**Environmentally Endangered Lands Program**

**Selection and Management Committee Meeting Minutes**

**February 24, 2020**

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# Environmentally Endangered Lands Program Selection and Management Committee Meeting

## February 24, 2020

## Approved June 19, 2020

## Attendance

### Selection and Management Committee Members

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

### Program Staff

* Ron Chicone
* Laura Clark
* David DeMeyer
* Evan Hall
* Damien Keene
* Mike Knight
* Steve McGuffey
* Brad Manley
* Ray Mojica
* Nicole Perna

### Guests

* Jake Zehnder, Brevard Zoo
* Pete Deal, National Resources Conservation Service

*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.

It was noted that Dave Breininger and Kim Zarillo provided advance notice they were unable to attend.

### PUBLIC COMMENT

None.

### MINUTES

No minutes were presented for approval.

It was noted that the following Selection and Management Committee (SMC) or Selection and Management Committee/Procedures Committee (SMC/PC) draft minutes are incomplete: August 23, 2020 SMC, August 23, 2020 SMC/PC, January 29, 2020 SMC.

### ADMINISTRATIVE REVIEW

The Administrative Review was discussed. It was noted that the agenda item for review of proposed lands had been removed from the draft agenda.

**Prominence Films Video**

Mike explained that Ross Hinkle’s daughter and son-in-law’s film company have created a short film about the Environmentally Endangered Lands (EEL) Program. The group reviewed the film. A higher resolution copy of the film will be available for the Program’s use.

**State Lands Management Lease Review**

The Division of State Lands review team completed their review of the Brevard Coastal Scrub Ecosystem (BCSE) project on January 30 and January 31, 2020. Areas visited included the Malabar, Jordan, and Micco Scrub Sanctuaries including the mega-parcel area in the South Region, and the Cruickshank Sanctuary in the Central Region. Mike noted the guidelines for State Lease Land Inspections to occur every five years and State Management Plans to be updated every ten years.

Paul Schmalzer asked if there is an expectation of when the report will be received. Mike stated he did not know. Evan Hall, South Region Interim Land Manager, noted his understanding that there is a State backlog for these reports. Clarification was requested if any major concerns were identified during the inspection. Mike explained that one of the challenges that had been discussed was that the review team worked off multiple management plans which are in different stages of the management plan approval process and so some sanctuaries had clear information on desired conditions, while others did not. This also affected goals and determination of progress towards those goals. He also noted that the Program has not been able to burn as much as was hoped could be accomplished. Evan Hall added that State Staff had generally indicated they should keep doing what they’ve been doing, just do more.

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

* Florida Inland Navigation District (FIND) Land Exchange Legal Notice – Approved February 11, 2020.
* FIND Exchange Agreement – Submitted for March 24, 2020 BOCC meeting.

**Malabar Scrub Sanctuary Boardwalk**

Mike explained some of the long history associated with the Al Tuttle paved trail in the South Region. He noted that the SMC’s approval to place the paved trail and boardwalk at the Malabar Scrub Sanctuary had been contingent on the Environmentally Endangered Lands Program not being responsible for maintenance or upkeep of either the pavement or the boardwalk and that the original arrangement for the Parks and Recreation Department (P&R) to formally accept that responsibility had not gone full circle.

Mike stated that he met with Mary Ellen Donner, Director of P&R, regarding the SMC’s recent discussion of boardwalk safety concerns, which occurred when the SMC became aware of the need for staff to replace a board on the boardwalk. He explained that he brought Mary Ellen up to speed on the history of the project and her direction is that EEL staff should continue doing the work that it was originally agreed EEL should do, with the understanding that when anything major comes up, they will work on having it addressed through the P&R South Area Office. He also explained that it is her direction that the EEL staff should handle the safety inspections on the boardwalk, as they do for other boardwalks on EEL sanctuaries.

**Action Items Status Spreadsheet**

The first Action Items status spreadsheet was distributed as an attachment to this meeting’s agenda. Mike asked for comments on the spreadsheet’s format. It was noted that the layout seems good, but the information only goes back to October 2019. Mike explained that he wanted to get input on the format before the spreadsheet was expanded.

### COMMITTEE MEMBER REPORTS

Paul explained that the Florida Native Plant Society group had observed preparations for prescribed fire during their trip to Fox Lake Sanctuary last month. Their next trip will be held on March 24, 2020 at the South Lake Conservation Area.

### STAFF REPORTS

None.

### LAND ACQUISITION STATUS UPDATE

**FIND Land Exchange**

Mike noted that the request to advertise the land exchange with FIND had been supported by unanimous vote of the BOCC and that the exchange is currently being advertised. Things are on track for BOCC review of this item on March 24, 2020.

**Titusville Land Donation**

The SMC site visit to a Titusville property offered to the EEL Program as a donation has been postponed until additional paperwork can be received from the owner. Once the paperwork is received, the visit will be rescheduled.

### AGENDA ITEMS

**South Beaches Living Shoreline Projects**

Mike explained that staff has arranged for the SMC to receive two presentations on living shoreline projects as part of the continuing discussion on this topic. He acknowledged that concerns about plastics, monitoring, and objectives had been discussed at the last meeting and the purpose of the current discussion was to make sure that everything is clearly documented before moving forward. Mike clarified that additional information on this topic was also distributed to the committee prior to the meeting. Paul noted that the minutes from the discussion of the December meeting include eight bulleted points the SMC felt should be addressed and he asked if the presentation would be addressing those items. Mike noted he hoped they would.

Mike also stated that there is currently no mechanism for approval by the committee for a project like this. He added that something everyone will have to think about, now and in the future, is that if the SMC decides it is not supportive of doing living shoreline projects, all staff can really do is take the information under advisement because there is no mechanism where staff is bound by that decision made by the Committee.

Paul stated that these types of projects are not included in any of the existing management plans and that he understands that completion of plans is behind schedule, but if something wasn’t included in an approved management plan, it should be brought to the SMC for review, to see if it fits within management guidelines before implementation. Lisa Toland asked if the SMC is an advisory committee to just the staff. Mike noted the SMC is an advisory committee to EEL staff and the Board of County Commissioners. Discussion ensued.

Mike introduced Jake Zehnder, Conservation Manager, Brevard Zoo’s Restore Our Shores Program, and Nichole Perna, EEL Program Assistant Land Management Specialist.

Jake provided a presentation entitled “Oysters and Living Shorelines in Brevard County”. During the presentation it was noted that the Zoo has already acquired all permits for the projects and will coordinate all materials and volunteers required for installation. The Save Our Indian River Lagoon (SOIRL) Program is funding the monitoring and maintenance of the project.

Nichole explained that she has been working in her position with the EEL Program for fifteen years and feels she has a good idea of how shorelines along the lagoon have been changing. She gave a presentation entitled “South Beach Shoreline Restoration and Enhancement Projects.” During the presentation the following was noted:

* Living Shorelines
  + Use native species along with specific materials to create stable shorelines.
  + Include saltmarsh and estuarine vegetation such as mangroves, grasses, and seagrasses.
  + Include hardened living and non-living structures such as oyster reefs, limestone, and coquina.
  + Reduce longshore sediment transport.
  + Grow and repair themselves, also grow with rising sea levels.
  + Maintain habitat for intertidal organisms.
* As a management strategy, living shorelines
  + Create habitat and maintain the connectivity between the aquatic, intertidal, and terrestrial habitats.
  + Act as natural breakwaters and reduce shoreline erosion.
  + Can improve water quality by trapping sediments and filtering out pollutants and nutrients.
* Why oysters?
  + Oysters create reef-like structures that provide food and habitat for many different species and help minimize erosion by creating a buffer to wind and waves.
  + The Downs 1978 Indian River Lagoon Survey showed the presence of oyster reefs at all the proposed living shoreline sites. Natural recruitment of oysters is also present at all of the proposed sites.
* Other information
  + The Brevard County SOIRL Program for the Brevard Zoo and the University of Central Florida to install, monitor and maintain reef modules and plantings. The Indian River Lagoon National Estuaries Program will provide funds for native plantings.
  + Permits are secured.
* Proposed Living Shorelines
  + The project will add no less than 160 Red Mangroves, 533 Spartina, and numerous other species of trees, grasses and succulents. Over the years, this will provide nursery habitat for fish, shrimp, crabs, etcetera, and as the canopy develops, it will also become nesting habitat for birds.
  + It is anticipated the plants will remove 54 pounds of nitrogen and 18 pounds of phosphorus, per year.

The groups reviewed maps of the planned project locations at three EEL Program sanctuaries. The Coconut Point Sanctuary project is planned as 400 feet of reefs with 450 feet of plantings. The Maritime Hammock Sanctuary is planned as 280 feet of reefs with 400 feet of plantings. The Hog Point Cove Sanctuary project is planned as 120 feet of reefs with 160 feet of plantings.

Copies of the presentations are available upon request by contacting the EEL Program Office 321-255-4466.

The group discussed anticipated removal of nitrogen and phosphorus statistics, which are based on completed research. Jake noted that documentation of this research is available, if needed.

Tamy Dabu noted that if Brevard County tracks Total Maximum Daily Loads (TMDL) reduction numbers being developed by the Florida Department of Environmental Protection, the projects conducted on EEL properties may achieve some TMDL credits.

Part of the success criteria required for the funding agency will be the ability to maintain a specific number of plants.

It was noted that although the information in the Land Management Report is sometimes difficult to follow unless someone is very knowledgeable regarding specific sanctuaries, information on stormwater projects has been included in the past.

Nichole stated that she and Ray Mojica, South Beach Land Management Superintendent, are open to any extra monitoring that the SMC would like to see on the shoreline projects. She clarified that they plan to use drone flyovers and can install transects, if needed.

Paul requested that staff lay out a protocol for monitoring and success criteria for plantings. He noted the December minutes referenced the possibility that some projects could be considered experiments and his support for this idea. He added that he felt determining whether the project was beneficial to the Lagoon was the responsibility of another group, but protecting shorelines falls to EEL and he would be supportive of moving forward with these three projects as experiments, with clarification of which species were successful and which were not.

Tammy Foster noted her feeling that monthly monitoring may not be necessary once the plantings become established. She suggested consideration of baseline, plus monthly monitoring until the plants are established, then once every six months, with additional monitoring after storm events. Presenting results in a graph would be helpful.

Steve McGuffey, Fire Coordinator, asked if it might be possible to use the Hog Point Cove facility as a location to grow oysters until they were large enough to relocate. Nichole noted this had been considered, but there is no funding available to support this type of project. Ray agreed.

Ray noted that one of the take home messages from the most recent Archie Carr Working Group meeting was “Let’s not let perfect be the enemy of good” and noted his belief that it is fine to call these projects experiments, and he feels they are a step in the right direction.

Paul reiterated his request for a plan to determine monitoring and success. Ray noted pulling the plan together shouldn’t take long.

Jake provided clarification that in order to meet the next recruitment timeframe, these projects should get underway in the next two months.

Mike explained that he wanted to be sure that the concerns raised by Kim Zarillo were addressed since she was not able to attend the meeting.

The following was noted:

* As discussed previously, there are concerns that plastic materials being used for oyster beds may break apart and cause entanglements, along with the issues related to microplastics in oceans and other bodies of water. Some areas are moving in a new direction to find alternatives to plastic. Jake stated that there is money available for pilot projects using new materials, but determination of success takes five years so it would be five years before they could use new materials with full confidence.
* Who will be responsible for clean up if the projects fail? Jake stated that the responsibility will fall to the Zoo and Brevard County Natural Resources. Tamy asked why Natural Resources would be considered responsible if the permit is in the name of the EEL Program. Jake stated that it may be possible to get this item clarified in writing through Natural Resources. Tamy noted this is an area where it would be beneficial to be cautious. Mike noted that might be something staff should look into.
* Lisa asked if participation in the current projects would limit the Program from participating in other projects in the future. Ray stated it would not. Lisa noted her feeling it would be appropriate to move forward with these three projects.

Tammy recommended that a standard methodology be established to compare sites and track monitoring.

**MOTION ONE**

**Paul Schmalzer moved that the SMC should approve the proposed living shoreline projects on a pilot project experimental basis for the Coconut Point Sanctuary, Maritime Hammock Sanctuary, and Hog Point Cove Sanctuary.**

**Tamy Dabu seconded the motion**

**The motion carried unanimously.**

A future shoreline project is being considered for the Pine Island Conservation Area.

Mike stated that staff will incorporate draft language regarding how shoreline project information will be brought to the SMC prior to implementation as the South Beach Region Management Plans are developed.

**Species Translocation Policy Revisions – Rehabilitated Otters**Mike explained he had received and incorporated comments from the first draft of the revised policy and that the most recent draft version was emailed to the SMC earlier that day. Hard copies of the information were also provided at the meeting.

The the newest changes were reviewed:

**Page 3, Translocation Guidelines**

*Original: No rehabilitated animals shall be translocated to an EEL Program Sanctuary. It is difficult to assure that these animals have not imprinted on humans, have lost their fear of humans and/or have the ability to live as a naturally wild animal.*

New Language: **Generally,** rehabilitated animals shall **not** be translocated to an EEL Program Sanctuary. In most cases, it is difficult to assure that these animals have not imprinted on humans, have lost their fear of humans, and/or have the ability to live as a naturally wild animal.

**Exceptions can be made with approval from the Regional Land Management Superintendent and Program Manager, for the release of rehabilitated river otters under the guidelines established in Appendix J.**

**Page 7, All new language in new section.**

**Appendix J. Specific requirements for translocation of rehabilitated river otters.**

**Any proposed translocation of rehabilitated river otters to EEL Program Sanctuaries must be consistent with the following criteria:**

* **River otters are considered a sentinel species for the Indian River Lagoon and can be useful in evaluating the health of the estuary.**
* **Translocations will be allowed only from properly permitted wildlife rehabilitation organizations.**
* **Translocations will be allowed only in sites that have adequate freshwater resources and adjacent uplands that may be appropriate for nesting. It is not required that the release location be the same location the otters were initially found.**
* **The organization releasing the otters is responsible for all release activities.**
* **North American River Otters are not a territorial species and sites with other otters in the area can be good locations for release of new individuals.**
* **Individuals considered for release should be adequately evaluated to ensure they are healthy and able to successfully forage for live food.**
* **Any proposal to translocate river otters to an EEL Program Sanctuary requires approval of the Regional Land Management Superintendent and the Program Manager.**
* **A list of potential release locations will be identified in advance that are not in close proximity to adjacent residential or high use public access areas.**

Clarification was provided that the group does not feel that medical testing of rehabilitated river otters will be required prior to translocation as they will have been under care by the rehabilitators for some time prior to release.

**MOTION TWO**

**Tamy Dabu moved to approve the EEL Program Species Translocation Policy, as amended, to include translocation of rehabilitated river otters, without medical testing.**

**Lisa Toland seconded the motion.**

**The motion carried unanimously.**

**Rangeland Study Request**

Pete Deal, Natural Resources Conservation Service (NRCS), which is part of the United States Department of Agriculture, provided information on a grazing land study and relayed that a section of the Malabar Scrub Sanctuary is listed as a location for inspection in this project which monitors changes in habitats. Clarification was provided that the data gathered would be compiled without ownership information and would in no way affect the future use or conservation category of the property. Mike noted that Evan Hall will assist the reviewers. No objections were received from the SMC. A copy of the data collected will be provided to the SMC.

**Sykes Creek Area Management Plan Overview**

David DeMeyer, Central Region Land Management Superintendent, gave an overview presentation on the Sykes Creek Area Management Plan which will combine the Ulumay Sanctuary, the Kabboord Sanctuary, and the Johnson property into a single management plan. All of these sanctuaries are in County title. A copy of the presentation can be obtained by calling the EEL Program Office at 321-255-4466.

The original purchases in the Ulumay Sanctuary were the Boyd and DiChristopher properties along the east side of Sykes Creek in central Merritt Island. An interim management plan was created for the original acquisition. The sanctuary was expanded by the additions of the Ulumay Wildlife Sanctuary, which was a transfer from P&R, plus additional transfers of County land, previously under either Mosquito Control or Natural Resources, for the purpose of habitat management. Total acreage of this sanctuary is currently 1,227 acres. Public access opportunities include kayaking, hiking trail with trail head and kiosk, and four overlooks. There are plans to install additional markings along the kayak trail. There is limited parking off Sykes Creek Parkway. Category Two sanctuary.

The original footprint for the Kabboord Sanctuary, which consisted of approximately 450 acres, was acquired early in the Program’s history and has a completed management plan which also includes a 52-acre mitigation donation. After that, a mixture of County property previously held by either Mosquito Control or Parks and Recreation, was transferred to the EEL Program for habitat management purposes. This brings the current total to 979 acres. This sanctuary is located between Hall Road and the Barge Canal on Merritt Island. Public access plans for this sanctuary include a potential kayak trail. Arrangements for parking and kayak launch locations would need to be made in order for this to occur. A rarely used hiking trail at this location has been deleted. Category Three sanctuary.

The 99-acre Johnson property is located north of Hall Road and slightly east of the Kabboord Sanctuary. The management plan for this location is being created at this time. The site is very wet which will prevent public access at this location.

**Discussion**

Discussion ensued, the following was noted:

* The Kabboord Sanctuary and Johnson property are located in the general vicinity of Kings Park, which is run by P&R.
* It was noted that inholdings exist in all sanctuaries.
* A small piece of land, which is owned by the Canaveral Port Authority and which includes a pumping station, is adjacent to Kabboord Sanctuary. Consideration is being given to the possible use of that location as a kayak launch and small parking area. The purpose of the pumping station is to pump water away from development in the area and distribute the water over the Kabboord Sanctuary for flood control purposes.
* A proposal to make all three sanctuaries Category Two sites, so that everything under this management plan would have the same level of access, was discussed. It was noted that it should be possible that the different sanctuaries could each have different categories. Additional discussion on this topic will be scheduled when the management plan is distributed for review and approval by the SMC.
* The Johnson property includes an uncapped, artesian well. Efforts to cap the well have been unsuccessful.

### LAND MANAGEMENT REPORT

Tamy noted that as a new SMC member, she has not been able to gather enough information from the land management report to make a significant contribution to discussions. Mike stated that the reporting from staff has taken varied forms over the years and the purpose of the spreadsheet was to provide information that would prompt questions from the SMC and to keep track of progress on management plans. The group discussed some of the different reporting methods that have been used in the past. Mike noted that the managerial staff has a monthly team meeting and they can discuss this topic at the next meeting.

* North – Public Access Plan meeting for Indian Mound Station Sanctuary and South Lake Conservation Area scheduled for February 27, 2020.
* North – North Buck Lake Sanctuary: Paul requested clarification of the date of the last status report from this site which has been designated as a long-term Gopher tortoise reciepient site for the TICO Airport Authority. Staff will research.
* South – Valkaria: Staff is working with Dave Breininger on plans for land management activities in this area.
* South Beach Management Plans: Ray indicated that four of the recreation assessments have been completed and he expects to have the other four assessments ready in the next couple of weeks. It is anticipated that the Public Access meeting for all South Beach sanctuaries will be done in a single meeting.
* South Beach Ocean Ridge Sanctuary Shorebird Survey - Staff will provide clarification of results.

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

Clarification was requested regarding the status of the resolution accompanying the revisions to the LAM and SMM which were approved by the SMC and the PC on September 20, 2020 and based on a BOCC directive on August 6, 2020. Mike stated that it is his understanding that the County Manager’s Office plans to move the resolution forward for BOCC Chair signature including language stating that some of the previous resolutions would be “rescinded” versus “amended”. He indicated that their stated logic for this language is that if you are only amending, then every time you make a revision, you have to go back and look at every single past one. Mike stated his understanding that they chose to rescind relevant previous resolutions as part of the current resolution because the previous resolutions are not relevant anymore since they relate to the creation of the committees and that is covered in the manuals. Shannon Wilson, Assistant County Attorney, has indicated she is willing to come to a committee meeting. The three resolutions which are being rescinded will be mailed to the committees.

Paul Schmalzer asked if, for the record, a written statement could be provided by the County Attorney’s Office as to why this action is the necessary and desirable path to take as it is his understanding that they have not found it necessary to rescind previous EEL resolutions in the Program’s 30-year history. Mike stated it would be his recommendation that the request take the form of a motion.

**MOTION THREE**

**Paul Schmalzer moved to request that the Assistant County Attorney provide written justification for the rescinding of previous EEL Program resolutions.**

**Lisa Toland seconded the motion.**

**The motion carried unanimously.**

### PUBLIC COMMENT

None.

### NEXT MEETING

It is anticipated that the next meeting will be held on March 31, 2020.

### ADJOURNED

The meeting was adjourned at 4:11 PM.

### SUMMARY OF MEETING MOTIONS

1. Motion to approve the proposed living shoreline projects on a pilot project experimental basis for the Coconut Point Sanctuary, Maritime Hammock Sanctuary, and Hog Point Cove Sanctuary.
2. Motion to approve the Environmentally Endangered Lands (EEL) Program Species Translocation Policy, as amended, to include translocation of rehabilitated river otters, without medical testing.
3. Motion to request that the Assistant County Attorney provide written justification for the rescinding of previous EEL Program resolutions.

### ACTION ITEMS

1. Expand information on new Action Items tracking spreadsheet and bring spreadsheet current.
2. January 30-31, 2020 State Managed Lands Lease inspection report to be sent to Selection and Management Committee.
3. Determine monitoring plan and success criteria for South Beach shoreline restoration projects and bring back to Selection and Management Committee
4. Obtain written confirmation from Natural Resources that Environmentally Endangered Lands Program will not be responsible for clean up if shoreline projects are not successful.
5. Determine date of last Gopher tortoise reciepient site inspection for North Buck Lake Sanctuary and distribute copy of report.
6. Provide results of Ocean Ridge Sanctuary shorebird survey to Selection and Management Committee.
7. Land Managers to discuss Land Management Report formatting to determine if another method might provide information that is easier to understand.
8. A copy of the data collected by Pete Deal, as part of the Rangeland Study request will be sent to the Selection and Management Committee.
9. Copies of the three EEL Program Resolutions which are being rescinded as part of the revisions to the Land Acquisition Manual and Sanctuary Management Manual per the August 6, 2019 direction of the Board of County Commissioners will be sent to the Selection and Management Committee, the Procedures Committee, and the Recreation and Education Advisory Committee.
10. Staff to relay the Selection and Management Committees’ request to the Assistant County Attorney for written justification for the rescinding of previous EEL Program resolutions.