

Establishment and Early History (1990-1998) of the Brevard County Environmentally Endangered Lands Program

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1990 Referendum

- September 1990
- Established Environmentally Endangered Lands Program
- Ad valorem tax of 0.25 mil for 20 years
- Provide up to \$55 million
- To understand EEL Structure need to look at earlier efforts

Referendum Ballot Language

- Shall Brevard County issue bonds, in a principal amount not exceeding Fifty-five Million Dollars and No Cents (\$55,000,000.00) to finance the cost of acquiring, protecting and maintaining environmentally endangered lands, and making improvements as appropriate for passive recreation and environmental education such bonds being payable from an annual ad valorem tax not exceeding one-quarter mill levied for a period of twenty (20) years and bearing an interest rate not exceeding the maximum rate permitted by law, as described in Brevard County Resolution 90-245.

Beach and Riverfront Program

- 1984 Referendum, 20 years, up to 0.5 mil.
- Focus on access not conservation
- Acquired some important properties particularly in South Beaches Area
- Decisions made by commissioners working with county staff.
- Problems with choice of sites, lack of transparency in selection, and no management funding.

Preservation 2000

- State of Florida began Preservation 2000 Program in 1990.
- Ten-year program for Conservation and Recreational Lands (CARL).
- Greatly expanded previous state land acquisition efforts.
- Up to \$300 million per year
- Some counties initiated local programs with funding from various mechanisms to acquire conservation lands and attract state matching dollars.

1989 Referendum for Environmentally Endangered Lands

- Failed
- No safeguards on selection.
- Lack of confidence in political leaders by some of public.
- Context of the times. Move of government center to Viera, financed with Certificates of Participation (COP) that did not require referendum.
- Perception of problems with Beach and Riverfront Program.

Environmentally Endangered Lands Procedures Development Committee

- Board of County Commissioners (BoCC) authorized citizens committee in October 1989.
- Members appointed in December 1989.
- Charge: Develop Land Acquisition Manual for an Environmentally Endangered Lands Program prior to a new referendum.
- Use Volusia County as a model.
- LAM developed, approved by BoCC (July 1990) before referendum.

Procedures Committee Members

- District 1 Kenneth Friedland, Jane Ferguson
- District 2 Jim Swann, Karl Eichhorn
- District 3 Ed Weed, Margaret Hames
- District 4 Nedra Sekera, Paul Joyal
- District 5 Priscilla Griffith, Richard Burges
- Parks & Rec. Advisory Committee Sue Carlson

Land Acquisition Manual (LAM)

- Conservation First
 - Primary objective is the acquisition of environmentally endangered lands for preservation/conservation
 - Secondary objective allow some environmentally endangered lands to be used for non-consumptive resource based outdoor enjoyment
- Procedures Committee
 - Maintains LAM

LAM (cont.)

- Selection Committee
 - Seven members, volunteer scientists
 - Reviews all parcels nominated for acquisition
 - Recommends acquisition to BoCC by vote of 5 of 7 (2nd majority vote)
- Board of County Commissioners
 - Approves or reject properties recommended by SC, may not add or expand
 - Appoints SC and PC members
 - Determines budget, approves bonding

LAM – EEL

- Natural Communities
 - Inadequately represented, threatened or endangered, best examples
- Forest Resources
- Plants
 - Threatened, endangered, special concern, critical to survival
- Animals
 - Threatened, endangered, special concern, critical to survival
- Wetland and Coastal Resources
- Geological Features

LAM - Management

- Unique Natural Areas
 - Protect, maintain, prescribed fire, remove exotics, eliminated ORVs and dumping.
- Passive Recreation Areas
 - Nature trails, boardwalks, educational displays and centers.
 - SC to develop handbook on passive recreation.

Selection Committee

- Appointed in August 1990 – before referendum
- Dr. Hilary Swain, Florida Institute of Technology, Chair
- Dr. C. Ross Hinkle, Bionetics Corporation
- Dr. Randall Parkinson, Florida Institute of Technology, Vice Chair
- Dr. Paul Schmalzer, Bionetics Corporation
- Margaret Hames
- Kenneth Friedland
- David Cox, Florida Game and Freshwater Fish Commission

Preservation Brevard

- Political Action Committee (PAC)
- Campaign on behalf of referendum
- September 1990 Referendum passed with > 60% vote

Where did Selection Committee start ?

September 1990

- Municipal bonds
 - Bond all, some, or none.
- Some surprises
 - Maximum that could be bonded was \$31M (not \$55M). [\$55M was projected maximum with revenue growth].
 - No staff, no budget for staff. Initial support from ONRM. Steve Peffer (Assist. Co. Man.) and Gwen Heller (Beach & Riverfront Prog.) were involved.
 - Taxes would not be assessed until Nov. 1991.

Selection Committee First Actions

- Hilary Swain elected Chair; Randy Parkinson elected Vice Chair.
- Reviewed Enchanted Forest on an emergency basis (Oct. 1990), first majority vote.
- Recommended BoCC bond \$10M for EEL land acquisition.
- Identified need for staff funded by EEL revenues.

Enchanted Forest

- CARL project previously submitted.
- November 1990
 - TNC buys 237 acres of Enchanted Forest (S of Addison Canal) at foreclosure for \$3, 990,100 with the understanding that County would reimburse.
- December 1990
 - SC -second majority vote on Enchanted Forest, recommended BoCC approve purchase.
 - SC recommended BoCC allow TNC to act on behalf of EEL Program for Phase 1 Enchanted Forest acquisition.

Multitasking

- Deluge of submitted properties (weak real estate market)
 - Some gems, a lot of junk.
 - How to separate?
- Criteria needed
 - LAM provided guidelines but not well-developed criteria.
- Active strategy for conservation acquisition
 - Not just reactive to submittals.

Strategic Information Needs

- What are the conservation needs of the county?
 - Communities, Species, Ecosystem Function.
- What is in conservation?
 - Where are there gaps?
- Who is working on what?
 - Where are there opportunities for partnerships?
- How can a local (EEL) program best contribute to filling gaps?

Gathering Information

- Natural Communities
 - ONRM Vegetation Mapping (Joel Snodgrass)
 - FIT land cover mapping for SJRWMD (H. Swain/V. Larson)
- Species
 - FNAI, published lists, local information
 - 208 listed (state or federal) species identified

Existing Conservation Lands

- Federal
 - Merritt Island National Wildlife Refuge, Canaveral National Seashore, St. Johns National Wildlife Refuge, Archie Carr National Wildlife Refuge (partial)
- State
 - Sebastian Inlet State Recreation Area
- St. Johns River Water Management District
 - Upper St. Johns Project (partial)

Existing Acquisition Programs

- Who is working on what?
- January 1991 Workshop
 - SJRWMD: St. Johns Basin wetlands
 - CARL/DNR: Archie Carr beachfront
 - USFWS: Archie Carr beachfront
- Evident gaps
 - Atlantic Coastal Ridge Scrub
 - Maritime Hammocks
 - Indian River Lagoon Wetlands

Goals

- **Protect Biodiversity**
 - Complement state and federal programs.
 - Communities and species outside or inadequately protected in current network of protected areas.
- **Maintain Ecosystem Function**
 - Landscape context, connectivity, hydrologic function, fire-driven ecosystems
- **Additional Goals**
 - Educational, scientific, cultural, aesthetic, and passive recreational value

Criteria

- Natural Communities
 - Threatened throughout state (FNAI S1/S2), locally rare and underrepresented in conservation, critical for support of listed species, known to have declined in extent, unprotected by state or federal regulations
 - Group A – scrub, coastal strand, hardwood hammock, forested wetland
 - Group B – mesic and hydric flatwoods, wet and dry prairies, isolated wetlands, tidal marsh and swamp
 - Group C- St. Johns Basin freshwater marsh, wetland shrubland, rangeland

Criteria (cont.)

- Species
 - Listed species, esp. species for which Brevard is important
 - Endemic or nearly so
 - Habitat specific
 - Significant population – roosting site, wintering ground, migratory stop-over
 - Inadequately protected in existing conservation areas

Criteria (cont.)

- Landscape
 - Contiguity with existing or proposed protected areas
 - Connectivity potential
 - Value as corridor
- Ecosystem Function
 - Hydrologic value/integrity
 - Fire maintained

Acquisition Strategy

- Maritime Hammock Initiative
 - Barrier island, tropical components, fragmented, rapidly declining, T & E species, unprotected by regulation.
- Scrub Jay Refugia
 - Atlantic Coastal Ridge, scrub, sand pine scrub, scrubby flatwoods, fragmented, rapidly declining, T & E species, unprotected by regulation.
- North Indian River Lagoon
 - Hydric hammock, coastal wetlands, watershed protection, wading birds, biodiversity of IRL, connection to MINWR, east-west corridor to St. Johns Basin.

Submitted Properties

- April 1991: 63 submitted, 40 rejected
- Many site visits conducted
- Some good ones
 - Kabboord
 - Bates-Huntington (NIRL)
 - Solomon Jackson (Dicerandra)
 - MacIntosh DRI (Scottsmoor)
 - Seaside Oaks (Maritime Hammock)

Controversy 1: Crane Creek

- Friends of Crane Creek submit package of six properties along Crane Creek in Melbourne.
- SC conducts site visits.
- SC declines to treat as package. Rejects Tedford property as too disturbed (former house site). Pursues others. One (Batchelor) eventually purchased.
- SC: need to apply same criteria to all.

Controversy 2: Staff CARL Proposals

- Early 1991: County staff prepare CARL proposals for Thousand Islands, Mullet Creek, and Tico Scrub and Swamp not at direction of SC.
- Tico pulled by BoCC. Titusville had not been consulted.
- SC declines to support proposals.
- Florida DNR prepares CARL proposal for North Sebastian Hammock without informing EEL Program.
- April 1991: CARL reject County proposals.

Controversy 2 (cont.)

- Some commissioners (esp. Thad Altman) not happy.
- County Manager (Tom Jenkins) wants ONRM staff to take over evaluation, “streamline” process. Forgo criteria and just buy something.
- SC: Process already streamlined. Program does not have dedicated staff. Criteria prerogative of SC.
- SC evaluates N. Sebastian Hammock, supports as addition to Archie Carr with 50% match.
- Margaret Hames to act as liaison with BoCC.

CARL and FCT Proposals

- May 1991-Jan. 1992
- CARL Strategic Initiatives
 - Atlantic Coastal Ridge Scrub (P. Schmalzer, K. Friedland)- Tico, Rockledge, Valkaria, Ten Mile Ridge
 - Maritime Hammocks (M. Hames, R. Parkinson) – S. Beaches coastal scrub and hammock
 - North Indian River Lagoon (R. Hinkle, D. Cox) wetlands and adjacent uplands
- FCT Proposals
 - Turkey Creek Addition (Palm Bay)
 - Barnes Blvd. Scrub (Rockledge)
 - Dicerandra Scrub (Titusville)
- August 1991: Dr. Duane DeFreese hired as 1st EEL staff

Other 1991 Issues

- SC declines to consider emergency acquisition of North Enchanted Forest at price above appraisal.
- FIND considers scrub sites for spoil disposal including Valkaria.
- Friends of the Enchanted Forest organizes.
- Kabboord offered as bargain sale, 1st majority vote.

1992

- CARL packages impress DNR, assemblage of properties innovative, pass 1st (April) and 2nd (August) votes.
- FCT accepts Turkey Creek not Dicerandra or Rockledge.
- Kabboord purchased (Feb.)
- Malabar Woods available from RTC, bargain sale, 1st majority vote (June). TNC contracts in Nov. EEL to reimburse.
- Seaside Oaks acquired ahead of state (April).
- SC reappointed (Sept.)
- 2nd EEL staff Anne Curtin (Birch) (Oct.).
- BoCC approves bonding rest of 1990 referendum. Delayed by COP dispute.
- Scrub HCP process approved by BoCC (Dec.)

1993

- Malabar: Homer Denius and Smiley properties available. H. Denius (60 ac) and RTC acquired.
- Fox Lake/Moehle, Valkaria/Tietig properties submitted
- RFP for acquisition agent: awarded to TNC (Dec.)
 - Kevin Judd, Paula Moye first TNC staff
- Mellon Foundation acquires Chuck's Steakhouse for donation
- North American Wetlands Conservation Act (NAWCA) proposal (NIRL wetlands) \$1.5M
- North Enchanted Forest acquired
- Combined mitigation donation and purchase in Valkaria
- CARL Scrub boundary amendment for Rockledge FCT site.

1993 (cont.)

- Sebastian Inlet Hammock– state acquires some parcels.
- First Enchanted Forest Guides training.
- SC declines to purchase Liberty Park from Palm Bay (small isolated). Also declines to manage.
- HCP new data on Scrub-Jays. Original CARL project not sufficient.
- Micco Kentucky Life property (ca. 1300 ac) in liquidation. SC 1st & 2nd votes on bargain sale.
- Turkey Creek FCT Sandy Pines parcel acquired.

1994

- Micco acquired. CARL boundary amendment accepted.
- Division of State Lands moving slowly. SC agrees to go ahead on S. Beaches due to threat and NIRL with NAWCA match.
- Enchanted Forest opens 3 days/week with FOEF.
- Tico scrub acquired from County Industrial Park.
- Malabar: Denius (31 ac) acquired. Smiley contract approved
- Coconut Point: 4 contracts
- Rockledge: 2 contracts
- NIRL: Holloway & Becton contracts
- SC approves partnering with SJRWMD on Fox Lake/Moehle.
- St. Johns submits boundary amendment for Corrigan Ranch. State accepts.
- Hilary Swain resigns as Chair after birth of 2nd child. Ross Hinkle elected Chair. Randy Parkinson remains Vice Chair.
- Beginning work on Management Manual. Discussion of Management Endowment Fund.

First Audit

- Clerk of Court: Sandy Crawford; Auditor: J. Roger Shealy.
- Issue1: Clerk – Ad valorem only pay for bonds and capital expenditures, not management.
- Referendum Language – specifically included management.
- County Attorney and Bond Council – excess ad valorem can be used for management
- Options
 - Seek Circuit Court Declaratory Judgment.
 - Request Legislative change to clarify conflicts in Florida Statues.

First Audit (cont.)

- Issue 2: Selection Criteria not sufficient and open to interpretation.
 - SC and EEL staff do not agree.
- Issue 3: 1990 LAM not clear or concise regarding land acquisition procedures.
 - Revisions underway. 1990 LAM used Volusia County as model. Not sufficient for joint acquisitions with state and federal agencies.

Resolution of Management Funding

- SC supported pursuing Circuit Court judgment and legislative change. BoCC supported both. Clerk only supported legislative change.
- Circuit Court: Nov. 1995. Ad valorem use for bonds and one-time capital expenditure. No trust fund for management.
- Legislature: April 1996. Clarification language adopted. Use of excess ad valorem for management acceptable.

1995

- Comm. Scott Ellis objects to high price of South Beach properties and to high price of proposed Scrub Conservation and Development Plan.
- NIRL: additional properties under contract.
- State begins to purchase some Maritime Hammock parcels.
- Environmental Access for the Disabled Workshop.
- First Earth Day at the Enchanted Forest.
- CARL boundary amendment for Jordan Blvd. and Waterside Down (barrier island) approved.
- Pine Island: SJ requests partnership. SC interested but funds short and management uncertain.
- Palm Bay requests and is granted easement along canal N of Malabar Scrub Sanctuary for canal maintenance.

1995 (cont.)

- EEL Staff directed to prepare boundary amendment for SCDP scrub.
- Mullet Creek: ½ interest donated to County.
- SJRWMD begins considering IRL wetlands CARL project.
- NAWCA acquires 800 ac in Volusia County.
- Hilary Swain accepts position as Executive Director of Archbold Biological Station and resigns from SC.
- Scrub restoration and management issues identified.

1996

- CARL reimbursements finally start to come in.
- State-SCDP scrub proposal too large and scattered. DeFreese repackages to 8 sites: Buck Lake, South Lake, Fox Lake, Titusville Wellfield, Grissom Parkway, Wickham Road, Ten Mile Ridge Expansion, Micco Expansion. Passes 1st 4-vote.
- Buck Lake : SC approves partnership with SJRWMD for \$350K toward 7000 ac acquisition (scrub portion)
- SC 1st majority vote to partner with SJRWMD on Pine Island. 2nd majority later. Closes at end of year.
- Ken Friedland becomes judge and resigns from SC.
- County Greenways Concept: Multi-use trails at Malabar. SC expresses need to assess impacts. Uses compatible with conservation.

1996

- Draft of Natural Areas Management Manual prepared (later Sanctuary Management Manual).
- Draft of revised LAM prepared.
- Procedures Committee begins meeting to consider revisions (Aug. 1996-March 1997).
- Blueways CARL Project IRL wetlands 5 counties & 2 WMDs under discussion.
- First EEL Program secretary: Lee Lowerre.

1996 Procedures Committee

- Kim Zarillo D-1
- Diane Stees – Env., D-1
- Rocky Randels – Env., D-2, Chair
- Jonnie Swan D-2
- Margaret Hames D-3
- Michael Storey- Financial, D-3
- Hank Hurley D-4
- Laurel MacKenzie D-4
- Richard Gramling D-5
- Priscilla Griffith – LOWV, D-5, Vice-Chair

1997

- RFP for EEL sanctuaries (EF, MSS, CSS, BIEC) design developed: Awarded to Kha Le-Huu & Partners.
- Blueways passed 1st 4-vote with state.
- Gran Central (Tico) changed leadership and acquisition negotiations stalled.
- Balkany (Jordan) property acquired.
- Washburn Cove acquired. Maritime Hammock Project effectively completed.
- BoCC approved revised LAM (May).
- Malabar fencing. Joint construction of bathroom facilities with Town.
- R.K. Mellon Foundation donated 7 properties to EEL including Chuck's Steakhouse (now Barrier Island Center).

1997

- First Americorps Volunteer group.
- Scrub restoration and timbering project at Valkaria.
- Valkaria and Babcock scrub acquisitions.
- BoCC requests SMM be distributed to municipalities for comment (May). Approved in Sept. but not endowment for long-term management.
- EEL Program transferred to Parks & Recreation.
- SMC to be reappointed.

Erna Nixon

- Request for EEL Program to manage Erna Nixon Park (BoCC/County Manager) (June-July 1997).
- Question whether legal to manage with EEL funds (referendum funds only purpose of referendum).
- County Attorney: Legal with transfer of responsibility and nominal transfer fee, if property meets EEL-SC criteria.
- SC conducts site visit. Request later withdrawn (Oct. 1997).

1998

- Duane DeFreese leaves EEL Program. Joins Hubbs-Seaworld. Anne Birch Interim Manager.
- Kha Le-Huu begins work on Sanctuary Development Plans
- EEL Program to hire 4 land managers and a volunteer coordinator. Tami Robinson hired as 1st land manager.
- State reimbursements approved for numerous properties including Enchanted Forest.
- BoCC rejects Scrub Conservation and Development Plan.
- SC approves FIND exchange. Better quality scrub habitat than donated property.

1998-SMC

- David Breininger, Dynamac
- Dr. Mark Bush, FIT
- Mary Ann Civil
- Dr. Ross Hinkle, Dynamac, Chair
- Dr. Randy Parkinson, Vice Chair
- Dr. Paul Schmalzer, Dynamac
- Lisa Smith

1998

- Kevin Judd leaves TNC. Keith Fountain hired, experience with Lake Wales Ridge acquisition.
- Mike Knight hired as EEL volunteer coordinator.
- Zach Prusak hired as 2nd EEL land manager, prescribed burning experience.
- K. Fountain recommends BCSE properties be listed on both Bargain Share and Mega-Pacel state lists to facilitate acquisition and state funding. SMC approves. State accepts.
- Mitigation donation of 53 ac at Kabboord approved.
- Bill Kerr presents 3 scrub mitigation properties including Guilford property (now South Lake Conservation Area).