# Environmentally Endangered Lands Program Selection and Management Committee Meeting Minutes

**April 10, 2019**

**Approved May 29, 2019**

## Attendance

### SELECTION AND MANAGEMENT COMMITTEE MEMBERS

* Elizabeth Becker
* Dave Breininger
* Tammy Foster
* Randy Parkinson
* Paul Schmalzer
* Laurilee Thompson
* Kim Zarillo

### EEL PROGRAM STAFF

* Laura Clark
* David DeMeyer
* Evan Hall
* Damien Keene
* Mike Knight
* Chris O’Hara
* Jenny Warner

### GUESTS

* Bo Platt, Procedures Committee

*Protecting and Preserving Biological Diversity*

*Through Responsible Stewardship of Brevard County’s Natural Resources*

## Meeting Minutes

### CALL TO ORDER AND ROLL CALL

Randy Parkinson Chairman, called the meeting to order at 1:12 PM.

### **PUBLIC COMMENT**

None.

### MINUTES

**March 6, 2019 Selection and Management Committee / Procedures Committee Meeting Minutes**

The March 6, 2019 Selection and Management Committee / Procedures Committee (SMC/PC) meeting minutes were presented for approval.

Paul Schmalzer noted that on Page 7, under Discussion, the 2nd bullet should have been $187,000 as it represents total transfers for the year.

No other comments were received.

MOTION ONE

**Dave Breininger moved to approve the March 6, 2019 SMC/PC minutes, as corrected.**

**Paul Schmalzer seconded the motion.**

**The motion carried unanimously.**

### **ADMINISTRATIVE REVIEW**

The Administrative Review was discussed.

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

* Florida Forest Service Timbering Agreement: Pending revision by Service.
* Pinkerton Land Exchange: Submitted for BOCC September 23, 2019.
* SMC Appointments: Submitted for BOCC September 23, 2019. There are four qualified applicants for four open science positions. This Agenda Report does not include a nominee for the Tourism Development Council representative.

**Action Items**

**10/5/2018 #9 - Timber removal bids for north border of Micco Scrub Sanctuary.**

Work is progressing.

**11/15/2018 #1 - Continue efforts to locate rare plants along fire lines.**

Staff is developing a training program for employees and volunteers to assist with locating a specific list of rare plants that are likely to be located in the disturbed areas along fire lines and trails. Once the guidelines have been finalized, they will be forwarded to the Selection and Management Committee (SMC) for review.

**2/6/2019 #1 - Provide update on plans for including Environmentally Endangered Lands (EEL) Program sanctuaries in a Brevard County Comprehensive Plan update scheduled for June 2019.**

Clarification was requested regarding the expectations of meeting the June 2019 timeframe. Mike noted that the Comprehensive Plan Amendment Form is not currently on the County’s Web Site, but it is expected soon. It was originally anticipated that the process could be completed using sanctuary names but that may not be the case and clarification of the appropriate process has not yet been determined. A list of parcels has been prepared, but a full timeline for meeting the summer deadline has not been finalized. Staff to send land use codes under consideration for use by EEL to SMC.

**2/6/2019 #2 - Research Farmton Conservation easement footprint and management requirements.**

The Plan has been received and is under review by staff. Staff will relay which areas of the plan provide information on management footprint and responsibilities once the information is located.

**2/6/2019 #3 - Explore sending EEL event flyers and public meeting notices to other local environmental groups.**

Information on EEL Program events and public meetings will be forwarded to Marine Resource Council, Brevard Zoo, EEL Friends Groups (5), Preserve Brevard, Indian River Lagoon Coalition, Native Plant Society (2), Sierra Club, The Conservation Fund, TNC, Florida Audubon, Sea Turtle Preservation Society.

Additional Discussion

It was noted that Tammy Foster and Kim Zarillo arrived at the meeting during the Administrative Review and after the vote on the March 6, 2019 SMC/PC meeting.

### COMMITTEE MEMBER REPORTS

Laurilee Thompson provided information on horse shoe crab activity in Brevard County.

### STAFF REPORTS

None.

### LAND ACQUISITION STATUS UPDATE

**Florida Inland Navigation District (FIND) Project**

It has been determined that approximately $286,000 in mitigation funds which could be used for land management funding may become available to the EEL Program during FIND’s spoil basin project. Discussion occurred on possible ways to best use the funding. Dave asked if it might be possible to spread out the management activities timeline. Staff will check.

### AGENDA ITEMS

**PROPOSED LANDS LIST**

The group reviewed maps of historically proposed lands and provided recommendations on parcels that should be removed as they have been placed in conservation or developed.

Lengthy discussion occurred. It was noted that on March 29, 2019 the Procedures Committee had requested an update on Program sustainability.

Randy requested clarification of what portion of Environmentally Endangered Lands (EEL) Lands are actively and appropriately managed: Optimal, Sup-optimal, etcetera, with options.

**FUNDING HISTORY REPORT**

Staff to update EEL Funding History Report. Mike also noted that some of the information on the hard copy maps will be updated including clarification that the Ulumay Sanctuary and property north of the Kabboord Sanctuary have been transferred from Parks and Recreation to the EEL Program. Additional information will be added related to properties within State projects that don’t show up as proposed and Selection and Management Committee recommendations on stepping stone parcels. Other agency conservation lands and all acquired parcels will also be clarified on the maps. Kim suggested including all areas which would be appropriate as mitigation donation areas in order to support their acceptance into the Program. She also noted that including names of sanctuaries and other large scale references on the maps would be helpful to new members of the committee. Staff to research Waters Mark property vote history. Once the maps have been finalized, they will be presented to the SMC for a formal vote as lands proposed for acquisition in the event that there is another EEL Program referendum. A similar map was presented as part of the Board of County Commissioner (BOCC) package for the 2004 referendum.

**LAND MANAGEMENT REPORT**

**Sanctuary Management Plans**

Kim suggested spreading out Management Plan presentations to be sure they don’t all end up at the SMC review point at the same time. Mike confirmed staff is working on American’s with Disabilities Act Section 508 Compliance trainings. It is believed Section 508 Compliance Guidelines for maps have been established.

**Cruickshank Sanctuary**

This site is ready to burn.

**Malabar and Jordan Sanctuaries**

Prescribed burns are being done. Possible new rare plant at Jordan Scrub Sanctuary.

DISCUSSION: MOTIONS OF MARCH 6, 2019

On March 6, 2019, the Selection and Management Committee passed a motion to request clarification from the County Manager of the rationale behind the removal of the term acquisition from public information releases of the Environmentally Endangered Lands Program related to the activities of the Selection and Management Committee. During the joint committee meeting later the same day, the Procedures Committee voted to join the Selection and Management Committee in their motion.

On March 8, 2019 the motions were forwarded to Mary Ellen Donner, Director of Parks and Recreation.

On March 14, 2019, the following communication was received from the Parks Director.

Good Afternoon Michael:

On September 25, 2018, during the Brevard County Board Budget Hearing discussion regarding the EEL tentative millage, Commissioner Isnardi stated she was going to support the millage request but only with the caveat that there would be no new purchases of land. She stated that she had spoken with the County Manager about this and the County Manager confirmed Commissioner Isnardi’s statement that there would be no new purchases of land.

Also it bears remembering and mentioning that the Board approved an 11.5% increase over roll-back. The County Manager was the one who recommended that millage and none of the other Parks and Recreation Department were put in that category.

The group discussed the response and determined that because the clarification was requested from the County Manager, and a response was received from someone else, additional clarification should be requested. Discussion occurred regarding the most appropriate wording for a new motion.

**MOTION TWO**

**Kim Zarillo made a motion stating that the Selection and Management Committee has not yet received a response to our initial request from the County Manager regarding the rationale of the removal of the word “acquisition” from public information releases regarding the activities of the Selection and Management Committee and respectfully request again, to know the rationale and when we can expect to receive it. Request to be copied to the County Attorney.**

**Liz Becker seconded the motion.**

**The motion carried unanimously by those members in attendance. Liz Becker, Tammy Foster, Randy Parkinson, Paul Schmalzer, Laurilee Thompson, Kim Zarillo.**

Mike confirmed he could only forward the request to his supervisor, Mary Ellen Donner. It was determined that Randy Parkinson, SMC Chair, would send an email directly to the County Manager, with a copy to the County Attorney. A copy will be provided with these minutes.

### PUBLIC COMMENT

None.

### NEXT MEETING

The next meeting will be scheduled for May 29, 2019.

### ADJOURNED

The meeting was adjourned at 3:40 PM.

### SUMMARY OF MEETING MOTIONS

1. Motion to approve the March 6, 2019 Selection and Management Committee/Procedures Committee minutes, as corrected.
2. Motion stating that the Selection and Management Committee has not yet received a response to our initial request from the County Manager regarding the rationale of the removal of the word “acquisition” from public information releases regarding the activities of the Selection and Management Committee and respectfully request again, to know the rationale and when we can expect to receive it. Request to be copied to the County Attorney.

### ACTION ITEMS

1. Staff to send land use codes under consideration for use by the Environmentally Endangered Lands Program (EEL) to the Selection and Management Committee (SMC).
2. Staff to research SMC vote history on Waters Mark property.
3. SMC to provide opinion on Program sustainability to PC.
4. Staff to clarify what portion of EEL lands are actively and appropriately managed. Optimal, sub-optimal, etcetera options.
5. Staff to update EEL Funding History Report.
6. Staff to research possibility of spreading out use of mitigation land management funding resulting from the Florida Inland Navigation District spoil basin over a period of time.

### MEMORANDUM

Date: April 26, 2019

To: Frank Abbate, County Manager

Brevard County

From: Randall W. Parkinson, Chairman

EEL Selection and Management Committee

Re: Acquisition

As authorized by the Brevard County Environmentally Endangered Lands Program (EEL) Selection and Management Committee (SMC), I am requesting an explanation regarding the purposeful

exclusion of the term ‘acquisition’ from all County public communications regarding the SMC.

I have been a member of the SMC since inception and have been the chairman about half of that time. Prior to that, I worked with Preservation Brevard to get the first referendum on the 1990 ballot. In 1990, Brevard County voters overwhelmingly approved the referendum, as did the Board of County Commissioners (BOC), designed to acquire, restore, and manage conservation lands based upon the recommendations of a scientific technical advisory committee (aka SMC) (Attachment 1 through 3). The role of the SMC was again confirmed by the BOC in 1990 and 1994 (Attachments 4 through 6). Clearly, the mission of EEL and role of the SMC to acquire, restore and management conservation lands was never in question.

It came as quite a surprise therefore, that in the Fall of 2018 and continuing to date (Attachments 7 and 8), the EEL staff were directed to remove the term ‘acquisition’ from all County public communications related to EEL and SMC. These instructions are clearly inconsistent with the goals of the EEL Program – as overwhelmingly approved by Brevard County voters on two occasions – and therefore the SMC and Procedures Committee requested clarification from you (Attachment 9). We received a reply from Parks Director Mary Ellen Donner (Attachment 10) which did not answer our question and therefore we respectfully requested an explanation from you a second time (Attachment 11).

The EEL Land Acquisition Manual includes the term ‘acquisition’ 506 times (Attachment 12); again, clearly indicating the goal of the program and role of the SMC includes the acquisition of conservation lands. Of course, SMC is only an advisory body to the BOC. The BOC has the ultimate authority to accept or reject our acquisition recommendations. That said, the SMC recognizes the current fiscal challenges facing EEL and for that reason we have not recommended purchases that could not be supported by the program budget. Yet the goal of EEL and role/qualifications of the SMC remains unchanged and this must be reflected in all public communications regarding same.

I am available to meet with you at your convenience to discuss this issue in greater detail.