# Environmentally Endangered Lands ProgramSelection and Management Committee Meeting

## May 29, 2019

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# Environmentally Endangered Lands ProgramSelection and Management Committee Meeting

## May 29, 2019

## Approved July 17, 2019

## *Attendance*

### SELECTION AND MANAGEMENT COMMITTEE

* Elizabeth Becker
* Dave Breininger
* Tamy Dabu
* Tammy Foster
* Oli Johnson
* Lisa Toland
* Paul Schmalzer
* Kim Zarillo

### ENVIRONMENTALLY ENDANGERED LANDS PROGRAM STAFF

* Laura Clark
* David DeMeyer
* Evan Hall
* Damien Keene
* Mike Knight
* Steve McGuffey
* Chris O’Hara

### GUESTS

* Suzanne Valencia, Recreation and Education Advisory Committee

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

## Meeting Minutes

### CALL TO ORDER AND ROLL CALL

Oli Johnson, Vice-Chairman, called the meeting to order at 1:05 PM. It was noted that all members of the committee were in attendance. Mike Knight, Program Manager, welcomed new members Tamy Dabu and Lisa Toland. The following was also noted:

* Tamy and Lisa were appointed by the Board of County Commissioners (BOCC) on April 23, 2019 and Dave Breininger and Paul Schmalzer were reappointed on the same day.
* Kim Zarillo was appointed by the BOCC on May 21, 2019 as the representative from the Tourism Development Council.
* Randy Parkinson and Laurilee Thompson are no longer on the Committee.

### PUBLIC COMMENT

None.

### MINUTES

**March 6, 2019 Selection and Management Committee (SMC) Minutes**

It was noted that the March 6, 2019 SMC Minutes are incomplete.

**April 10, 2019 SMC Minutes**

The April 10, 2019 SMC minutes were presented for approval.

Paul Schmalzer noted two corrections:

1. Page 2, Action Item 2/6/2019 #3, line 2: remove the letter “n” from the word “zoon”.
2. Page 2, Additional Discussion, end of sentence: add the word “meeting”.

**MOTION ONE**

**Paul Schmalzer moved to approve the April 10, 2019 SMC minutes, as corrected.**

**Liz Becker seconded the motion.**

**The motion carried unanimously.**

### ADMINISTRATIVE REVIEW

The Administrative Review was discussed.

**Additional Discussion - Staff trained on Drones**

Mike explained that four Environmentally Endangered Lands (EEL) Program staff have been certified as drone pilots and he provided a short video from a recent prescribed fire.

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

* **Pending - Florida Forest Service Timbering Agreement:** The revised agreement has been received and is under review by the County Attorney.
* **BOCC April 23, 2019:** David Breininger and Paul Schmalzer were reappointed to the Selection and Management Committee (SMC) and Tamy Dabu and Lisa Toland were appointed to the committee as new members.
* **BOCC May 21, 2019:** Kim Zarillo was appointed to the SMC to represent eco-tourism.

**Pinkerton Land Exchange**

Mike noted that at the current time, the majority of the Environmentally Endangered Lands (EEL) Program’s land management activity within the Brevard Coastal Scrub Ecosystem (BCSE) mega-parcel area in south Brevard is done through a cooperative effort with the Department of Forestry using prescribed fire under the Hawkins Bill. The EEL Program has considered using the concept of land exchanges as a way to consolidate ownership for land management purposes. Of the three exchange requests which have been received from citizens so far, the Pinkerton request, which offered an exchange rate of 2 to 1, seemed to EEL staff to be the best candidate to send to the State for consideration. State staff has declined to allow the Pinkerton exchange to move forward to the Acquisition and Restoration Council (ARC). The following explanation was provided:

 “Our goal in this project area would be to acquire and close the gaps between parcels versus exchanging parcels already acquired for the same reasons and so conducting exchanges for this project doesn’t match up to that strategy. We have many projects already allocated towards funding and we will continually evaluate our acquisition strategy for this and other acquisition project areas moving forward. The difference in values of parcels in exchanges are definitely a part of normal consideration and typically paid for by the applicant, as the State doesn’t pay boot for those differences. Again, this is just not the strategy to apply in this particular project area.  We will keep you posted on any changes to funding and acquisition opportunities in the project as they are presented. Thanks for the assistance.”

Mike explained that one item of consideration has been the differences in the dollar value of the parcels being exchanged. In this case, upland lots inside the fall back boundary are being exchanged for wetlands. Mister Pinkerton is continuing to communicate with State staff in an attempt to receive clarification of what criteria for exchange would be acceptable.

Dave Breininger requested clarification of membership on the current ARC. Mike noted the staff member who provided the information on the decision not to move the Pinkerton exchange request forward to ARC is the State’s liaison with the Council. He also noted it has been difficult to get clarification of the State’s future plans. Paul mentioned that Amendment 1 is not being fully funded by the State Legislature. Dave noted that management of mega-parcel areas is a State-wide concern and the lack of movement means that agencies can’t do the necessary management needed to prevent extinction. The group discussed issues associated with trying to manage an unconsolidated boundary. The group expressed their desire for information from the State regarding future acquisition and management plans within State projects.

It was noted that management concerns for mega-parcel areas existed during the time that The Nature Conservancy (TNC) was the EEL Program’s land acquisition agent. Dave Breininger noted he would communicate with Keith Fountain of TNC to see if Keith has any new information. It was determined that a formal inquiry would be made. Lengthy discussion ensued regarding the best language for a motion.

**MOTION TWO**

**Dave Breininger proposed a motion to send a communication to the State requesting clarification of their strategy for moving forward with land acquisition and management of the mega-parcel areas due to the following concerns:**

* **Lack of acquisition means land management cannot be accomplished in a State approved conservation project area which provides habitat for multiple endangered species, one of which (Florida Scrub-Jay), is endemic to our state and is threatened with extinction.**
* **High fuel loads in these urban interface areas are also a significant wildfire risk.**
* **The communication should also include a request for clarification of requirements for property exchanges.**

**Paul Schmalzer seconded the motion.**

**The motion carried unanimously.**

A short summary providing additional information on difficulties in managing the mega-parcel areas will be included in the communication to the State.

**BOCC Advisory Boards Workshop**

Prior to the March 16, 2019 BOCC workshop on Advisory Boards, Commissioner Tobia distributed a document which included his recommendations for eliminating, consolidating, or maintaining some of the County’s 65 Advisory Committees. The workshop was cancelled shortly after the meeting was called to order. It has been determined that the workshop will be rescheduled sometime in July.

Consolidation of the EEL Program’s Selection and Management Committee (SMC), Procedures Committee (PC), and Recreation and Education Advisory Committee (REAC) into a single committee was included in Commissioner Tobia’s recommendations.

Paul stated that the SMC and the PC were established by the EEL Program’s Land Acquisition Manual (LAM) and the accepted procedure for revising the LAM begins with the PC and the SMC meeting to consider revisions. Paul added that was not the procedures that Commissioners chose to follow when they changed the criteria for qualifications on the SMC. He also confirmed that the REAC committee was established through the Sanctuary Management Manual (SMM) and revision of the SMM begins with the SMC. Any revisions to the LAM must be approved by both the SMC and the PC before they are sent to the Board for final approval. Paul noted that presumably, if the Commissioners plan on making changes to the SMC, PC, and REAC they intend to waive the established process again. He added that he believes it is a problem when the established procedures are not followed because he is not confident that there is an understanding of the EEL Program by some members of the Commission or that the functions of these committees are not the same.

Mike stated that if he was asked, his recommendation would be to keep the seven scientists and one Tourism Development Council representative on the SMC and add two additional members, one for environmental education and one for passive recreation, while eliminating the REAC. He also mentioned the SMC Qualifications Review Committee, which is made up of the Program Manager, Director of Human Resources or their designee, and the Chairman of the PC.

Kim noted that adding work to one committee might create the need for the committee to meet more often.

One of the responsibilities of the REAC is to review and provide input on proposed sanctuary public access plans. Tamy Dabu suggested consideration of using bullet points to clarify why all three committees are important.

It was noted that there have been issues in maintaining a quorum for REAC meetings. It was also noted that there have been multiple openings on the committee for an extended period of time and that two of the members on the committee did not participate, which created additional challenges for those members who regularly attend meetings. The EEL Program has initiated attendance guidelines for all three committees and the two members who were not participating on REAC have been removed.

Tamy suggested consideration of a meeting of all three committees. It was determined that it would be beneficial to change the currently scheduled Procedures Committee meeting on June 13th to a meeting for all three committees. A short SMC meeting will be held at 1:00 PM and a joint meeting for the SMC, PC, and REAC will be scheduled beginning at 2:45 PM.

**SMC Chairman Letter to County Manager**

On March 6, 2019 the SMC passed a motion directing the Chairman to send a letter to the County Manager regarding concerns related to directions for removal of the word “acquisition” from EEL Program communications related to the responsibilities of the SMC. A response was received from the Director of Parks and Recreation. A second motion was passed by the SMC on April 10th for Randy Parkinson, who was the EEL Program SMC Chairman at the time, to send a follow up letter to the County Manager. The County Manager did provide a response to the second request which indicated he did not give direction to remove the term “acquisition” from SMC meeting notices, or applicant advertisements. The term has been added back into EEL Program communications. Copies of the correspondences are provided as attachments to these minutes.

**Action Items Update**

**10/5/2018: Timber removal north border of Micco Scrub Sanctuary.**

Work is nearing completion.

**11/15/2018: Continue efforts to locate rare plants along firelines and trails.**

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 firelines and trails. As they are identified, specific maintenance parameters will be identified in those locations, which will be brought back to the SMC for input. Local chapters of the Florida Native Plant Society will be contacted to find out if they would like to participate in this project.

**4/10/2019: Future Land Use Designations for Comprehensive Plan (Comp Plan) Amendment.**

Mike confirmed that the processing timeframe on the June 2019 target date for changing the Future Land Use Designations on EEL Program properties will not be met during the current internal County Comp Plan Amendment processing happening next month. However, during the last major amendment in 2009, most EEL properties received the designation of Public Conservation land. Staff is determining the number of properties which will still need new designations. Mike stated that the fees associated with the application process, when done outside of the typical 7-year internal County amendment are extensive ($10,000 for 200 acres) so it may make sense to wait for the next 7-year cycle. Confirmation has been received that the amendment can be done with one application.

Paul noted that this is new information and expressed his concern that staff has been working on the zoning change/comp plan land use amendment for a long time.

Oli asked for clarification of what problems could arise if the designations were not changed. Kim explained that these changes bring an extra layer of protection to EEL lands. Kim also voiced her concern that this project has been in the works for several years without completion.

Mike confirmed that there are a few existing properties which are zoned residential and they will not be able to have their future land use changed to public conservation unless the zoning is also altered because certain zoning classifications are not allowed in the public conservation land use category.

Additional information will be provided in the future.

**4/10/2019 History of Watersmark Property Hall Road, Merritt Island**

This property was submitted to the EEL Program under a Willing Seller Application back in 2008. SMC direction at the time included the approval of a 1st Majority vote and to delay appraisals until the property could be brought back to the SMC at a later date.

### STAFF REPORTS

None.

### COMMITTEE MEMBER REPORTS

Paul noted the recently released United Nations report on global loss of biodiversity indicates that one million species face possible extinction world-wide. He added that given the Environmentally Endangered Lands (EEL) Program’s Mission of “Protecting and preserving biodiversity through responsible stewardship of Brevard County’s natural resources” the protection of biodiversity should be a focus locally as well as nationally.

Paul also noted that at the Florida Native Plant Society Conference which he recently attended, there was discussion on three new roads planned for the state which would have significant detrimental impacts on biodiversity in those areas.

Dave Breininger stated that folks who work with the Florida Scrub-Jay population viability analysis will be soliciting management alternatives in August, an Adaptive Resource Management workshop is anticipated for next fall, and he is involved in genetic work which may focus on Scrub-Jay diseases. Through their work, they found evidence of avian malaria in Florida Scrub-Jays and it is felt that may have an impact on reproduction. He also noted that he would not suggest a lot of translocations until further research can be done.

### LAND ACQUISITION STATUS UPDATE

Mike explained that Taylor Engineering, the consultants on the Florida Inland Navigation District (FIND) spoil containment basin project are recommending that FIND should handle their mitigation requirements by paying into the Florida Scrub-Jay Conservation Fund. Mitigation costs are estimated at $573,600. Additional discussion occurred during the Agenda Items portion of the meeting.

### AGENDA ITEMS

**Election of Officers**

**Election of Chairman**

**MOTION THREE**

**Paul Schmalzer nominated Oli Johnson as Chairman.**

**Kim Zarillo seconded the motion.**

**Oli indicated he was willing to accept the nomination.**

**The motion carried unanimously.**

**Election of Vice-Chairman**

**MOTION FOUR**

**Kim Zarillo nominated Paul Schmalzer as Vice-Chairman.**

**Dave Breininger seconded the motion.**

**Paul indicated he would accept the nomination.**

**The motion carried unanimously.**

**Economic Benefit Analysis**

A potential scope of services for an Environmentally Endangered Lands (EEL) Program Economic Benefit Analysis was distributed for review prior to the meeting. Mike gave a short presentation that provided confirmation that determining the economic impact of the EEL Program is included in the Land Acquisition Manual (LAM) and he recapped the information in the scope of services. A copy of the presentation may be obtained by contacting the EEL Program Office (321) 255-4466.

The group discussed the items within the scope:

* Indian River Lagoon watershed health and restoration
* Tourism / public recreation
* Property values
* Jobs
* Development mitigation
* Wildfire prevention, water recharge, stormwater interception, quality of life, environmental education, carbon sequestration.

Dave noted his feeling that the items in the latter portion of the presentation, which were indicated as possible additional topics if funding permitted, should be included because the purpose of the EEL Program is protection of biodiversity and he added his feeling that folks might feel they could fund the first part of the list through other agencies and get a greater return that what might be received through EEL.

Kim noted her feeling an economist might be able to evaluate dollar benefit from wildfire prevention and suggested consideration of using the phrase Indian River Lagoon watershed.

Mike clarified he does not plan to do a Request for Proposals, and does plan to request bids on a scope of services. It is anticipated that the $30,000 which is budgeted will only cover the first five items on the list. It was noted that natural area properties along the lagoon have significant benefit to lagoon health.

Lisa Toland requested clarification regarding plans for a future referendum for the EEL Program. Mike explained that there has been some discussion of a referendum for 2020 or 2022.

Additional Discussion – Habitat Status

Mike reminded the group that during a recent Procedures Committee (PC) meeting, the committee had asked what state of success the Program has accomplished regarding the preservation of biodiversity in Brevard County and that he had explained that staff has been working on a habitat status report for the Selection and Management Committee (SMC). The most recent version of the report was distributed for review during the meeting.

The group provided the following comments:

* A few minor errors in the report were pointed out.
* Dave noted previous requests for clarification of desired condition.
* Paul stated the areas of the Grissom and South Brevard mega-parcels should be included along with representing what has been done and what remains to be completed.
* Lisa noted her support for showcasing what has been accomplished and what the Program would like to accomplish in the future.

Tammy Foster spoke of the need to maintain habitat once it has reached desire condition so the work done during restoration doesn’t go backwards; even if land is considered managed, that didn’t mean it is optimal territory for Florida Scrub-Jays. Dave noted that the Program is at 30% for Scrub-Jays. Paul noted that there is existing potential Scrub-Jay habitat that needs to be restored.

Mike stated staff will update the spreadsheet and he is sure it will come back up for discussion as things are discussed further.

**Scrub Restoration Priorities**

The group discussed the most recent spreadsheet on Scrub Restoration Priorities related to the anticipated work on multiple sanctuaries that may be funded through mitigation for the Florida Inland Navigation District Spoil Basin Project. Mike stated he wanted to be sure staff understands the SMC preference that restoration activities are focused on tree thinning as opposed to beginning a new restoration project. The SMC voiced their agreement with this approach.

### LAND MANAGEMENT REPORT

**Monitoring**

Bat monitoring is occurring in the North and South Beach Regions. Paul requested that results be sent to the Selection and Management Committee (SMC) when the project is complete.

**Management Plans**

It was noted that target dates for South Beach Region Management Plans have been frequently moved and that several of the plans are past due. A representative from the South Beach was not in attendance at the meeting. Mike stated that challenges with American’s With Disabilities Act (ADA) Section 508 Compliance have had a significant impact on everyone’s workload.

### PUBLIC COMMENT

Suzanne Valencia, Recreation and Education Advisory Committee (REAC) member, noted that the Board of County Commissioners will be reviewing a density increase request in Micco soon and noted she would be attending the meeting to share her concerns due to potential impact on the Indian River Lagoon.

### NEXT MEETING

The next Selection and Management Committee meeting will be scheduled for June 13, 2019.

### ADJOURNED

The meeting was adjourned at 3:55 PM.

### SUMMARY OF MEETING MOTIONS

1. Motion to approve the April 10, 2019 Selection and Management Committee (SMC) minutes, as corrected. APPROVED
2. Motion to send a communication to the State requesting clarification of their strategy for moving forward with land acquisition and management of the mega-parcel areas due to the following concerns; APPROVED
* Lack of acquisition means land management cannot be accomplished in a State approved conservation project which provides habitat for multiple endangered species, one of which (Florida Scrub-Jay), is endemic to our state and is threatened with extinction.
* High fuel loads in these urban interface areas are also a significant wildfire risk.
* The communication should also include a request for clarification of requirements for property exchanges.
1. Motion to elect Oli Johnson as Chairman of the SMC. APPROVED
2. Motion to elect Paul Schmalzer as Vice-Chairman of the SMC. APPROVED

### ACTION ITEMS

1. Staff to provide clarification of membership on the current Acquisition and Restoration Council in Tallahassee.
2. Staff to contact state regarding motion two above. A short summary providing additional information on difficulties in managing the mega-parcel areas will be included in the communication to the State.

**MEMORANDAM**

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 manage 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.

Attachments: 1 through 12

From: Abbate, Frank

Sent: Tuesday, April 3, 2019 2:22 PM

To:

Subject: RE: EEL SMC and the term 'acquisition'

Mister Parkinson:

Thank you for contacting me concerning your inquiry regarding the purposeful exclusion of the term acquisition from all County public communications regarding the Selection and Management Committee. Let me begin by making it clear, I did not direct any purposeful exclusion of the term acquisition from all County Communications regarding the Selection and Management Committee. Upon being advised that the Committee was requesting a response from me concerning this issue, as I did not direct that action to occur, I requested that our Parks and Recreation Director, who initiated the course of action regarding that item, to respond. Please reference that response. I take being responsive very seriously for myself and our entire leadership team. In this case, however, I do not have anything else to offer in addition to Mary Ellen Donner’s explanation.

I appreciate and agree with your acknowledgement and recognition that the SMC is an advisory body to the Board of County Commissioners. I also appreciate your statement that “the SMC recognizes the current fiscal challenges facing EELs and for that reason we have not recommended purchases that could not be supported by the program’s budget.” We view these items from similar perspectives. I also understand and am sensitive to your comment that “the role/qualifications of the SMC remains unchanged and this must be reflected in all public communications regarding same”. In fact, the Board’s recent approval of a land swap recommendation that had your Committee’s unanimous support, to at least some degree illustrates that some form of acquisition is still occurring.

In response to your request, if you would like to meet I am available to meet with you at your convenience to discuss this issue in greater detail. Please contact my Administrative Assistant, Joy Roth, at (321) 633-2001 if you would like to schedule a meeting.

Respectfully,

Frank