



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM  
SELECTION AND MANAGEMENT COMMITTEE (SMC)  
October 5, 2018**

***Attendance***

**SELECTION & MANAGEMENT COMMITTEE MEMBERS**

Dave Breininger  
Tammy Foster  
Randy Parkinson  
Paul Schmalzer  
Laurilee Thompson  
Kim Zarillo

**EEL PROGRAM STAFF**

Laura Clark  
Mike Knight

**GUESTS**

Mary Ellen Donner, Director Parks & Recreation  
John LaSalle, Citizen  
Pam La Salle, Citizen

## ***Meeting Minutes***

### **CALL TO ORDER**

Randy Parkinson, Chairman, called the meeting to order at 1:07 PM.

### **PUBLIC COMMENT**

None.

### **MINUTES**

The September 5, 2018 SMC minutes were presented for approval.

Paul Schmalzer noted that on page 1, in the section relating to the July minutes, “disbursal” should be changed to “dispersal”.

### **MOTION ONE**

**Paul Schmalzer moved to approve the September 5, 2018 SMC minutes, as corrected.**

**Kim Zarillo seconded the motion.**

**The motion carried unanimously.**

### **ADMINISTRATIVE REVIEW**

The Administrative Review was discussed.

### **Future Land Use Designations for EEL Lands**

Mike explained that EEL Program staff recently met with Planning and Zoning Department staff to further discuss the issue of rezoning versus Future Land Use Designations for EEL lands. He explained that changing the Future Land Use Designation for all EEL lands can be accomplished through a single application process and that this would involve a significant reduction in processing time because individual public hearings would be required on each parcel if zoning changes were made. Applications for Future Lands Use Designation Changes are accepted on December 31<sup>st</sup> and June 30<sup>th</sup> of each year. The group discussed this option and the following was noted:

- Future Land Use Designations are processed through the County’s Comprehensive Plan.
- It is understood that all properties in the EEL Program sanctuary network, including those in State title, can be included in the same application. Staff is checking on the State’s requirements for public hearings related to lands in State title.
- Staff is checking on the different types of Conservation Land Use designations, the requirements for each, and clarification of the application process.
- Kim noted her recollection that a suggestion for consideration of revisions to Future Land Use Designations was made several years ago during the earliest discussions regarding

possible zoning changes and she stressed the importance of follow through on the revisions.

- Paul stated he understood that meeting a December 31<sup>st</sup> application deadline probably wasn't feasible, but he felt a June 30<sup>th</sup> deadline could be accomplished. Mike Knight, EEL Program Manager, agreed.
- Mike emphasized that the one thing that the Planning and Zoning Department wanted to make sure everyone understands is there is no mechanism in the County that provides complete protection from development.

### **Board of County Commissioners 9/24/2018 Budget Hearing**

Mike explained that the EEL Program was the only item which received comment. Mike provided a brief transcript of a portion of the budget hearing where Commissioner Isnardi initiated the following discussion:

*EEL Operational Millage Rate: Video recording: Starts at 0:21:25*

*Commissioner Pritchett:*

*"Do I have a motion?"*

*Motion by Commissioner Smith. Commissioner Isnardi for discussion".*

*Commissioner Isnardi:*

*"Yes, um I'm going to support this, but only with the caveat and I spoke with the manager about this and this included not any purchasing of new lands correct?"*

*County Manager:*

*"That's correct".*

*Commissioner Isnardi:*

*"Because I know we have a maintenance issue with some of our EELS property and we're not maintaining what we have and rather than go out and just buy more land that we can't maintain doesn't make a whole lot of fiscal sense so I'm ok with this millage increase um given the fact that we're going to maintain properly what we have and hopefully make it more accessible for public, so I just wanted to be on the record for that."*

*Commissioner Pritchett:*

*"Thank you Ma'am. Was that a motion?"*

*Commissioner Isnardi:*

*"Sure"*

*Commissioner Pritchett:  
"Motion by Commissioner Smith  
Second by Commissioner Isnardi  
All those in favor say Aye  
Opposed.  
Passes 5-0"*

Mike stated he does not know what this means for the future of land acquisition by the Program.

Discussion ensued. The following was noted:

- Mike stated that a third super-majority rate increase was approved.
- Kim stated her understanding that Commissioner Isnardi's words reflect her comments on Commissioner Smith's motion because if the language had been an amendment to the motion, a formal amendment would have been required, and voted on, which did not occur. She added that she is thankful to the Commissioner that she voted in favor of the increase, which was specific to operations. Kim noted her feeling there may be some misconceptions regarding the EEL Program's ability to manage land.
- Mike stated staff is getting clarification on the Commissioner's statement regarding increased access. He stated that he agrees the Program is not able to apply management at the preferred level or to do restoration on some sites due to lack of resources and to some degree, it is a fair statement that there are constraints related to management.
- Paul stated his understanding that during the Budget Hearing, the Board was going through individual millages. Kim agreed. Paul stated the motion by Commissioner Smith was to approve the millage for the EEL Program; it was not amended and what was passed was the main motion. He added his understanding that Commissioner Isnardi was expressing her opinion about EEL Program properties, which is certainly her right to do. Paul stated that management needs are discussed every meeting, but he believes that stories about lack of access are old and false and perhaps the Commissioners should be provided with information to enable them to be better informed. Kim noted that she believes a committee member would be willing to go out with Commissioner Isnardi to visit EEL sanctuaries if the Commissioner is interested.
- Paul noted there is an established process for land acquisition, under the EEL Program's Land Acquisition Manual, which goes into substantial detail about how acquisitions are handled and how they proceed from the Selection and Management Committee to the Board of County Commissioners for their consideration. He stated that the Program does not have much acquisition funding adding that one site of great importance which is outstanding is the land exchange with the Florida Inland Navigation District (FIND) in Valkaria, which has been a high priority for the Program for decades.

- Randy asked if clarification of what percentage of the management and restoration plan has been accomplished has ever been requested, or provided. He requested clarification of what management limitations are occurring.
- Mike spoke of the “EEL Program Operations and Funding Status Report” and noted that if he was asked to put together another report like that, he would show things like only being able to disk firelines twice a year instead of three times, and to clarify sites which haven’t started the process of initiating fence contracts, or fire line installation, along with frequency of prescribed fire.
- Mike stated the way we’re interpreting what was said by Commissioner Isnardi was about purchasing land, so they don’t see it having an impact on things like land exchange, donations, or the FIND exchange. Mike said that if an acquisition was forwarded to the BOCC for consideration of purchase, he did not know how that would be received and his interpretation of what he saw was that Commissioner Isnardi was referring to purchasing land, regardless of the funding source.
- Kim stated that the Commissioner may vote not to approve an acquisition, but the SMC is following the guidelines they were given. She noted that those guidelines, which were approved by previous County Commissions through their approval of the Land Acquisition Manual and the Referendums, so if it does happen that the SMC moves a land acquisition contract to the Board, the SMC is doing their job. Mike agreed. Kim emphasized it is up to the Board to accept a land acquisition contract, or reject it: a process that has been in place for more than 25 years. She added that she feels it is good for the SMC to understand how Commissioner Isnardi feels.

### **Additional Discussion – Welcome Mary Ellen Donner**

Randy welcomed Mary Ellen Donner, Director of Parks and Recreation, and he asked if there was anything she wanted to say. Mary Ellen noted she has seen a few Committee members at Board meetings and reminded everyone that October 1 begins a new budget year where lots of things were approved noting she was sure the SMC has seen those budgets. Randy noted that the EEL Program’s budget has been on the committees’ radar for many years.

### **SMC REPORTS**

Paul explained he will be leading a field trip to the Dicerandra Scrub Sanctuary on October 27, 2018 for members of the Florida Native Plant Society and anyone else who would like to attend. *Dicerandra thinicola* is expected to be flowering at this time.

Laurilee Thompson informed the group that she recently attended the American Birding Expo in Philadelphia and added additional international birding tour operations as exhibitors for the upcoming Space Coast Birding and Wildlife Festival while she was there. Laurilee noted her pleasure that multiple people told her that the Space Coast has the best birding festival in the United States. She extended her thanks to the EEL Program for the roll the Program plays in the

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Festival and stated the event would not take place without the EEL Program. This year's booklet is being presented on line and she invited everyone to check out the new information on the EEL Program. A suggestion was presented to provide the information from the Web site to the Commissioners.

Randy reported that he recently attended an Indian River Lagoon Research Workshop at the Florida Institute of Technology where he presented information related to climate change.

## **STAFF REPORTS**

None.

## **LAND ACQUISITION STATUS UPDATE**

None.

## **AGENDA ITEMS**

### **Scrub Parcel Prioritization Matrix**

Mike noted he wanted to provide the committee with an update on progress staff has made in completing the matrix and see if the committee wanted to provide additional information. The group reviewed the current spreadsheet, which was handed out in hard copy.

Discussion ensued. The following was noted:

- Preparation of this matrix began after Todd Mecklenborg from US Fish and Wildlife Service attended an SMC meeting to discuss the possibility of the Florida Scrub-Jay Mitigation fund providing some funding for scrub habitat acquisition in Brevard County. During that meeting Todd confirmed that at the time, most mitigation funding from development of Brevard County land containing Scrub-Jays was going to the Lake Wales Ridge area as the Service feels that Scrub-Jays have a better chance of long term survival there. During the meeting with Todd, the SMC reviewed maps of undeveloped possible scrub locations which the Service felt might be helpful in assisting Jays to expand or travel between populations, which could be very beneficial.
- Staff has reviewed the maps and is developing a matrix based on the initial criteria: 20 acres in size and 5 kilometers max from a potential Scrub-Jay territory on an existing conservation land. These locations are highlighted in green on the matrix. Areas which were also historically identified within the Board and State Florida Forever Projects were highlighted in red. Mike noted staff is still working to complete some areas of additional criteria which were added as the matrix developed and some of the locations still need ground truthing.
- Laurilee asked if the EEL Program has been able to acquire all of the lands targeted for acquisition in the South Region which have not been developed. Dave and Paul confirmed that has not occurred. Mike noted some areas in the South Region were removed from the

Project boundaries at the request of the property owners, or the Town of Malabar. Paul asked for clarification of the status of the Redenzik property on the last page and a few near the Jordan Sanctuary. Staff will be comparing this list with the last SMC priority ranking. It was noted that the last SMC priority ranking may have only included willing sellers. Staff will research for clarification. Kim noted she hasn't seen Scrub-Jays in the area of the Melbourne Airport for at least 5 years. It was noted that the fuel load at Erna Nixon Park has continued to increase since the last prescribed fire was done there by the EEL Program's previous Fire Manager, Zach Prusak. Mike agreed the matrix may need a few adjustments. Mike stated that he feels that the next step should be that EEL staff members of the Adaptive Resource Management Team for Scrub-Jays should review the matrix to establish priority rankings, which would be forwarded to Dave for input, before being reviewed by the SMC.

- Randy requested clarification of whether or not the matrix is being compiled for the hopeful goal of receiving scrub habitat acquisition funding from the US Fish and Wildlife Service. Dave stated the information can also be used by folks looking for mitigation lands. Mike stated that in his mind, this work would be helpful if the EEL Program has another referendum and what the message might be in terms of acquisition needs. Mike and Dave noted Todd has pretty clearly stated now that while acquisition funding is expected to go to the Lake Wales Ridge area, they are having difficulty with acquisitions there. However, the Service is still willing to work with the EEL Program by providing management funding for scrub habitat using the tree reduction projects at multiple sanctuaries which were reviewed by the SMC at their last meeting.
- Mike mentioned that he discussed tree thinning proposals for Micco, Malabar, and Jordan sanctuaries as primaries along with Fox Lake and Cruickshank sanctuaries recently with Todd. He explained that they have estimated a cost of \$300,000 and he felt Todd had not seemed to think that would be a problem. Dave noted that he believes that once Todd gets a formal proposal, Todd will work to move it forward. Mike noted his understanding that all Todd needs from EEL is a few paragraphs explaining their thought process and management strategy and staff is working on that now.
- Clarification was requested regarding the status of the timbering projects at Micco Scrub Sanctuary. Mike noted that staff has worked with the Florida Forest Service (previously known as the Department of Forestry) on multiple land management projects, and the existing Memo of Understanding needs to be updated, along with possible change in the percentage of timbering profits kept by the Service for doing the work. An updated draft agreement which was prepared by the Service is currently under review at the County Attorney's Office, prior to being sent to the Board for final approval. Once that approval is received, the timbering projects can move forward.

- Staff is considering two options for the work needed at Micco Sanctuary as there are road access and fire line issues which must be dealt with prior to beginning the timbering:
  - Use funding from Todd for the improvements for the road apron and interior road so the truck can get in and out, and then have the Florida Forest Service handle the timber/salvage project.
  - Go through a formal bid process to complete all the work using funds from Todd.

### **Crane Creek Management Plan**

Mike explained that the Crane Creek Management Plan presentation was removed from the draft agenda as staff was unable to attend the meeting because they were working on a Prescribed Fire at the Malabar Scrub Sanctuary.

Mike also explained that discussion regarding land management efforts including application of prescribed fire will need to be a future topic of conversation as staff feels that the risks may outweigh the benefits at this location. Clarification was provided there are no Scrub-Jays here, but there are other animals which inhabit scrub at this location. Kim noted concerns associated with heavy fuel load in an urban area.

### **Feral Cat Colony Assessment**

Mike explained that as a result of a citizen concern related to possible feral cat predation on Scrub-Jays, he reached out to Animal Control for the most recent information on registered Feral Cat Colonies in Brevard County and he had received a 40 page document.

### **Public Comment and Additional Discussion**

Pam LaSalle, citizen, stated her understanding that feral cat colonies have not been registered in Brevard County since 2012.

Mike noted that when he reviewed the information and compared the list to EEL Program sanctuary locations, he found a handful of locations that might be a concern, but no registered colonies immediately adjacent to sanctuaries. He also explained although there is no registered feral cat colony at Fox Lake Park, in Titusville, it does appear there are feral cats at that location and one cat has been documented approximately one mile inside the sanctuary by a wildlife camera. The group also reviewed a color coded list which indicated sanctuaries with homes or condos around the borders. Discussion ensued. The following was noted:

- Brevard County's leash law applies to cats as well as dogs.
- Domestic cats, even those who are well fed, can have a negative impact multiple species.
- A 'no outside cats' clause was included in the development agreement when the Capron Ridge Sanctuary was accepted as a development mitigation donation.
- The South Beach Region uses multiple trail cameras on a regular basis, and they have not picked up any feral cats on their cameras.



- Dave Breininger explained that as part of the social structure of Florida Scrub-Jays, in most families, a sentry, or look-out, is posted near the nest to watch for predators. As long as the scrub habitat is well maintained and includes open spaces, the sentry can generally warn the others if a predator approaches. It was noted that yellow snakes sometimes attack nests during the night time when they cannot be seen as easily.
- A suggestion was received to contact staff at Fox Lake Park regarding the feral cats at that location.
- Pam LaSalle expressed her appreciation for the Program addressing her concerns. She emphasized her understanding of the following: 1) Cats have a long range, usually 1-3 miles. 2) The concept of a cat “colony” is misleading; they do not stay in colonies, but gravitate to feeding stations. 3) A coyote is more likely to eat a domestic cat than a feral cat.

Mike noted that staff plans to place a few wildlife cameras around sanctuary borders, where appropriate to monitor the situation.

### **Additional Discussion – Historical Arial Photography**

A discussion of historical aerial photography occurred related to a request received by a committee member from the Department of Natural Resources. Mike will provide additional information to Mary Ellen so she can send it to Natural Resources.

### **Land Management Report**

- Central Region, Thousand Islands: Correct typo on update due date (2019, not 2009).
- North Region, Scottsmoor: Palmetto Berry pickers arrested is good news. New regulations have made enforcement easier for law enforcement.
- South Region, Micco, Removal of line of trees along north border: It is Mike’s understanding all businesses who received bids have responded but only one bid was received. Bid currently under review at Parks & Recreation Finance Dept. This task was identified as a priority for land management activity.
- South Region, Micco, timber/salvage project: Florida Forest Service staff have rechecked the area of the timber/salvage project and confirmed as doable. It was noted the Service had stated as long as the timber/salvage project is completed within a year, there should not be a concern from their end.

### **PUBLIC COMMENT**

John LaSalle, citizen, asked if the EEL Program uses drones. Mike explained that the Program has purchased one, but recent changes in licensing restrictions have added additional challenges to Program staff becoming licensed.

## **NEXT MEETING**

To be determined.

## **ADJOURNED**

The meeting was adjourned at 3:02 PM.

## **SUMMARY OF MEETING MOTIONS**

1. Motion to approve the September 5, 2018 SMC minutes as, corrected.

## **ACTION ITEMS**

1. Staff to clarify requirements for protecting all lands within EEL Program Sanctuary Network through a Future Land Use Designation change within the Brevard County Comprehensive Plan. Target Date for completion: June 31, 2019.
2. Staff to obtain clarification regarding Commissioner Isnardi's comments related to need for additional access at EEL Program Sanctuaries.
3. Staff to complete comparison between lands identified for acquisition in 2004 to what has been acquired.
4. Staff to compare scrub parcel matrix with last SMC priority ranking.
5. Staff to obtain clarification whether or not last SMC priority ranking only included willing sellers at that time, or all lands identified by SMC.
6. Finalize future acquisition goals.
7. Staff to review scrub parcel matrix for prioritization recommendations and provide information to Dave Breininger for input. Recommendations to then be forwarded to SMC.
8. Staff to forward tree thinning needs proposal information to Todd Mecklenborg.
9. Staff to follow up timber/salvage projects and line of trees on north border of Micco Sanctuary projects to completion.
10. Crane Creek Public Access Plan to be presented at a future meeting.
11. Staff to contact P&R staff at Fox Lake Park regarding the feral cats at that location.
12. Staff to place a few wildlife cameras around sanctuary borders, where appropriate to monitor the situation.
13. Mike to provide information on historical aerial photography to Mary Ellen Donner, so she can forward it to Natural Resources.