# Environmentally Endangered Lands Program Selection and Management Committee Meeting Minutes

**September 20, 2019**

Approved October 15, 2019

## *Attendance*

### SELECTION AND MANAGEMENT COMMITTEE MEMBERS

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

### EEL PROGRAM STAFF

* Laura Clark
* David DeMeyer
* Damien Keene
* Mike Knight
* Ray Mojica
* Chris O’Hara

### GUESTS

* None

*Protecting and Preserving Biological Diversity*

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

## *Meeting Minutes*

### CALL TO ORDER AND ROLL CALL

Oli Johnson, Chairman, called the meeting to order at 1:08 PM.

It was noted that all members of the Selection and Management Committee were present at the meeting.

### PUBLIC COMMENT

None.

### MINUTES

None.

### ADMINISTRATIVE REVIEW

The Administrative Review was discussed.

**Board of County Commissioner Items**

* Cooperative Agreement with Town of Malabar – date to be determined.
* Enchanted Forest Sanctuary Florida Native Plant Society Agreement – date to be determined.
* License Agreement with Alex Chamberlain at Fox Lake Sanctuary – approved August 20, 2019.
* License Agreement with Jesse Briel at Grant Flatwoods – date to be determined.

**Additional Discussion - Economic Benefit Analysis**

The Environmentally Endangered Lands Program Economic Benefit analysis project has been awarded to Closewaters, Limited Liability Corporation (LLC). which is the same company that prepared the economic analysis for the Save Our Lagoon Program. Staff will begin the process of coordinating with Closewaters, LLC. early next week. It is anticipated this project will take approximately four months to complete. Staff will distribute the purchasing documents to the committee for their review.

**Action Item October 5, 2018: Timber removal north border Micco Scrub Sanctuary**

Most trees are down and in 30 to 50 piles. A few trees remain on the ditch bank that require excavator. Paul Schmalzer noted that the longer piles of trees remain unburned, the more difficult they can become to burn successfully. Mike Knight, Environmentally Endangered Lands EEL Program Manager, clarified that staff continues to follow up with the contractor regarding the remaining line of trees so the only thing left will be the burning. Dave Breininger noted some Florida Scrub-Jays are already moving back and forth between the property north of the sanctuary and the area being restored.

### COMMITTEE MEMBER REPORTS

Lisa Toland informed the group she would need to leave prior to the beginning of the Selection and Management Committee and Procedures Committee (SMC/PC) joint meeting which was scheduled later the same day.

### STAFF REPORTS

None.

### LAND ACQUISITION STATUS UPDATE

**Florida Inland Navigation District (FIND) Property Exchange**

Mike explained that due to the reconfiguration of the basin footprint, a location change will be required for the pipe easement and access route. The new location is expected to come down into the sanctuary area. It is anticipated that FIND will provide a couple of options for the easement location. These options will be presented to the Selection and Management Committee (SMC) for review prior to submittal to the Board of County Commissioners for final approval. Clarification was requested on whether FIND plans to use the easement for primary access to the pipeline, whether the line will be buried or at grade, what type of monitoring program is planned and what assurances will be in place that FIND would be responsible for clean up in the event that the pipeline has a leak. Staff will find out if the information is available. Tamy Dabu noted that the Saint Sebastian River Buffer Preserve State Park has a pipeline so they might be able to provide information from their situation. Lisa noted it’s always good to have this type of understanding in writing.

It was noted that FIND has already paid into the mitigation fund for the Spoil Basin project in Valkaria. Clarification was requested regarding the status of EEL mitigation projects. Mike noted that staff is working on specifications for pile burning situations and equipment movement within the restoration areas.

**Additional Discussion – Property Exchanges**

Mike noted that he has sent additional questions to the State regarding property exchanges, but has not yet had a response. He also noted he hopes to see some of the State staff when he attends the Public Lands Acquisition and Management (PLAM) Conference at the end of September.

### AGENDA ITEMS

**Revisions to the Land Acquisition Manual (LAM) and Sanctuary Management Manual (SMM)**

Mike noted that during the August 23, 2019 Selection and Management Committee/Procedures Committee (SMC/PC) meeting both committees had discussed both manuals, but the Sanctuary Management Manual is really the domain of just the SMC, so discussion on that manual will occur during the current SMC meeting.

Mike also noted that he had received a request from the County Manager’s Office for the August 23, 2019 pending revisions to be provided in a Word document. He clarified that when he provided the information, he included clarification that on August 6th, the Board of County Commissioners had not waived the requirement for committee review of any changes to the EEL Program Manuals. Mike noted that the County Manager’s Office had suggested a few minor revisions.

The committee discussed pending items related to the Sanctuary Management Manual which defines the Recreation and Education Advisory Committee (REAC) including:

* Removal of the District specific criteria for membership and discussion of numbers of members and whether or not the ending dates for terms should be staggered.
* Clarification that the one REAC member who is nominated by either the Tourism Development Council (TDC), or the Economic Development Council (EDC), does not need to be a member of either of those two groups.
* Clarification that Mike had suggested setting the terms for both the Recreation and Education Advisory Committee and the Procedures Committee at two years.

**MOTION ONE**

**Paul Schmalzer moved to approve the proposed revisions to the Sanctuary Management Manual, as specified in the handout, with the addition of the change of total members of the Recreation and Education Advisory Committee from eleven (11) to seven (7).  
Lisa Toland seconded the motion.**

**The motion carried unanimously.**

Based on the discussion, the following changes are recommended for the Sanctuary Management Manual: Information shown constitutes revised text.

**Item 1, Page 32 regarding 4.3.3 EEL Procedures Committee Responsibilities**

The EEL Procedures 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.

**Item 2, Page 33 regarding 4.3.5 Recreation and Education Advisory Committee (REAC) Structure** *(Post meeting note: REAC membership changed from eleven (11) to seven (7) members in this meeting, then revised to eight (8) members in the SMC PC meeting which occurred later the same day.)*

The structure of the REAC will be composed of seven (7) members appointed by the EEL Selection and Management Committee for a term of 2 years. One citizen shall be recommended by the Tourism Development Council (TDC) or Economic Development Commission (EDC) to represent eco-tourism. Citizens being appointed to the committee should have interest and/or experience in public access and recreation uses such as hiking, nature observation, photography, primitive camping, fishing, hunting, horseback riding, bicycling, wildlife observation, canoeing, kayaking, eco-tourism, and environmental education. A voting seat will be designated on the Selection and Management Committee for a REAC member selected by a majority vote of the Recreation and Education Advisory Committee for a two-year term.**Guidelines for Protecting Rare and Protected Plants on Firebreaks and Trails**

Ron Chicone, David DeMeyer and Damien Keene have been working on these guidelines. The most recent version of this document was distributed to committee members prior to the meeting. It was noted that Paul has provided a few comments and that clarification is requested regarding the use of herbicide on trails which is beyond what is needed for control of invasive, exotic plants. Mike explained he requested clarification from staff regarding this type of herbicide use and was told that although this happened more frequently in the past, it isn’t used much currently unless it’s needed to keep trails which aren’t used frequently open. Paul noted his feeling that if some trails are receiving such low usage that they are impassible, then perhaps there are more trails than needed. Mike suggested that staff could come up with parameters related to when herbicide should be used around rare, protected, or native plants and that they will incorporate the parameters when they incorporate the most recent revisions. Once the document is updated, it will be re-distributed to the SMC.

Pine Island Conservation Area (PICA) Management Plan Overview

Ron Chicone, Central Region Land Management Specialist, gave a presentation on the Pine Island Conservation Area and requested input from the SMC. It was noted that this presentation is Step 8 of the EEL Program’s Management Plan Approval Process and that information on the proposed public access portion of the Sanctuary Management Plan has been previously shared with the public at the Stakeholders meeting last October and during review by the Recreation and Education Advisory Committee, which occurred last January. EEL Program management staff have reviewed the updated draft management plan. A copy of this presentation will be posted to the EEL Program’s web site as an addition to these minutes.

The original PICA Management Plan was completed in 1999. This update is being prepared in accordance with State management plan guidelines in order to provide consistency in format for all EEL Program plans. This sanctuary was a joint acquisition between Brevard County and the Saint Johns River Water Management District.

General discussion ensued.

* It was noted than an informal access agreement exists between the EEL Program and private property owners to the north of the sanctuary.
* There is an active eagle’s nest at this sanctuary.
* Dave Breininger suggested including Diamondback Terrapins as one of the protected species. Dave will send a recent paper he published on this species for distribution to committee members and staff.
* Guidelines regarding drones will be incorporated into the management plan.

Proposed changes to the Public Access Plan were discussed. Several changes are proposed as part of this management plan update.

**Addition of Proposed Service Trail**

The proposed trail will be for staff’s authorized vehicle use when traveling between the Management and Education Center (Sams House) and the conservation area during land management or emergency situations such as wildfire. The trail will require minimal clearing, include a culvert for crossing a large ditch, and a wetland reinforcement crossing area. No concerns were received from the SMC regarding this proposal.

**Proposed Addition of Little Inlet Trail and Decommission of Saltmarsh Trail**

The views of the existing Saltmarsh Trail and overlook platform at the end of the Saltmarsh Trail have become overgrown with natural recruitment of white mangrove and the trail is not the attractive destination it used to be. The new trail will use part of the decommissioned trail’s footprint, and add a new section on an existing maintained berm that leads to an overlook of the Indian River Lagoon at a stable shoreline location offering two points of interest. The structure at the end of the Saltmarsh Trail will be moved, or taken down. No concerns were received from the SMC regarding this proposal.

**Proposed Addition of Public Toilet and/or Caretaker Residence**

Consideration is being given to the addition of a public toilet and or caretaker residence which may be located within the entrance point of the conservation area. The exact location, type of toilet, design for caretaker residence and costs, have not been identified.

Lengthy discussion ensued. The following was noted:

* A septic system would be required for a caretaker’s residence. It is unknown if County approval for a system at this location could be received. New development in the general area has received septic tank permitting.
* When you consider the water quality issues that the Lagoon is currently facing, does the EEL Program really want to install a septic system this close to the Lagoon?
* If it is determined that a single residence/public toilet building is not necessary, or is not feasible, whether or not you should have a restroom facility and/or a caretaker residence should be considered separately.
* A public toilet would offer convenience for kayakers, hikers, and anglers and limit human waste in natural areas.
* A caretaker residence would offer improved security at the sanctuary entrance for any associated future facilities, and facilitate access to opening and closing of toilets and entrance gate.
* A caretaker residence would be expensive to construct and to maintain.
* A suggestion was received to move consideration for a caretaker’s building to the area of the Sams House.
* At the current time, the entrance gate is opened by staff and closed by a staffing agency. This process appears to be working well.
* Any restroom structure at this location would need to be cleaned and maintained by EEL Program Staff. There are concerns regarding possible vandalism to the restroom.
* Vandalism at PICA has been a problem in the past. There have not been any significant vandalism issues for about 5 years since a newer, stronger gate was installed at the sanctuary entrance.
* A decision on these items will be scheduled for when the Management Plan comes back before the Selection and Management Committee.

**Future Shoreline Restoration Opportunity**

It was noted that opportunities exist to continue to restore the conservation area shoreline, which would also have a positive impact on the Lagoon.

Additional Discussion

The draft management plan will be distributed to the SMC for review and comment. Once the comments are incorporated, the revised plan will be presented to the Public for a 30-day review.

### LAND MANAGEMENT REPORT

**South Region: Crane Creek Sanctuary**

Tammy Foster noted that the Management Report indicates that a Crane Creek Sanctuary Selection and Management Committee (SMC) presentation was scheduled for November 2018 and she asked if the presentation has been provided. Chris O’Hara, South Region Land Manager, confirmed it has not been done, but it is hoped the presentation will be ready for the next Selection and Management Committee meeting. It was noted that a Section 508 compliant version of presentations for public meetings need to be available prior to the date of the meeting.

**North Region: Indian Mound Station Sanctuary**

It was noted that the Indian Mound Station Sanctuary and South Lake Sanctuary Public Access Plan Public Meeting is tentatively scheduled for October 29, 2019.

**South Beach Region Management Plans**

Paul noted that the meeting dates for this region’s Public Access Plan Public meetings keep getting delayed. Ray stated that it is anticipated that all Public Access Plans will be presented at one meeting, which he expects to hold before the end of 2019.

**County Wide: Saw Palmetto Berry Pickers**

Oli Johnson asked if the changes in laws from last year which places restrictions on where berry wholesalers can obtain berries have had much impact on saw palmetto berry pickers. Chris O’Hara and Evan Hall noted that they have frequently chased pickers off multiple sites in the South Region and have even seen berry wholesalers parking on the side of the roads. Oli asked if staff has been able to obtain any kind of agreement that they will stay off EEL lands. No agreements have been reached. Dave Breininger noted his understanding that illegal berry harvesting is occurring on conservation lands throughout the County and it is frequently occurring at night. Mike mentioned that the laws are helpful, but there aren’t many people available for enforcement. It was noted that saw palmetto berries are an important food source for wildlife and products made from the berries are also very popular.

### PUBLIC COMMENT

None.

### NEXT MEETING

The next Selection and Management Committee (SMC) meeting will be held on Tuesday, October 15, 2019.

An SMC field trip to the South Beaches will be planned for Sunday, October 13, 2019.

### ADJOURNED

The meeting was adjourned at 3:08 PM.

### SUMMARY OF MEETING MOTIONS

1. Motion to approve the proposed revisions to the Sanctuary Management Manual, as specified in the handout, with the addition of the change in total members of the Recreation and Education Advisory Committee from eleven (11) to seven (7).

### ACTION ITEMS

1. Staff to distribute purchasing documents related to award of Environmentally Endangered Lands (EEL) Program Economic Impact project to EEL committees.
2. Staff to request clarification on whether the Florida Inland Navigation District (FIND) plans to use the easement for primary access to the pipeline, whether the line will be buried or at grade, what type of monitoring program is planned and what assurances will be in place that FIND would be responsible for clean up in the event that the pipeline has a leak.
3. Staff to develop parameters regarding protection of rare, endangered and other native plant species when using herbicide on firelines and trails.
4. EEL Program staff to review the optional boundary maps to ensure all parcels listed in red (proposed for acquisition) are included in the Selection and Management Committee’s proposed properties list.
5. Staff to add Diamondback Terrapins to the Protected Species of the Pine Island Conservation Area Management Plan.