# Endangered Lands Program

# Selection and Management Committee Meeting Minutes

**August 23, 2019**

## Attendance

### SELECTION AND MANAGEMENT COMMITTEE MEMBERS

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

### PROGRAM STAFF

* Jonny Baker
* Ron Chicone
* Laura Clark
* David DeMeyer
* Mike Knight
* Steve McGuffey
* Brad Manley
* Ray Mojica

### 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 1:10 PM.

### PUBLIC COMMENT

None.

### MINUTES

No minutes were presented for approval.

### ADMINISTRATIVE REVIEW

The Administrative Review was discussed.

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

* **Florida Forest Service Timber Agreement** – Approved BOCC 7/23/2019.
* **License Agreement at Fox Lake Sanctuary for Alex Chamberlin** – Approved BOCC 8/20/2019.
* **License Agreement at Fox Lake Sanctuary for Jesse Breil** – Submitted for BOCC 9/12/2019
* **Town of Malabar Cooperative Agreement –** BOCC Date To Be Determined
* **Enchanted Forest Sanctuary Florida Native Plant Society Agreement** – BOCC Date To Be Determined

**Discussion**

Clarification was requested regarding the License Agreement approved by the BOCC on 8/20/2019. Mike Knight, Environmentally Endangered Lands Program Manager, explained that the citizen has requested access through the sanctuary to provide access to his property which he is leasing out for hunting and camping. Mike also noted that the County Attorney’s Office has indicated the citizen has a right to this access. Clarification was provided that these types of lease agreements are not included in Management Plans. Paul Schmalzer stated that he felt staff needed to keep the Selection and Management Committee informed regarding this type of lease. One additional license agreement has also been submitted to the Board of County Commissioners for consideration.

### COMMITTEE MEMBER REPORTS

**Environmentally Endangered Lands (EEL) Program Proposed Millage for Fiscal Year 2020 through 2021**

It was noted that although the operations funding is slightly increased from last year, the proposed millage rate for next year has decreased again. Copies of a spreadsheet prepared by Paul Schmalzer were distributed during the meeting and are available upon request. The following clarifications were provided:

* For the first 16 years after the 1990 referendum, the EEL Program’s millage was collected at 100% of the millage rate approved by the voters of Brevard County and the funding went to a single account.
* When collections began for the 2004 referendum, the operations and debt millages were established separately and the millage rates for both the 1990 and the 2004 referenda were reduced. This resulted in a reduction to the funding which was being collected for the Program. There are multiple opinions regarding why this occurred.
* In 2008, the State Legislature introduced new rules and limitations which also impacted how much millage rates could be raised each year.
* Prior to the current year, funding that was not collected for the EEL Program, but could have been collected exceeded $38,929,018.
* Based on the information for projected millage rates released through next year’s trim notice, $2,711,261 of potential EEL Program revenue will not be collected next year. This will bring the total for uncollected, potential EEL Program funding to $41,640,279.

**Discussion**

Tamy Dabu indicated this was the first time she had become aware of this situation. Clarification was provided that the language of both referendums indicated that the millage could be collected “up to” the maximum rate approved by the voters. Mike stated that all suggested millage rates in the County’s budget are established by the County Manager.

It was noted that when County Administration had indicated that $4 million of bond funds, which was designated to pay for land acquisition and other capital expenditures, needed to be defeased (paid back early) because the Program could not afford the debt payment due to declining property values, it was generally unknown that the Program’s millage was not being collected at the voter approved maximum. It was also noted that only $45 million of the citizen approved $60 million from the 2004 referendum had been originally bonded, and that an SMC motion a few years ago to request the BOCC’s consideration of new bonding for a portion of the potential $8 million, which was all that could be bonded at the time, was never addressed by the BOCC.

Lisa Toland asked if the BOCC approves the entire budget as a package, or if approvals are done on a rate by rate basis. Mike confirmed that the BOCC approves the budget on a rate by rate basis.

Clarification was provided that the 2008 State rules established different levels of rate increases based on the number of affirmative votes by the BOCC. The group discussed the time period when the EEL Program budget was temporarily raised to the level requiring affirmative votes from a super-majority of the BOCC (4 commissioners) for three years in a row, which was done in order to bring the annual funding for the Program to a level which matched the status quo budget expenditures. It was noted that this temporary rate increase was required, as all of the EEL Program’s reserves, plus $3 million still available from the 1990 referendum, had been used up due to the lowered millage rates.

Mike provided information on the white paper, (EEL Program Funding and Status Report), which provides an overview of the EEL Program including the funding history. It is anticipated this report will be updated soon.

The group discussed the importance of including information on the Program’s funding history as part of the story for a new referendum.

Tammy Foster noted her feeling that presenting the information on the uncollected funding in a pie chart or graph, which might be accompanied by clarification of what the Program could have done with the money as part of the white paper could be a good way to get the message to the voters. Mike agreed.

### STAFF REPORTS

None.

### LAND ACQUISITION STATUS UPDATE

None.

### AGENDA ITEMS

A suggestion was received to hold discussion on the agenda item related to revisions to the manuals until the end of the meeting to ensure there was sufficient time to address the other agenda items. No concerns were received regarding the suggestion.

**Brazilian Pepper Biological Control Agent**

The Selection and Management Committee (SMC) reviewed a Species Translocation Application submitted by Gregory S. Wheeler, Ph.D., research entomologist with the Invasive Plant Research Lab in Fort Lauderdale, Florida. The application requests the release an insect, *Pseudophilothrips ichini*, which it is anticipated may assist in controlling the invasive, exotic Brazilian pepper plant. It was noted that extensive research has occurred on this topic and it is believed that the only other plant this type of insect is attracted to does not generally occur in Brevard. Confirmation was provided that the application study group will be involved in the monitoring of the results of the project. David De Meyer, Central Region Land Management Specialist, confirmed that the insects will be released in areas where the pepper trees have been trimmed back, not sprayed, as the insect favors new growth.

**MOTION ONE**

**Paul Schmalzer moved to approve the Species Translocation Application to relocate *Pseuddophilothrips ichini,* to the Pine Island Conservation Area, Indian River, Maritime Hammock and Micco Scrub Sanctuaries.**

**Tammy Foster seconded the motion.**

**The motion carried unanimously.**

**Lake Oak Estates Property Site Visit**

Mike provided map overview of the August 3, 2019 SMC site visit to the location for the unsolicited, willing seller application received for this property and the group reviewed the site visit report: A copy of the plant list which was included in this report can be obtained upon request.

Site Visit to Lake Oak Estates Property

August 3, 2019

Paul A. Schmalzer, Ph.D.

The Lake Oak Estates Property consists of about 91.6 acres of land located in Mims, Florida. It is bordered by the Florida East Central Regional Rail Trail on the east, developed property to the south and west, and undeveloped property to the north and west. It is south and west of the Scottsmoor Flatwoods Sanctuary but does not directly connect to the sanctuary.

The southeastern section of the site is a hydric hammock/hardwood swamp with laurel oak (*Quercus laurifolia*), cabbage palm (*Sabal palmetto*), red maple (*Acer rubrum*), and elm (*Ulmus americana*) in the canopy. Epiphytes include resurrection fern (*Pleopeltis polypodioides*), shoestring fern (*Vittaria lineata*), golden polpody (*Phlebodium aureum*), and airplants (*Tillandsia* species.). Vines include muscadine grape (*Vitis rotundifolia*), greenbriar (*Smilax* spp.), Virginian creeper (*Parthenocissus quinquefolia*), and poison ivy (*Toxicodendron radicans*).

The center portion of the site is a mosaic of mesic to hydric flatwoods and hydric to mesic hammock. Slash pine (*Pinus eliottii*) and saw palmetto (*Serenoa repens*) indicate areas of flatwoods, but these have been unburned for a very long time. In some spots the saw palmetto are 2-3 meters in height. Live oak (*Quercus virginiana*) indicates the more mesic hammock. A drainage way crosses the site and has cypress (*Taxodium* species) along it.

The northern end of the site supports scrub or scrubby flatwoods that has been unburned for a long time. Typical scrub oaks occur including Chapman oak (*Quercus chapmanii*), myrtle oak (*Quercus myrtifolia*), sand live oak (*Quercus geminata*) along with saw palmetto, some sand pine (*Pinus clausa*), and ericaceous shrubs (*Lyonia* spp., *Vaccinium* spp.). The shrub layer was greater than 2 meters in height and quite dense with a high fuel load that included downed sand pine.

The Brevard County soils map (Huckle et al. 1974) indicates areas mapped as Swamp (a complex of wetland soils), several series of poorly drained flatwoods soils (EauGallie sand, Immokalee sand, Myakka sand, and Saint Johns sand), and at the north end Pomello sand, moderately well-drained and associated with scrubby flatwoods.

The flora of the site is predominately native (Table 1), with only a few exotic species noted, and those occur primarily along the edges of the site.

Wildlife species heard or seen included pig frog (*Lithobates grylio****)***, Southern leopard frog (*Lithobates sphenocephalus*), Cuban tree frog (exotic, *Osteopilus septentrionalis*), and yellow rat snake (*Pantheophis obsoleta quadrivittata*).

The natural communities of this site are largely intact with only minor issues with invasive exotic plants. Fire exclusion from the scrub and flatwoods has decreased their habitat value. The site is not directly adjacent to existing conservation lands, but there would be some potential for connection with additional acquisition.

References

Huckle, H.F., H.D. Dollar, and R.F. Pendleton. 1974. Soil survey of Brevard County, Florida. USDA Soil Conservation Service, Washington, DC. 123 pages and maps.

**Discussion**

Lisa Toland noted that the area includes some pretty hydric hammock, but the scrub portion was overgrown, which would be challenging, and that there wasn’t a lot of scrub. Tammy mentioned possible access issues related to the implementation of prescribed fire. Dave Breininger noted the lack of acquisition funding. The group discussed possible options for the wording of a motion.

**MOTION TWO**

**Paul Schmalzer moved to decline a 1st Majority Vote on the Lake Oak Estates Property at this time, due to lack of funding, while recognizing the property has environmental value and if additional funding should be available in the future, it should be brought back for further consideration.**

**Dave Breininger seconded the motion.**

**The motion carried unanimously.**

**EEL Program Manual’s Revisions**

It was determined that the discussion on the revisions to the EEL Program’s Land Acquisition Manual and Sanctuary Management Manual would be tabled to the next meeting.

### LAND MANAGEMNT REPORT

**NORTH, Indian River Sanctuary:** Jonny Baker, North Region Land Management Specialist, provided clarification that staff has visited the site a few times with Brad Manley, Public Access Coordinator, and the next step will be the public meeting to review public access plans.

**NORTH, Fox Lake Sanctuary:** Staff is moving a trail away from the lake in three places.

**NORTH, Enchanted Forest Sanctuary:** Staff is doing tree reduction and chopping to prepare for a prescribed fire planned in the northern section of the sanctuary. It was noted there is a high fuel load in this area and consideration is being given to smaller fire units.

**SOUTH, Malabar and Jordan Scrub Sanctuaries:** It was noted that this management plan has been in Step 7, Staff Review of Draft Management Plan, since March. Chris O’Hara, South Region Land Management Superintendent, stated he has been focusing his time on the Crane Creek Management Plan.

**CENTRAL, Ulumay/Kabboord Sanctuary:** David DeMeyer noted they are working on Step 7, Staff Review of Draft Management Plan, for this combined sanctuary management plan.

**CENTRAL, Pine Island Conservation Area:** Mike confirmed that management plan Step 8, Selection and Management Committee review, had been planned for the current meeting, but it was being delayed as this meeting had been shortened in order to have a joint meeting of the Selection and Management Committee and Procedures Committee after the current meeting.

**SOUTH BEACH, Coconut Point Sanctuary:** Mike confirmed that a presentation regarding a potential Oyster Reef Project has been planned for the current meeting, but it has been delayed to the next meeting due to the shortened timeframe.

**SOUTH BEACH, Hog Point Sanctuary:**  Ray Mojica, South Beach Land Management Superintendent confirmed that the Florida Institute of Technology biofouling research project are using existing infrastructure. Ray will send information on the project to Mike so it can be distributed to the Selection and Management Committee.

**SOUTH BEACH, Management Plans:**  Ray confirmed that all management plans for this regions’ sanctuaries are on Step 4, Draft of Conceptual Access Plan, and that it is anticipated that they will be sending the public access plans to Mike in a couple of weeks or so. Paul asked if it is anticipated that there will be any changes from the original management plans. Ray noted that a few issues have cropped up with dogs and bikes. He added that the Maritime Hammock Sanctuary will be connecting to the Indian River Lagoon State Park Preserve, which allows mountain bikes so they are trying to figure out a way to allow mountain bikes on some of that sanctuary’s trails.

### PUBLIC COMMENT

None.

### NEXT MEETING

It is anticipated that the next Selection and Management Committee meeting will be held on September 20, 2020.

### ADJOURNED

The meeting was adjourned at 1:28 PM.

### SUMMARY OF MEETING MOTIONS

1. Motion to approve the Species Translocation Request to relocate *Pseuddophilothrips ichini,* to the Pine Island Conservation Area, and Indian River, Maritime Hammock, and Micco Scrub Sanctuaries.
2. Motion to decline a 1st Majority Vote on the Lake Oak Estates Property at this time, due to lack of funding, while recognizing the property has environmental value and if additional funding should be available in the future, it should be brought back for further consideration.

### ACTION ITEMS

1. Information on a biofouling research project being conducted by the Florida Institute of Technology at the Hog Point Sanctuary to be sent to Mike for distribution to the Selection and Management Committee.