



Environmentally Endangered Lands Program Selection and Management Committee Meeting

July 16, 2025, Meeting Minutes FINAL

Attendance

SELECTION AND MANAGEMENT (SMC) MEMBERS

Jason Miller (Chairman), Dr. Jeff Eble, Curt Smith, Tara Miller (Business Alternate), Chris O'Hara, Dr. Paul Schmalzer, Wayne Burden, Sandra Racicot (Business Alternate), Jim Burney, Ken Synder, Kim Zarillo (PC), Susan Christman (Business Alternate, PC, REAC), Jenny White (Science Alternate)

ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM STAFF

Mike Knight, Vanessa Bethauser, Steve McGuffey, Brad Manley (Teams)

BREVARD COUNTY PARKS AND RECREATION STAFF

Ian Golden

PUBLIC ATTENDEES

Roger Ross (Teams), Kevin Shropshire (Teams), Suzanne Taylor (Teams)

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



Meeting Minutes

CALL TO ORDER

Jason Miller called the meeting to order at 9:01 am.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jason Miller.

INTRODUCTIONS AND ROLL CALL

Jason Miller started the introductions and roll call.

PUBLIC COMMENT

No public comment

MINUTES

The SMC & PC Annual Joint April 16, 2025, meeting minutes were presented for approval. The minutes were approved.

MOTION 1

Dr. Paul Schmalzer moved the motion to approve the April 16, 2025, SMC & PC Annual Joint meeting minutes as corrected.

Kim Zarillo seconded the motion.

Motion carried unanimously.

ADMINISTRATIVE REVIEW (STAFF REPORTS)

South Beach Region Land Management Superintendent

Mike announced Ray Mojica retired in early May. Nichole Perna has been selected to fill his vacancy as the South Beach Region Land Management Superintendent. Nichole has been in the role of Land Management Specialist, working directly under Ray in the South Beach region for 20 years. We are excited to welcome Nichole into this new role.

Admin Support Specialist Position

Mike said Jenny Warner retired from Admin Support Specialist position. Staff is in the process of interviewing candidates for the EEL Admin Support Specialist position which will provide the primary support to the acquisition consultant. The position also provides general administrative support to all EEL staff members.

State Management Plan Review

The State of Florida Division of State Lands conducted their five-year management review for the Brevard Coastal Scrub Ecosystem Florida Forever Project in January. Staff has received the Review Team Report and provided responses to the findings.

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The report with staff responses was included in the SMC meeting packet. Dr. Paul Schmalzer commented he thought it was a positive report on the work that's been done. Mike brought up preserving the best possible section of the old Missile Tracking Annex site to promote the history. The review team thought it was something important to consider if we ever reach a point in the future for more public use in that area.

Malabar Scrub Restoration

Staff is finishing up the restoration work on Malabar West south of Briar Creek Blvd. The last 6-acre section on the north side of Briar Creek Blvd. is being postponed so some restoration work can be completed at the Micco Scrub Sanctuary first.

EEL Site Law Enforcement

Mike said for a several years we have been working on how to address issues on EEL sites whether that's poaching, pets, off road vehicles. Now EEL has entered into an agreement for the next few months with the Sheriff's Department to provide dedicated law enforcement patrols on EEL sites county-wide. A weekly site patrol schedule will be provided by EEL which will include daytime, evening and weekend patrols in vehicles, UTV's and helicopter with infrared detection capabilities. Hopefully this addresses a lot of our problems. Saw Palmetto Berry season is here, and berry picking is a real problem for us. There's a lot of motorized vehicle issues, particularly with the electric vehicle movement that's going on right now. Homeless problems are ramping up a bit. These next couple of months will be a real true test. Come September or October we will have to go back to the Board for a formal approval of an Interlocal Agreement for a continuation of that. Chris O'Hara asked what the county policy is on e-bikes? Mike answered the county ordinance is sites must be designated for a particular use. For EEL sites, Class I Electric Bikes that do not have a throttle, where the motor will only function if you are pedaling is permitted.

COMMITTEE MEMBER REPORTS

None

LAND ACQUISITION REPORT

Land acquisition contractor introduction and discussion

Mike said originally, we had intended to have the Conservation Fund here; however, we had a conflict with the date of the meeting, they had another commitment. Mike just wanted to let the Committee know we do have the contract signed. The Conservation Fund is on board as our acquisition contractor. They're non-profit, conservation focused. They already have started landowner solicitation. The way the 2-year contract was negotiated they would have no more than 5 parcels going through the negotiation

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phase at a time. It's a \$75,000 annual flat fee that's paid to them to do the work, plus a contingency fee that starts at 3.5% based on property value up to \$5 million. Then with property value \$5-10 million, a contingency fee of 3%. Property value \$10-15 million, 2.5% and anything over \$15 million drops to 2% contingency fee. But this is highly unlikely due to the size of the parcels we are going after. Not only will they be soliciting the owners but also taking them through the Willing Seller Application process which is a requirement of the EEL Program. The application comes back to the Committee for review and provide direction to staff on whether we move forward with appraisals on the property. There's a process and a lot of moving parts. Assuming we have a meeting next month, we will invite The Conservation Fund so the Committee can get to know them.

Ulumay Land Donation (Sasso Corporation)

The Committee approved a donation to the EEL Program from the Sasso Corporation. This was also known as one of the owners DiChristopher. The Committee's acceptance of the donation hinged on resolving some encroachment issues and a minor access concern on the north end through another property. The owner has resolved those encroachment issues with a transfer of deed of to those owners. He has removed him of his ownership of those lands. As for the access concern we have confirmed we do have access to enter the land between two homes. The County Attorney's Office is reviewing the encroachment resolution to make sure that's been recorded properly and fully resolved. Mike said he doesn't have a Board date yet, but it will be moving forward.

Korpi Donation at Jordan Scrub (BOCC July 22)

Mike mentioned the Korpi Donation, the small parcel on the west side of Jordan Scrub is scheduled for July 22nd with the Board for approval.

OLD BUSINESS

Florida Scrub Jay Translocation Application Revision

The Florida Scrub Jay translocation request approved by SMC on April 16, 2025, noted applicant organization as "Adaptive Ecological Applications, LLC." The name is incorrect and needs to be changed to Adaptive Ecological Innovations, LLC".



AGENDA ITEM 1

Florida Scrub Jay Translocation Application Revision

The requested action is- approve applicant organization name change on approved application. The Florida Scrub Jay translocation request approved by the SMC on April 16, 2025, noted the applicant organization as “Adaptive Ecological Applications, LLC”. The name is incorrect and needs to be changed to “Adaptive Ecological Innovations, LLC”.

MOTION 2

Chris O’Hara moved the motion to approve the applicant organization name change on the approved application.

Kim Zarillo seconded the motion.

Motion carried unanimously.

NEW BUSINESS

SMC Meeting Schedule

Mike said now that the new acquisition contractor is on board, we would likely request to meet more frequently. This Committee historically always met monthly. The manual indicates the Committee meets as needed. When we moved to a quarterly meeting schedule, we didn’t have acquisition. Once acquisition is added you don’t want to wait several months to look at that.

AGENDA ITEM 2

SMC Meeting Schedule

The requested action is discussion and decision on preferred monthly meeting schedule. The County Manager has provided approval for the EEL SMC to meet as needed to allow greater flexibility in addressing land acquisition issues. Staff is recommending the committee return to a monthly meeting schedule to allow for the greatest flexibility to address land acquisition issues. In the event there is no business to conduct at an upcoming meeting, it will be cancelled. Annual meeting attendance requirements for members would be based on the actual number of meetings held in each year.

Members discussed the SMC meeting schedule. The Committee understands they can participate remotely if there’s an in-house quorum. If they cannot attend a meeting, make sure to communicate that ahead of time. If someone is absent an alternate can fill in and vote. The third Wednesday of the month at 9am starting in August works for everyone.

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Election of Chair and Vice Chair

Currently our SMC Chair is Jason Miller. We currently don't have a Vice Chair. Doug Sphar was our last Vice Chair; he has passed away. The Vice Chair would fill in if the Chair is unavailable. Jason Miller said he's happy to remain the Chair, running meetings is something he does a lot and he's fine to continue unless someone else is interested.

Jason asked the Committee if anyone is interested in being the Vice Chair for meetings he cannot attend. Dr. Jeff Eble said he would be happy to stand in when Jason is not available.

MOTION 3

Dr. Paul Schmalzer moved the motion to nominate Jason Miller to remain as the SMC Chair.

Dr. Jeff Eble seconded the motion.

Motion carried unanimously.

MOTION 4

Curt Smith moved the motion to nominate Dr. Jeff Eble as the SMC Vice Chair.

Wayne Burden seconded the motion.

Motion carried unanimously.

PUBLIC COMMENT

None

Dr. Paul Schmalzer asked Mike is there's a list of the bigger parcels the new acquisition contractor is going after at this time? Mike answered the Conservation Fund wanted to identify some of the larger parcels within our sites that have a significant risk at being developed. Those included the ones in Malabar Scrub, Jordan Scrub, the Cochran piece and the Data Management piece. Mike hasn't spoken with Data Management in a while, they've never been a willing seller. EEL's recently has spoken to Cochran due to some management issues and he's clearly said he has no interest in selling his property. We also have included a few people that have reached out to us over the past 4 to 6 months that are mega parcel sites that have specific interest in selling. But the

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contract just got signed this week, so they have been doing preliminary work. Mike asked if there were more questions related to process for EEL or the contractor. Dr. Paul Schmalzer commented, "These are in holdings or adjacent properties. They are not a new initiative, so they're correctly connected to acquisitions made in the past. We've always had the understanding that filling in the existing preserves and where additions are possible." Jim Burney voiced his agreement with Dr. Paul Schmalzer.

Mike said conservation easements are certainly a mechanism within the Land Acquisition Manual for preservation of lands. So rather than purchasing a land directly from someone you could develop an agreement with a conservation easement for diminished development rights on the property. So, it wouldn't be developed it would remain agriculture. So that is an option. Whether or not people have an interest in that, maintain working farms and agricultural operations and have conservation benefits, tax benefits. Chris O'Hara asked, "How much money is available for acquisition?" Mike answered, "The Board bonded \$6.2 million, \$3.2 million was dedicated to public use projects, so about \$3 million. But out of that \$3 million also comes payment of contractor, due diligence, cost of appraisals gets you to a purchase price. What that actual number is I don't really know, maybe about \$2.5 million." Curt Smith asks, "If a property is wet can they really sell it, it has no use?" Dr. Paul Schmalzer answered, "If they want to develop it enough, they can find a way even if it's wet unless it's a floodplain. It's also sold for sometimes mitigation. The wetland rules are not so strict that they can't push into wetlands and as there's less and less upland around in the county, you see that happening. The areas you didn't think anybody would buy for development are sprouting up houses after they dump enough dirt on them." Jim Burney added, "It's also a matter of habitat quality too, just because its wet, if it's not maintained because one of the missions is to not just preserve the land, but also to enhance it for habitat."

Dr. Paul Schmalzer said, "The state has loosened the rules on wetland mitigation so that people can buy it. As I understand it mitigation credits in banks that haven't been mitigated yet." Mike explained, "There's two options as a developer, you could buy a piece of property and donate the actual property to us along with a management fee and typically with some initial management actions. Meaning we (the developers) are going to give you this property, we are going to clean all the exotics off it, we're going to make sure it's good for 5 years and give you this many thousands of dollars in management in perpetuity. Or we will come on to your existing nature sanctuary, do a wetland restoration or a scrub restoration project for you at no cost and then we will also give you a management fee to manage it in perpetuity. Another option for the developer



is to buy credits in a mitigation bank. To go buy a one-acre credit is minimum about \$250,000 for that credit. Whereas when they donate property to us or do a project with us or management fee for wetlands per acre is \$500, for scrub its \$1200. So, there's a lot of room for us to work on to see that get increased. The mitigation bank lobby stopped legislatively developers from being able to do wetland mitigation projects on existing conservation lands. They wanted them to go to the banks and buy the credits rather than coming on to our property to do the improvements at a better rate. Unless there are no credits available in that particular basin for them to buy then they could do a project. Now recently they put in a new rule if the property has been originally acquired for conservation it cannot be used for mitigation. In the private sector that limits us to only doing this for the public sector projects. Right now, we can do scrub projects, and we can take land donations."

Mike also mentioned we are starting to move into the review of the closing process of Emerald Lakes mitigation. It's for a big development in Palm Bay called Emerald Lakes. We will be getting a donation of about 300 acres of the Cypress area. In addition to that we will also be getting the Oakmont Preserve 30 acres scrub track next to the Jordan Scrub Sanctuary and just under \$260,000 for long term management fees for those pieces. Chris O'Hara asked how's the Emerald Bay mitigation piece going to be accessible. Mike said a requirement of us accepting it was they would put in a perimeter fire line that we could drive on, they would put in the perimeter fencing, all the access gates where we needed them to be, and the signage. Susan Christman asked, "Is the Oakmont parcel related to Emerald Lakes?" Mike answered, "It is in their mitigation they purchased it from the owners so they could use it for their mitigation and then donate it to us."

NEXT MEETING

Jason Miller verified next meeting is August 20, 2025, at 9am.

ADJOURNED

The meeting was adjourned at 10:10am.