



## **ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM SELECTION AND MANAGEMENT COMMITTEE**

### **Environmentally Endangered Lands Program Selection and Management Committee Meeting February 6, 2019**

#### ***Attendance***

#### **Selection and Management Committee Members**

Elizabeth Becker  
Dave Breininger  
Tammy Foster  
Oli Johnson  
Randy Parkinson  
Paul Schmalzer  
Laurilee Thompson

#### **EEL PROGRAM STAFF**

Laura Clark  
David DeMeyer  
Damien Keene  
Mike Knight  
Steve McGuffey  
Brad Manley  
Ray Mojica  
Chris O'Hara

#### **GUESTS**

None

## ***Meeting Minutes***

### **CALL TO ORDER AND ROLL CALL**

Randy Parkinson, Chairman, called the meeting to order at 1:00 PM. Mike Knight provided clarification that Kim Zarillo had informed staff that she would be unable to attend for business reasons and her absence was considered excused.

### **PUBLIC COMMENT**

None.

### **MINUTES**

No minutes were presented for approval.

#### **Additional Discussion**

Paul Schmalzer noted that the recently distributed final minutes of the September 5, 2018 joint meeting between the Selection and Management Committee (SMC) and Procedures Committee (PC) do not include a copy of the Program presentation which was included as part of the draft minutes approved by both committees during November. He added that the September 5, 2018 SMC only minutes include a link to that meeting's presentation, but the final minutes of the joint meeting only contains a statement which reads "A copy of this presentation can be obtained by calling the EEL Program Office at 321-255-4466". Paul expressed his concerns regarding the processing inconsistencies and noted the committee minutes represent the history of the Program and need to be complete. He added that if the final minutes could not be consistent with the draft, he believes they should have been sent back to the committees for additional review and confirmation and expressed his concern that the document was changed after it was approved.

Mike provided information on the Americans with Disabilities Act (ADA) Compliance guidelines which the County is now following. The guideline does not allow placement of any new material to the website that is not ADA compliant and able to be read by a special screen reader which assists people with visibility issues. He stated that the person who writes the minutes has received training but staff who prepare presentations have not yet learned to make presentations ADA Compliant. Mike added that he is not sure what the solution is, but he does not feel that retyping an entire presentation into the minutes is something we want to do.

Randy noted someone could always listen to the audio file.

Paul stated he agreed, but the audio file is not going to show the graphs and tables that are included in a presentation. He added the joint meeting minutes included a financial review and there was discussion related to a colored line on the graph, but there was no graph.

Mike noted that it was originally believed that using a link to the presentations would be acceptable but it was later determined that would not work. In the future, it is anticipated staff will learn to make presentations ADA compliant so they can be included within the minutes. He added that Management Plans will have the same issues and he anticipates maps will be especially difficult.

## **ADMINISTRATIVE REVIEW**

The Administrative Review was discussed.

### **Board of County Commissioner Items**

- **Prescribed Fire Awareness Week Resolution:** Approved BOCC 1/22/2019
- **Interagency Prescribed Fire Cooperation Memo of Agreement (MOA):** Approved BOCC 1/22/2019
- **Pinkerton Land Exchange:** Submitted for BOCC 2/26/2019
- **Florida Forest Service (FFS) Timber Agreement:** Pending revision from FFS
- **SMC Appointments and Land Acquisition Manual (LAM) Revisions:** It was noted that on January 8, 2019, the BOCC reappointed two (Tammy Foster and Oli Johnson) of the seven SMC members and that the other five (Dave Breininger, Randy Parkinson, Laurilee Thompson, Paul Schmalzer and Kim Zarillo) who had expressed a desire to continue to serve the on the SMC were not reappointed. In addition the BOCC chose to revise the membership criteria for the committee as well as waive the existing requirement for review and approval of the SMC and PC for any changes to the Land Acquisition Manual, which contains the SMC membership criteria.

Mike reviewed the most recent version of the revision related to SMC member educational requirements. The new language will state: "1. Have a **graduate four-year postsecondary 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. It is anticipated the revised criteria will be presented to the BOCC for final approval by District 2 Commissioner Lober at the February 12, 2019 meeting which begins at 5:00 P.M. A copy of the Board Agenda Report has been distributed to the SMC, PC, and REAC.

Clarification was provided that the Agenda Report which was originally distributed to the committees contained incorrect information, regarding the status of Liz Becker whose current term on the SMC extends to 2020 but the final Report was accurate.

Tammy Foster expressed her feeling that if the graduate degree requirement was reduced to a Bachelor's degree then the additional experience should be considered an additional requirement, not a substitution for the educational requirement. Randy agreed. Mike noted

that Exhibit A, Item 4 from the Resolution, which represents page 14 in the Land Acquisition Manual, also includes the requirement for demonstrated knowledge of Brevard County ecosystems and that specific knowledge of Brevard County habitat types and conservation land management techniques are also part of the minimum requirements.

Randy asked if any consideration was given to the letter sent by the Procedures Committee. Mike said he did not know. Randy also requested clarification of the purpose of redefining the SMC membership criteria. Clarification was provided that the language in the Resolution states that “the Board of County Commissioners has determined the requirements for membership are overly onerous and the number of potential volunteers is unreasonably restricted as a result of the criteria.” Randy asked for a reminder of the meaning of the word onerous. Paul stated his understanding that the word indicates restrictive, or confining.

Paul stated his feeling that the change to the language itself may not be that great, but another concern is the BOCC’s going around the established system, which they have the authority to do. He asked what happens the next time they want to change something that the committees feel is less desirable or more destructive to the integrity of the Program?

Randy stated his feeling that this action, in advance of another referendum and decisions and discussions, couldn’t have come at a worse time for the Program’s future. He noted the issues related to losing historical knowledge held by long time committee members and suggested consideration of finding out if it might be possible to stagger the replacements.

Laurilee Thompson requested clarification of the process for review of SMC applicants. Mike explained that all applicants, except for the TDC position, are reviewed and ranked by a Qualifications Review Committee which includes the Program Manager, Director of Human Resources, and Chair of the Procedures Committee. A second review of all applicants is completed by the Procedures Committee to confirm which members are considered qualified. Only the qualified applicants are forward to the BOCC for final ranking.

Mike noted he hoped the existing SMC members would have an opportunity to reapply. Liz noted that the recently appointed SMC members need someone they can learn from.

## **Action Items**

### **October 5, 2018 Meeting**

#### **Item 4, Comparison of Scrub Parcel Matrix and Most recent SMC priority ranking.**

This item was discussed later in the meeting.

**Item 8, Tree thinning proposal for US Fish and Wildlife Service funding**

This has been on hold pending the additional revision to the agreement regarding the fees which will be assessed by the Division of Forestry if they conduct this management project.

**Item 9, Timber removal bids for north border of Micco Scrub**

The contractor has started work, but was injured by a falling tree. He is anticipating resuming work next week.

**Item 11, Staff to contact Parks and Recreation staff about feral cats at Fox Lake Park**

Staff has no historical knowledge of cats or if they are being fed by anyone other than park visitors.

**November 16, 2018 Meeting**

**Item 1, Continue efforts to locate rare plants along fire lines.**

Staff is planning to discuss ideas to further this effort at the February 18, 2019 Team Meeting.

**COMMITTEE MEMBER REPORTS**

Laurilee Thompson noted that this year’s Space Coast Birding and Wildlife Festival went very well, except for the last day when events had to be cancelled due to weather. She thanked Dave Breininger and Paul Schmalzer for leading a Florida Scrub-Jay Hike and expressed her appreciation to all EEL Program staff who were involved. Laurilee stated the Festival couldn’t have been held without the participation of the EEL Program. Randy noted his feeling the Festival is a great event.

**STAFF REPORTS**

None.

**LAND ACQUISITION STATUS UPDATE**

**Land Exchange with Florida Inland Navigation District (FIND)**

Jenny Warner, Support Services Specialist, stated that it is anticipated that the FIND basin project permits are expected in the next six months which will allow the finalization of FIND’s land exchange with the EEL Program. Mike stated that during his conversation with the FIND consultant yesterday, he received confirmation that restoration work at Micco Scrub Sanctuary and tree reduction are included in the consultant’s recommendations. Dave and Paul noted that this land exchange has been pursued since 1991.

**Additional Discussion: Escheated parcels**

Paul noted a previous action item regarding the possibility of identifying potential parcels that might be escheated and he asked if there is any new information on this item. Jenny stated she has confirmed the County does not keep a listed of parcels which might be escheated. Mike confirmed that once these parcels have been identified, he is notified and reviews the property

information to determine if the land might be appropriate for inclusion in the sanctuary network. It was noted this process may be helpful in filling in some of the mega-parcel areas.

**Additional Discussion: Payment of administrative costs for land donations**

Mike noted that the State has a process for paying closing and administrative costs when accepting land donations, but the County does not.

**Additional discussion: Future Land Use Designations**

Paul requested an update on the previous discussions on possible zoning changes for EEL lands which has been redirected as a Brevard County Comprehensive Plan revision regarding future Land Use Designations. He asked if the item is still targeted for completion during June. Mike noted that is the plan.

**AGENDA ITEMS**

**Scrub Prioritization Matrix**

The group reviewed the most recent scrub prioritization matrix which was emailed to the SMC prior to the meeting. Mike explained that staff has reviewed information on the parcels previously received from Todd Mecklenborg and have provided their assessment of acquisition priority based on conservation and difficulty of acquisition. Preliminary rankings from Dave Breininger were also included in the sheet. Dave and staff will work together to reconcile differences in rankings and the information will be brought back to the SMC for review as part of the ongoing efforts to determine where the Program needs to have discussions regarding future funding.

The following was noted:

- Much of the proposed area in the north part of the County is now included in land set aside as mitigation for development by the Farmton group. Staff will research information on how much land is under conservation easement and what the requirements of management will be.
- Dave noted there is land in conservation immediately adjacent to the south of Micco Scrub Sanctuary, currently being managed for red cockaded woodpeckers, which in his opinion, might also be managed for Florida Scrub-Jays.
- Dave and Paul noted the opportunity for direct connectivity between Scrub-Jay populations has probably passed and the current focus leans towards expansion of existing habitats which are, or could be suitable in the future.
- Dave noted that this work will be important for the Population Viability Analysis he is working on with Bob Lacy with funding from the Endangered Species Office.
- Paul noted the original three State projects were Brevard Coastal Scrub Ecosystem, Maritime Hammock, and North Indian River Lagoon and analysis of acquired and development of those areas is also important. Randy suggested consideration of dedicating single meeting to each of those topics.

- Randy also suggested consideration of sending EEL Program public meeting notices and events flyers to other conservation groups who have expressed support for the EEL Program and requesting their assistance with distribution of information regarding the Program.

### **Scottsmoor Flatwoods West Site Visit Report**

Mike provided map information on the areas visited during the site visit. He also noted that land included in the Miami Corp. Conservation Easement is adjacent to this sanctuary and it extends about half way down the east side of the site. There are plans for two kiosks, a loop trail, and a bike rack for street bikes which could be used by folks who ride the paved Florida Rail Trail and would like to hike the sanctuary. Mountain bikes are allowed at this location. ATV use has been largely reduced by changes off State Road 5A. It is anticipated that fencing the site will also be helpful.

Paul reviewed the site visit report:

#### **Site Visit to Scottsmoor Flatwoods Sanctuary – West**

**February 3, 2018**

**Paul A. Schmalzer, Ph.D.**

The western section of the Scottsmoor Flatwoods Sanctuary incorporates about 540 acres in northern Brevard County. It is bounded by I-95 on the east, the former Florida East Coast Railroad right-of-way, now East Central Region Rail Trail, on the west, a Florida Power & Light (FPL) easement on the north, and Rose Marie Street on the south.

This sanctuary was acquired in September 2008 at which time it was known as the Ag Ventures McIntosh property. It had been considered and recommended for acquisition as early as 1991 when it was known as the McIntosh DRI property. Previous site visits were conducted in 1991 (Schmalzer 1991) and 2006 (Schmalzer 2006). Overviews of the vegetation have been provided in the previous sites visit reports and in greater detail in the Sanctuary Management Plan (EEL Program 2013).

The EEL Program is currently in the process of installing fire breaks along the exterior perimeter of the sanctuary where needed. This is an important step in management as much of the vegetation of this site is fire-maintained and requires periodic prescribed burning; these types include scrub, scrubby flatwoods, mesic flatwoods, and marshes. Wildfires have occurred on the site previously but prescribed burning has not been feasible without exterior fire breaks.

The scrub ridge on the east side of the site and the matrix of scrubby and mesic flatwoods on the western side of the site have the potential to support Florida Scrub-Jays but are not currently suitable due to pine densities and shrub height from insufficient burning. These dynamics are illustrated by past observations. When first visited in 1991, sand pine scrub and scrubby flatwoods were present on the eastern ridge. In 2006 there was not a sand pine

canopy present probably due to the ridge burning in the 1998 wildfire, although sand pine regeneration was occurring. Now (2019) the sand pine canopy has reestablished in some sections of the eastern ridge. In addition, pond pine (*Pinus serotina*), which was noted in 1991 as forming a narrow band between scrubby flatwoods and forested wetlands, may have expanded upslope with less frequent fire. With prescribed burning, the habitat quality of scrub and scrubby flatwoods can be improved; mechanical treatment may be needed in some areas given the high fuel loads. Where pond pine has expanded upslope, some additional treatment may be required as its ability to sprout epicormically makes it particularly fire-resistant once established.

We found one small population of nodding pinweed (*Lechea cernua*) along the edge of a sand road in scrubby flatwoods on the western side of the sanctuary; this plant is listed by the State of Florida as Threatened. It is one of the many scrub plants that require sandy openings. Increased fire management should improve habitat conditions for this and other scrub plants that may be present.

Previous disturbances included trash dumping and off-road vehicle (ORV) use. ORV use appears to have declined with changes in the St. Road 5A area. Fencing of the site after completion of exterior fire breaks is planned and should improve site security. The Rail Trail bordering the sanctuary opened relatively recently and appears to be receiving a good deal of use. That may actually reduce inappropriate uses of the area over time.

### References

Environmentally Endangered Lands (EEL) Program. 2013. Scottsmeer Flatwoods Sanctuary Management Plan.

Schmalzer, P.A. 1991. Site Visit McIntosh DRI Tract. June 16, 1991.

Schmalzer, P.A. 2006. Site Visit Ag Ventures McIntosh Property. March 24, 2006.

Paul emphasized that the site needs to burn as a number of potential Scrub-Jay habitats have been identified on both side of Interstate 95, although there are no Scrub-Jays at this location now. Dave noted that the Scrub-Jay count in this area went from 20 families to just a few during the lengthy process of acquisition. Laurilee asked if this could be a site for future Scrub-Jay translocations. Dave noted the area would need a lot of work, but it could be.

## **LAND MANAGEMENT REPORT**

- **Central Region, Sykes Creek Management Plan**
  - David DeMeyer, Central Region Land Management Superintendent, clarified that Step 3, Public Access Assessment, was crossed out because the step was completed earlier, Step 4, Staff to Draft Conceptual Public Access Plan, was completed earlier that day, and Step 5, Public Access Meeting, will be next.

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- **South Region, Malabar and Jordan Sanctuaries combined Management Plan**
  - Paul mentioned that Step 7, Draft Management Plan distribution to staff, has been moved from September to March and he noted that seems like a lengthy delay. Mike stated some of that has to do with not being able to produce management plans in the same way due to ADA compliance issues. Mike stated staff is in training on creating Microsoft Word documents which will meet those guidelines and a meeting is planned with IT staff next week to discuss maps.
- **South Region, Grant Flatwoods Sanctuary**
  - Paul noticed the report indicated a 1 acre fire north of the sanctuary and he requested status on the firelines for this location. Chris O'Hara, South Region Land Management Superintendent, indicated this is something they expect to budget soon, perhaps in the next budget cycle. Paul noted that not having firelines is an issue for management and for protecting the site from fires that could start elsewhere. Chris noted a new road is expected which will make it more difficult to burn. Mike noted that the new trail is open and is very popular.
- **EEL Program assistance with Parks and Recreation prescribed fire**
  - Mike noted a prescribed fire which was originally scheduled for tomorrow on Parks and Recreation property in the South Beaches will be rescheduled once the area dries out.

## **PUBLIC COMMENT**

None.

## **NEXT MEETING**

The next meeting will be scheduled for March 6, 2019. A Site Visit will be scheduled for April.

## **ADJOURNED**

The meeting was adjourned at 2:42 P.M.

## **SUMMARY OF MEETING MOTIONS**

No motions.

## **ACTION ITEMS**

1. Staff to provide update on plans for including EEL Program sanctuaries in a Brevard County Comprehensive Plan update scheduled for June 2019.
2. Staff to research Farmton conservation easement footprint and management requirements.
3. Staff will explore sending EEL Program public meeting notices and events flyers to other conservation groups who have expressed support for the Program and requesting their assistance with distribution of information regarding the Program.

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