Environmentally Endangered Lands Program
Selection and Management Committee Meeting Minutes

**October 15, 2019**

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# Environmentally Endangered Lands ProgramSelection and Management Committee (SMC) Meeting Minutes

October 15, 2019

## Attendance

### SELECTION AND MANAGEMENT COMMITTEE

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

### EEL PROGRAM STAFF

Laura Clark, David DeMeyer, Mike Knight, Steve McGuffey, Ray Mojica, Chris O’Hara, Nichole Perna

### 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 1:00 PM. It was noted that all members of the committee were present.

### PUBLIC COMMENT

None.

### MINUTES

**Additional Discussion - Incomplete Draft Minutes**

Clarification was provided that the following Selection and Management Committee (SMC) or Selection and Management Committee and Procedures Committee (SMC/PC) draft minutes are incomplete: March 6, 2019 SMC, July 17, 2019 SMC, August 23, 2019 SMC, August 23, 2019 SMC/PC.

**September 20, 2019 SMC Minutes**

The September 20, 2019 SMC minutes were presented for approval.

Paul Schmalzer noted the following:

* Minutes, Page 4 Item 2 of the minutes regarding Sanctuary Management Manual, Revisions to Recreation and Education Advisory Committee (REAC) structure: A comma should be added after the word hiking.
* Presentation, Pine Island Conservation Area (PICA) Rules: Multiple recreational uses are listed, but wildlife observation was the only one listed as passive recreation. Staff will eliminate single activity use of the phrase passive recreation.
* Presentation, Proposed Little Inlet Trail: Capitalize flatwoods.
* Presentation, Proposed Decommission of Saltmarsh Trail: Change *racemose* to *racemosa*.
* Presentation, Appendix C: Remove capitalization from Lakes.

Staff provided clarification of one additional change:

Minutes Page 8, Action Item 5: Insert PICA before Management Plan.

**Motion One**

**Lisa Toland moved to approve the September 20, 2019 SMC minutes, as amended.**

**Tamy Dabu seconded the motion.**

**The motion carried unanimously.**

**Additional Discussion – Proposed Pine Island Conservation Area Caretaker Residence and Septic System**

Paul Schmalzer stated he had a comment to the September 20, 2019 SMC minutes. He noted that the meeting’s discussion had included a statement that a caretaker residence would offer improved security at PICA. He also stated his understanding that security at PICA had been an issue several years ago, but there has been no significant vandalism during the last five years which seemed to him to suggest that the necessity for a caretaker to prevent vandalism is not well established. He stated the sanctuary does have restroom facilities although they are located down the road at the Sams House. Paul mentioned the Environmentally Endangered Lands Program’s (EEL) limited resources and clarified that the North, Central, and South Beach Regions all have Management and Education Centers while the South Region does not. He noted his feeling that this is something that needs to be considered at some length before committing additional resources for expansion of PICA facilities.

Lisa Toland noted she had not been available for the presentation, but as she went through the minutes, she also noticed that while vandalism is being used as justification for consideration of the residence, information on problems during the last five years had not been included, so that needed to be clarified as part of the plan review.

**September 20, 2019 SMC/PC Minutes**

The September 20, 2019 SMC/PC minutes regarding revisions to the EEL Program’s Land Acquisition Manual (LAM) were presented for approval.

Paul Schmalzer noted the following:

* Page 5 regarding number of members on SMC should be corrected to read:

Membership shall consist of ten (10) members. Eight (8) members are appointed by the Board for a minimum term of two (2) years. Two additional voting seats are designated for one member of the Procedures Committee and one member of the Recreation and Education Advisory Committee as appointed by a majority vote from each member’s committee.

* The numbering system for the revisions jumps from 16 to 19.
* Page 6, Summary of Meeting Motions number 3: Sentence should be completed so the language in the Selection and Management Committee motion regarding the revisions mirrors the Procedures Committee motion.

**Motion Two**

**Paul Schmalzer moved to approve the September 20, 2019 SMC/PC minutes, as amended.**

**Kim Zarillo seconded the motion.**

**The motion carried unanimously.**

### ADMINISTRATIVE REVIEW

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

Mike explained that staff has prepared and submitted a draft resolution related to the pending revisions to the SMM and LAM to the County Manager’s Office along with the manual revisions which will all be submitted to the Chairman of the Board of County Commissioners (BOCC) for approval on the BOCC’s behalf. Mike noted he received a couple of questions from the County Manager’s Office staff regarding the potential for rescinding some of the previous BOCC resolutions related to the three Environmentally Endangered Lands (EEL) Program Advisory Committees and that he has also expressed his lack of understanding for why rescinding previous resolutions would be included, as opposed to just amending the previous resolutions, which is generally the case.

Paul stated his feeling that rescinding previous resolutions related to the committees would be problematic as there was nothing in the Board’s direction of August 6th which mentions rescinding anything and doing so would be beyond the scope of the Board’s direction. Mike agreed. He stated as soon as he hears anything, he will let everyone know.

Lisa asked if there is a County Attorney opinion regarding the cumulative effort of rescinding previous resolutions because it is hard to know if it would be a good thing, or a bad thing, without having a legal review.

Mike reminded the group that although many Brevard County Advisory Boards are created by the Board of County Commissioners through a resolution, as the Procedures Committee was, the creation of the Selection and Management Committee (SMC) was done as part of the approval for the original Land Acquisition Manual which is also the place where the purpose, function, and responsibilities that make up the SMC were established.

Lisa asked for clarification: If everything is protected under the referendum, does the language of the resolution matter?

Mike stated that the position of the County Attorney’s Office is that the Environmentally Endangered Lands (EEL) Program manuals are nothing more than Board policy and could be changed, or gotten rid of at any point in time. He stated he would argue, and he believed that many others would argue, that because the original 1989 referendum failed at the polls and the original LAM was approved by the Board and presented to the public prior to the 1990 referendum, the LAM was critical in the approval of the 1990 referendum. He added that whether or not there is a legal debate about that, he does not know. He stated that staff went through a lengthy exercise with the County Manager’s Office reviewing the history of the resolutions related to the three committees and explained that some resolutions relate to a single committee action, but most relate to multiple changes in the LAM or SMM.

**Mega-Parcel Land Exchanges**

Mike noted that he was not able to get clarification from State staff regarding their criteria for consideration of land exchanges during his recent trip to the Public Lands Acquisition and Management conference in Saint Augustine. He added that he has a few ideas which he will bring back to the committee for consideration.

**The Nature Conservancy (TNC) Request for Acquisition Priorities and Estimated Cost**

The Nature Conservancy has requested a cost estimate and priorities for currently unacquired lands remaining in the County’s acquisition strategy list. The information would be used if TNC moves forward with a feasibility study for a future EEL referendum. The EEL Program is currently updating its Geographic Information System (GIS) shapefile for the remaining proposed lands and will provide the information to TNC as soon as it is evaluated by the SMC for accuracy.

It was noted that the Economic Benefit Analysis is ongoing.

Staff will distribute timeline information from the last two referendums prior to the next meeting.

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

* Town of Malabar Cooperative Agreement – date to be determined.
* Enchanted Forest Sanctuary Florida Native Plant Society Agreement – due for renewal.
* Grant Flatwood Sanctuary Access Agreement with Jesse Breil – Scheduled for review by BOCC October 22, 2019.

**Action Items**

**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 ditch bank that require excavator.

**September 20, 2019** **Florida Inland Navigation District (FIND) – Request for monitoring and spill clean-up plan**

Staff will plan to have this information available when the SMC reviews the revised exchange agreement.

**September 20, 2019 Herbicide use during trail maintenance**

Staff will include some language related to herbicide use during trail maintenance in the guidelines related to managing rare plant populations along fire lines and trails.

**September 20, 2019 Pine Island Conservation Area (PICA) optimal boundary map**

Staff will correct the PICA optimal boundary map in the draft management plan to accurately reflect currently proposed EEL lands.

**September 20, 2019 PICA Management Plan**

Staff will add Diamondback Terrapins to the PICA draft management plan protected species list.

### COMMITTEE MEMBER REPORTS

**Florida Native Plant Society Field Trip**

Paul Schmalzer explained he will be leading a Florida Native Plant Society field trip to the Dicerandra Scrub Sanctuary on October 26, 2019. It was noted that Eric Menges and Suzanne Kennedy recently published a 13-year study on *Dicerandra thinicola*, a rare plant which is endemic to Brevard County. A copy of this report and an earlier publication will be distributed to the Selection and Management Committee and staff.

**Florida Scrub-Jays**

Dave Breininger noted that the Population Viability Workshop which Bob Lacey will be involved in is being delayed as Doctor Lacey is currently in Peru. Dave noted the current understanding that you need a population of at least 80 families in optimal habitat for a Florida Scrub-Jay population to remain viable. Dave also noted that there is potential for South Brevard to have a viable population, but it will take a lot of expedited management for long term viability and he does not

believe Brevard will get there without changes in strategy about management and a quantitative tracking system which can evaluate success. It was determined this item will be added to a future EEL Program agenda for additional discussion.

### STAFF REPORTS

None.

### LAND ACQUISITION STATUS UPDATE

None.

### AGENDA ITEMS

**Coconut Point Sanctuary Site Visit Report – Living Shorelines Permit**

Mike noted that he, Ray Mojica, Kim Zarillo, and Oli Johnson attended the October 13th Coconut Point Site Visit. The goal of the visit was to evaluate the eroding shoreline along the peninsula just north of Cove Road which runs through the middle of the property and which has seen significant impacts including the loss of cabbage palms and native species which were previously planted there. Mike noted that discussion during the site visit included concerns regarding the use of plastics to secure oyster shells.

Nichole Perna, Land Management Specialist for the South Beach Region, noted that the Brevard Zoo contacted South Beach Region staff a few years ago about possible locations for doing shoreline restoration using funds from the Save Our Indian River Lagoon Program tax. Other projects have been completed at Maritime Hammock, Hog Point Cove, and Coconut Point Sanctuaries in the past and much has been learned from them. The current plan is for an oyster shell breakwater about ten feet from shore and running a length of about 400 feet. State and Federal Permits for the project have been approved. Previous plantings of native species in this area have not done well, largely due to wave action. The current water level in the Indian River Lagoon is unusually high.

Kim asked if the shoreline restoration project is in this sanctuary’s Management Plan and expressed her concern that she only recently became aware of the work. She noted her work in shoreline research and voiced her concern regarding the use of plastic materials to secure oyster mats along with her feeling that barrier islands migrate. Kim stated her feeling that in the future, these types of projects should come to the SMC for review before they are implemented.

Nichole confirmed the shoreline project is not in a management plan and noted her understanding that information on each project has been included in the South Beach Region’s monthly management reports. Ray Mojica, South Beach Region Land Management Superintendent stated any incomplete steps were his responsibility.

Tamy Dabu stated her feeling that the Environmentally Endangered Lands (EEL) Program should do whatever is possible to protect all lands which have been acquired and noted her work in approving permitting applications.

Tammy Foster asked for clarification on the following: If staff is obtaining a permit for a management action and the permit states the action is supported by the Environmentally Endangered Lands Program, are those types of actions normally approved by the Selection and Management Committee (SMC) before a permit is requested? Mike stated that normally they are not and added his feeling that the Program needs to come to a formal position on living shorelines, particularly along natural areas.

Lisa Toland stated she believed the decision should be case by case.

Discussion ensued regarding what types of management activities should come to the SMC for review prior to implementation. Paul noted his feeling that if a management action is a reasonable execution of what is in a sanctuary’s approved management plan, then it doesn’t need to come back to the SMC, but if there is a significant change, or the action is not captured in a management plan, it should come to the committee, which has not always been the case. There was no concurrence among the group regarding future guidelines.

Clarification was provided that an additional project is pending at Maritime Hammock Sanctuary. Staff will provide information on this project to the SMC for the next meeting for review and additional guidelines discussion.

**Otter Release Request**

Mike explained that a request was received from the Florida Wildlife Hospital regarding the potential release of four orphaned otters at the Hog Point Cove Sanctuary. Clarification was provided to the Hospital that per the Program’s Species Translocations policy, all translocations require the approval of the Selection and Management Committee. The otters were released at a nearby location due to time constraints.

Ray noted the Hospital would like to find out if the EEL Program could become a repository for orphaned otters being released in the South Beaches. Ray will see if Megan Stolen, who set up the Otter Spotter Program can attend a future SMC meeting to provide additional information on this topic.

Previous species translocations to EEL Program sites include Gopher Tortoises, Florida Scrub-Jays, biocontrol agent for the invasive, exotic air potato, a parasitic fly that it was hoped would attack a weevil which infests *Tillansia fasiculata,* and plants at Malabar Scrub Sanctuary. North Buck Lake Sanctuary has been designated as a Gopher Tortoise Recipient Site for the Tico Airport Authority who contributes funding for the management of North Buck Lake Sanctuary on an annual basis.Lisa Toland stated all Brevard County Gopher Tortoises that require relocation are sent to other counties. Oli stated that Gopher Tortoises are overpopulated at Turkey Creek Sanctuary, in Palm Bay, and the Florida Wildlife Commission wants to send some of them to South Carolina. Carrying capacity is an important component of Species Translocation consideration. Staff will distribute historical information on Species Translocation Requests.

**Babcock Street Widening Project Design and Engineering (PD&E) Study**

Mike provided a brief overview of the current status of the Babcock Street widening project in the Town of Malabar. Clarification of impacts to EEL sanctuaries will be provided once the consultants determine a preferred alignment. The current plan does not impact Micco Scrub Sanctuary at all and only impacts three mega-parcels, which are in State title. Mike provided confirmation that impacts to EEL properties will need to be reviewed by the Selection and Management Committee, Board of County Commissioners, and Acquisition and Restoration Council in Tallahassee before the project moves forward and noted he will be involved in meetings with the County’s Public Works Department as things move through the process. Actual paving is anticipated to be approximately ten years away. Some of the parcels which may be affected are considered to be 4F lands (public recreational use or conservation) which fall under specific State guidelines regarding impacts.

**EEL Program Operations and Funding Status Report**

Mike explained that he has provided a few suggested areas for revision within the most recent version of the EEL Program Operations and Funding Status Report, along with some suggestions for new language. He noted that at one time, a one-page bulleted summary regarding the anticipated funding shortage was included, but that might not be relevant any longer due to several years of funding being approved by the Board of County Commissioners at the dollar level requiring four votes of approval.

The report will be distributed to EEL committees for review and input at future meetings. Tammy Foster noted that this report, along with the Economic Benefit Analysis, could provide very good information. She suggested a multi-stage approach which includes the Program’s current funding situation, what occurred that led to the current funding situation, the importance of the loss of funds, and what will happen in 2024 when the current 20-year funding referendum ends. Mike noted the Economic Benefit Analysis was originally anticipated to take approximately four months, but may be delayed a bit due to the holiday season.

Regional Land Management Report

**South Region, Malabar Scrub Sanctuary**

Paul asked for clarification regarding the replacement of boards on the Tuttle boardwalk and noted his understanding that the EEL Program is not responsible for maintenance of the Al Tuttle Trail which is partly located on this sanctuary. Mike stated that he recently told staff to replace a broken, rotten board, but when the need for repairs becomes significant, he will need to move the issue to someone else.

It was noted that there is a multi-year history related to the paved trail at Malabar Scrub Sanctuary. When this Management Plan was reviewed by the SMC, they originally declined the requested paved trail adjacent to Marie Street and requested that the existing concrete boulevard be used instead. Staff inserted a recommendation to the Board to place the trail on the east side in order to align with a planned Town of Malabar trailhead. The Board of County Commissioners approved the Management Plan with the paved surface adjacent to Marie Street. Since the land is in State title, approval from the Acquisition and Restoration Council (ARC) was required. ARC returned the plan without their approval due to concerns expressed by the SMC. Eventually the SMC agreed with the paved trail adjacent to Marie Street as a pilot project and with the understanding that the EEL Program would not be responsible for repairs or maintenance to the boardwalk, or asphalt. Since that time, revisions have been added to the Sanctuary Management Manual that a management plan can not be forwarded to the Board of County Commissioners unless it has the SMC’s approval. Mike noted his concern that the boardwalk is not being inspected on a regular basis. The group agreed with the need to ensure that the boardwalk is safe. It was also noted that if the EEL Program takes financial responsibility for the little things, it may open the door to the thought that the Program should be responsible for all costs.

Significant discussion ensued regarding options for moving forward with inspections and clarification of financial responsibilities including but not limited to, paying for all needed repairs and maintenance since the trail is on EEL Program property and closing off access to any unsafe areas until a funding source outside the EEL Program can be arranged. The boardwalk is estimated at 15 feet in elevation and 100 feet in length. The paved trail is 14 feet wide and a mile long.

Mike will have a preliminary discussion with the Director of Parks and Recreation. Additional discussion will be scheduled for a future meeting. Staff will provide a recap of the history prior to the next meeting.

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

Mike clarified that the new property exchange footprint will require FIND to have an easement for underground pipe and that some location options impact EEL Program land. Three possible options were discussed. It is possible that once the SMC approves the new exchange, the Agenda Report will move forward to the Board indicating that one of three proposed options will be implemented for the easement. Dave Breininger noted this area needs prescribed fire.

Clarification was requested regarding how mitigation and impacts on EEL property could be considered resolved if the easement footprint has not yet been determined. Mike noted staff will make sure the question is being contemplated.

### PUBLIC COMMENT

None.

### NEXT MEETING

The next Environmentally Endangered Lands Program Selection and Management Committee meeting will be scheduled for December 5, 2019. It is anticipated the next Procedures Committee meeting will be scheduled for November 14, 2019.

### ADJOURNED

The meeting was adjourned at 3:00 PM.

### SUMMARY OF MEETING MOTIONS

1. Motion to approve the September 20, 2019 Selection and Management Committee minutes, as amended.
2. Motion to approve the September 20, 2019 Selection and Management Committee/ Procedures Committee minutes, as amended.

### ACTION ITEMS

1. Bring new ideas for land exchanges in the mega-parcel areas to the Selection and Management Committee (SMC).
2. Provide information related to cost estimate and priorities for currently unacquired lands remaining in the County’s acquisition strategy list to The Nature Conservancy once it is evaluated by the SMC.
3. Distribute timeline information from the last two Environmentally Endangered Lands (EEL) Program funding referendums to Selection and Management Committee and the Procedures Committee.
4. Provide information related to Florida Inland Navigation District’s plans for monitoring and spill clean-up plan when the SMC reviews the revised exchange agreement.
5. Include language related to herbicide use during trail maintenance in the Trail and Fireline Guidelines related to managing rare plant populations.
6. Correct the Pine Island Conservation Area optimal boundary map, as noted.
7. Add Diamondback Terrapins to the Pine Island Conservation Area draft management plan protected species list.
8. Distribute two reports on *Dicerandra thinicola,* as noted*.*
9. Explore methodologies for tracking of progress towards improving biological diversity on Environmentally Endangered Lands Program managed lands.
10. Provide information on pending shoreline project at Maritime Hammock to the Selection and Management Committee for review and discussion at next meeting.
11. Check with Megan Stolen regarding a possible presentation to the SMC on otters.
12. Distribute historical information on Species Translocation Requests.
13. Distribute EEL Program Operations and Funding Status Report, along with suggestions for updates, to Selection and Management Committee and Procedures Committee.
14. Mike Knight to have preliminary discussion with Parks and Recreation Department Director regarding Al Tuttle Trail maintenance issues.
15. Staff to distribute history related to paved trail at the Malabar Scrub Sanctuary.