any deed restrictions or encumbrances.
  - H. List owner or owners of record: Space to write name, address, telephone number and FAX.
  - I. Attach a copy of the deeds or deeds (if available)
  - J. Briefly describe the character of the parcels or parcels (e.g. wetlands, swamp, scrub, pine forest etc.) Space to write the parcel's description.
  - K. Briefly explain why this parcel or parcels should be considered as environmentally endangered and eligible for purchase in the Brevard County EEL Program: (Blank space to write explanation)

- L. This application is being submitted by owner, owner authorized representative, other (circle one). If other, explain below: Blank space to input other explanation if needed.

Blank line provided to write (print) the APPLICANT'S NAME; ADDRESS; and TELEPHONE

APPLICANT SIGNATURE (space to sign the application)

DATE (space to write the date)

### **Environmentally Endangered Lands Program Application. Page 3 of 5.**

#### **1. ATTACHMENTS**

- a. Vicinity map at a scale of 1 inch = 20000 miles; with sufficient information to locate the property in the field (i.e. roads, water bodies, landmarks, etc.) (See note 2)
- b. Existing zoning (See note 3)
- c. Land use designation according to the current Brevard County Comprehensive Plan (See note 4)
- d. A topographic quadrangle map (U S G S) with boundaries of property sketched in) (see note 1)
- e. Photographs or video tape representing the characteristics of the property (optional: if available)

#### **2. VALUATION**

- a. Fair market value (document with current appraisal, if available or asking price)
- b. Documentation of current assessed value (See note 1)
- c. Documentation of owner's willingness to sell

#### **NOTES:**

- 1. Information available at Property Appraisers Office
- 2. Information available at Transportation Department
- 3. Information available at zoning Division
- 4. Information available at Planning Department

### **[Field Report: Guideline for EEL Selection and Management Committee Evaluation \(Form EEL 2.97\)](#)**

#### **Instructions**

Items for inclusion in the field trip report 'include date of trip, names of individuals attending, property name, property location, property acreage, important natural communities on-site, important listed species known from the site, unique natural attributes, comments about management potential and a location map.

#### **EEL Staff Report**

### **Resource Planning Report (Form EEL 3.97)**

#### Instructions

The Resource Planning Report represents a detailed summary of the natural characteristics of the site, site location, biological diversity and ecosystem value. This report is prepared by EEL staff and the EEL Selection and Management committee as a compilation of available environmental data. It does not have to be in a formal report format.

EEL Staff Report

### **Project Design Report (Form EEL 4.97)**

#### Instructions

The Project Design Report represents a detailed summary of the land acquisition and real estate values of a site. This report is prepared by EEL staff and the EEL Selection and Management Committee as a compilation of all of the available data pertinent to a land acquisition. The report does not have to be in a formal report format.

EEL Staff Report

### **Negotiation Strategy Report (Form EEL 5.97)**

#### Instructions

This report is prepared by EEL staff and the EEL Selection and Management Committee to establish a strategic approach to land negotiations. The report should clearly identify the value of the property as determined by qualified state certified appraisers. The report should describe the property, establish a highest value for the property based on independent appraisals and provide a justification for the negotiation approach. The report can be brief, but thorough.

EEL Staff Report

### **Negotiation Summary Report (Form EEL 6.97)**

#### Instructions

The Negotiation Summary Report represents a detailed summary of the actions and decisions that occurred during the negotiation. The report will chronicle offers and counter offers.

EEL Staff Report



Brevard County Environmentally Endangered Lands Program  
Acquisition Process Chart  
(Final 08/2013)

Process A: Selection and Management Committee Identifies Resource Protection Needs

Process A – Phase 1: Resource Planning Phase

[Step 1A: Identify Acquisition Priorities Page 40](#)

- **EEL Staff**
  - Work with the SMC to identify land acquisition priorities, acquisition strategies or alternative strategies to meet the goals of the Program
- **SMC**
  - Identify program priorities or needs. Identify priorities for site-specific acquisitions and/or establish acquisition strategies that consider local, regional, or statewide conservation concerns.
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - Local land acquisition decisions consider and integrate local, state and national perspectives for conservation needs and priorities

[Step 2A: Preliminary Resource Assessment Page 40](#)

- **EEL Staff**
  - Coordinate with the SMC and other persons or agencies that are involved in the identification of acquisition solutions.
- **SMC**
  - Review the ecological values of a property or group of properties using acquisition criteria. This assessment considers species level, natural community level and eco-system level issues. Committee may schedule preliminary site visits as needed.
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

[Step 3A: Decision Point – Preliminary Review Vote Page 42](#)

- **EEL Staff**
  - Three options depending on SMC decision whether or not to pursue the acquisition.
    - Option 1 of 3. Project tabled: more information needed from EEL Staff
    - Option 2 of 3. Project accepted: Notify landowners and prepare resource assessment data
    - Option 3 of 3. Project declined: EEL Staff notifies landowners
- **SMC**

- SMC determine whether they are prepared to decline or accept a new project.
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - Public comment opportunities are provided at all scheduled Environmentally Endangered Lands Selection and Management Committee Meetings

#### [Step 4A: Resource Planning Assessment Page 42](#)

- **EEL Staff**
  - Prepare resource and real estate data.
  - Compile information and data that describe the property location, resource importance, ecological attributes and real estate data for the site.
  - Contact outside and potential acquisition agencies.
  - Identify gaps in resources and compile data.
  - Contact outside agencies and potential acquisition partners regarding acquisition funding and resources.
- **SMC**
  - No action required by the SMC
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

#### [Step 5A: Schedule and Conduct On-site visits Page 42](#)

- **EEL Staff**
  - Coordinate with landowner (or their designated representative) and the SMC to schedule and conduct field trips on the property.
- **SMC**
  - Further evaluate the resources on site, assess the resource significance and evaluate based on the selection criteria.
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

#### [Step 6A Resource Planning Assessment Report Page 42](#)

- **EEL Staff**
  - Seek land acquisition funding opportunities and multi-agency partnerships to extend the efficient use of EEL Program acquisition funds
- **SMC**
  - File the Resource Planning Assessment report as a compilation of all available resource data on the property.

- Resource Planning Assessment used to prepare Resource Planning Boundaries, summary reports, and as information for outside acquisition funding.
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

#### [Step 7A: Contact Agencies Page 42](#)

- **EEL Staff**
  - Discuss potential acquisition partners to extend available resources. Coordinate with each partner to ensure that EEL Program procedures are complementary and consistent with the partners.
- **SMC**
  - Discuss potential acquisition partners to extend available resources. Coordinate with each partner to ensure that EEL Program procedures are complementary and consistent with the partners.
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

#### [Step 8A: Decision Point Page 43](#)

- **EEL Staff**
  - EEL Staff notify landowners or his agent of decision.
- **SMC**
  - First Majority Vote: If a majority vote to proceed is reached. Phase 2 is initiated for authorization to appraise property.
    - Option 1 of 2. Project declined. EEL Staff notify landowner or his agent of the decision.
    - Option 2 of 2. Project accepted. Proceed to Process A Phase 2 - Acquisition Planning Process.
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

Process A – Phase 2: Acquisition Planning Phase

#### [Step 9A: Develop Design Report Page 43](#)

- **EEL Staff**
  - Develop the Project Design Report for the property under consideration. Report includes information needed for partnership funding. Contact partner agencies. See Step 7A.
- **SMC**

- No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
- No action required

[Step 10A: Contact Agencies Page 48](#)

- **EEL Staff**
  - Information: Discussion of potential acquisition partners based on the ecological attributes of the site and the acquisition requirements of partners
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

[Step 11A: Decision Point: Second Majority Vote Page 48](#)

- **EEL Staff**
  - No action required
- **SMC**
  - Second Majority Vote: A 8 out of 12 votes to authorize EEL Staff to begin negotiations to proceed toward the purchase of land: Phase 3 initiated.
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

Process A – Phase 3: Land Acquisition Phase

[Step 12A: Appraisal Review & Negotiation Strategy Page 48](#)

- **EEL Staff**
  - Information: EEL Program acquisition staff and/or the acquisition agent has the authority to: request new appraisals, request a third appraisal, require appraisal revisions from appraisers, and establish the maximum value for negotiation.
  - EEL staff or their acquisitions agent develop a written negotiation strategy report and written response memo authorizing negotiations which is place in the confidential negotiation file.
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

### Step 13A: Property Negotiations Page 50

- **EEL Staff**
  - Information: Negotiation file includes: appraisal reports, negotiation strategy, offers and counter-offers, negotiation notes and negotiation summary. These become part of the public record when the Board executes the contract.
  - A Negotiation Summary Report is completed by the acquisition staff at the termination of all negotiations, whether the negotiation is successful or not. It will be presented to the Board with the contract or option.
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

### Step 14A: Contract Development & EEL Staff Review Page 50

- **EEL Staff**
  - Review of all contract documents. Seek any clarification or additional information needed to develop the contract. Any significant problems to be forwarded to the SMC. Any other government programs should be contacted if the property acquisition will impact property.
- **SMC**
  - SMC review the acquisition contract and determine if the acquisition will meet the objectives and needs of the EEL. If so, the SMC authorize the contract be submitted to the Board for final approval. Two options possible.
    - Option 1 of 2, If yes, proceed to EEL Staff step 15A.
    - Option 2 of 2, If property is not sent to the Board for approval, landowner is notified.
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - Government Programs to be contacted if property acquisition will impact property
    - Parks & Recreation
    - Negotiations Agent
    - County Attorney or designated staff
    - Risk Management Office designated staff
    - Optional: Land Acquisition Review Committee if the contract amount is greater than \$750,000.

### Step 15A: Board Review of Contract & Decision Point Page 51

- **EEL Staff**

- Prepare an Agenda Request to present the land acquisition documents to the Board. These documents include all valuations, justifications, impacts, negotiations, values and purchase price. The SMC's recommendation will also be included
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - The Board officially approve or disapprove the acquisition. The SMC are made aware of the decision by an announcement at the next SMC meeting or by memorandum.

[Step 16A: Closing Page 52](#)

- **EEL Staff**
  - Closing will take place based on the contract and meeting of the obligations.
  - Landowner is advised of the decision.
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

[Step 17A: File Maintenance Page 52](#)

- **EEL Staff**
  - Maintain all files regarding acquisitions and subsequent issues.
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

PROCESS B: SELECTION AND MANAGEMENT COMMITTEE RESPONSE TO LANDOWNER SUBMISSIONS

PROCESS B - Phase 1: Resource Planning Phase, Continued

[Step1B Submittal and Application Page 52](#)

- **EEL Staff**
  - No action required
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**

- Landowners apply to the SMC for consideration of purchase of land for conservation.

#### Step 2B Initial EEL Staff & SMC Review Page 52

- **EEL Staff**
  - Review application for accuracy and format errors.
- **SMC**
  - SMC review application and determine need for site visit and may accept or decline property.
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

#### Step 3B Data Collection & Synthesis Page 53

- **EEL Staff**
  - INFORMATION: Staff data collection and synthesis
    - Option 1 of 2 from SMC decision in Step 3A. If yes, schedule a site visit as outlined in Step 5A.
    - Option 2 of 2 from SMC decision in step 3A. If no, no site visit and proceed to Step 6A.
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

#### Step 4B Preliminary SMC Review Page 53

- **EEL Staff**
  - INFORMATION: Proceed to Steps 5B and Steps 7A-8A
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

#### Step 5B Return to Step 7A Page 53

- **EEL Staff**
  - Discuss potential acquisition partners to extend available resources. Coordinate with each partner to ensure that EEL Program procedures are complementary and consistent with the partners.
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**

- No action required

PROCESS C: INTER-AGENCY ACQUISITION PROPOSALS (Steps for obtaining outside funding support)

PROCESS C - Phase II: Acquisition Planning Phase

[Step 1C Project Design Proposal Page 53](#)

- **EEL Staff**
  - Basic data from Steps 6A and 9A will be the basis of proposals to partner agencies, following the guidelines of the agencies. Staff is urged to attend training with the partners to assure successful funding
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

[Step 2C Proposal Review Page 53](#)

- **EEL Staff**
  - Review proposals for accuracy and format. Final preparation for submission to the Board.
- **SMC**
  - Review proposals for accuracy and format. Final preparation for submission to the Board.
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

[Step 3C Decision Point \(Step 11A\) Page 53](#)

- **EEL Staff**
  - No action required
- **SMC**
  - A 6 out of 8 votes for the commitment of funds for an acquisition. Once accepted and funded, the county is expected to meet the financial, acquisition and program commitments as outlined by the proposal.
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

[Step 4C Commission Review & Resolution Page 53](#)

- **EEL Staff**

- All proposals for outside funding must be submitted to the Board for full review prior to submission of the proposal to outside partners.
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

[Step 5C Proposal Submission Page 54](#)

- **EEL Staff**
  - Land acquisition proposals involving outside funding support are to be submitted to the partner agencies in the format they require and with appropriate signatures.
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

[Step 6C Agency Review & Proposal Tracking Page 54](#)

- **EEL Staff**
  - INFORMATION: Staff are responsible for coordinating support, lobbying, liaison activities, public testimonies and tracking reviews.
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

[Step 7C Boundary Maps & Appraisal Page 54](#)

- **EEL Staff**
  - County is to prepare all due diligence including appraisals.
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

[Step 8C Boundary Map & Appraisal Review Page 54](#)

- **EEL Staff**
  - Acquisition staff and/or county acquisition consultants are required to implement a procedure for appraisal review that is consistent with and accepted by the Florida Division of State Lands and the partner agencies involved in the acquisition.
- **SMC**

- No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
- No action required

[Step 9C Return to 13A & Proceed Page 55](#)

- **EEL Staff**
  - A Negotiation Summary Report is completed by the acquisition staff at the termination of all negotiations, whether the negotiation is successful or not. It will be presented to the Board with the contract or option.
- **SMC**
  - No action required
- **Public – Landowner – Other Funding Agencies – Other Local & Participating Government Agencies**
  - No action required

Graphical Representation of the Brevard County Parks & Recreation Department  
Environmentally Endangered Lands (EEL) Program Land Acquisition Manual  
91 East Drive Melbourne, Florida  
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