



# Trails and Greenways Committee

Monday, January 10, 2022 at 6:00 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. ADDITIONS/DELETIONS/CHANGES
4. CONSENT AGENDA
  - a. Approval of Minutes of 12/20/2021  
Exhibit: Agenda Report Number 4a

**Attachments:**

- **Agenda Report Number 4a** (Agenda\_Report\_Number\_4a.pdf)

5. PUBLIC COMMENTS
6. ACTION ITEMS
7. DISCUSSION ITEMS:
  - a. Trail, Kiosk and Firebreak Conditions
  - b. TOM RTCM of 20220103 EEL Pgm MSS1 Restoration Presentation  
Summary  
Exhibit: Agenda Report Number 7b

**Attachments:**

- **Agenda Report Number 7b** (Agenda\_Report\_Number\_7b.pdf)

- c. Malabar Scrub Sanctuary Restoration Plan Discussion  
Presentation by Vice-Chair Hann
    - d. Next Field Event - TBD
8. OLD/NEW BUSINESS
  - a. Board Member Comments
  - b. Staff Reports
  - c. Next Scheduled Meeting Date
9. ADJOURNMENT

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Contact: Richard W. Kohler (rkohler@townofmalabar.org 321-727-7764) | Agenda published on  
01/05/2022 at 3:26 PM

# TOWN OF MALABAR

## TRAILS AND GREENWAYS COMMITTEE MEETING

**AGENDA ITEM NO: 4.a**

Meeting Date: January 10, 2022

Prepared By: Richard W. Kohler, Deputy Clerk/Treasurer

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**SUBJECT:** Approve Minutes of 12/20/2021

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**BACKGROUND/HISTORY:**

- a. Summary of Actions at the Trails and Greenways Committee Meeting of 12/20/2021.

**ATTACHMENTS:**

- a. Draft Minutes of T&GC Meeting of 12/20/2021

**ACTION OPTIONS:**

- a. Request Approval

**MALABAR TRAILS AND GREENWAYS COMMITTEE REGULAR MEETING**  
**December 20th, 2021, 6:00 PM**

This meeting of the Malabar Trails and Greenways Committee was held at Town Hall at 2725 Malabar Road.

**1. CALL TO ORDER, PRAYER AND PLEDGE:**

Meeting called to order at 6:03 P.M. Prayer and Pledge led by Chair Thompson.

**2. ROLL CALL:**

CHAIR:	DREW THOMPSON
VICE-CHAIR:	MURRAY HANN
BOARD MEMBERS:	ANNELIE HARVEY
	BOB WILBUR - EXCUSED
	DANIEL WAITE
GRANT/VALKARIA LIASON:	CRAIG SMITH
BOARD SECRETARY:	RICHARD KOHLER
ALSO IN ATTENDANCE:	COUNCIL MEMBER DAVID SCARDINO
	E.E.L.s PROGRAM MANAGER MIKE KNIGHT

**3. Additions/Deletions/Changes**

**4. CONSENT AGENDA**

**4.a. Regular Trails and Greenways Committee Mtg Minutes of 12/13/2021**

**Motion to accept by Hann/Waite**

**All Ayes: Carried 4-0.**

**5. PUBLIC COMMENTS: NONE**

**6. ACTION ITEMS: NONE**

**7. DISCUSSION**

**a. EEL Program Plan to do Tree Removal/Land Clearing from Jordan and Malabar Scrub Sanctuaries.**

VC Hann states that he rode the entire trail system over the weekend to encounter the "Compromise" reached in 2009 with the EELs program to leave trees along the trail. Also noted that a trail post is down and missing. There was also a tree down, but it has been moved from the trail. Liaison Smith agreed that the trails are currently in good shape. Chair Thompson began by reviewing the T&GC Mission Statement. Chair then explained that the EELs program began via voter referendum in 1990 and will be voted on again in 2024. Chair then gave a brief overview of the 12/17/2021 Selection and Management Committee Meeting. VC Hann states his belief that the EELs program has favored the environmental preservation over the passive recreation portion of their original mission. Chair states he sees a difference in the number of trees needed to achieve a productive Scrub habitat. VC Hann states he was unaware before the SMC meeting that members of that committee still harbor resentment over the AI Tuttle Trail being included in the Malabar Scrub East. It has been a wonderful public amenity for 12 years, and he sees no reason anyone should oppose it. Chair states he got the impression that the SMC and EELs staff do not realize how big of a deal this issue is with Malabar Residents. Chair then gave an overview of the proposal to transfer the Management of the Malabar Scrub Sanctuary from the County to the Town of Malabar. Chair then gave an overview of the property in question. The area has come to be used by residents of all municipalities in South Brevard. VC Hann states it is probably one of the best trail connections between heavily populated areas. Chair then gave an

overview of the history of fire in Florida's natural environment. Chair then gave a history of the Florida Scrub Jay. The EELs program's goal is to transform the property into Scrub habitat. Chair Hann states he believes that most of the sanctuary is already in good scrub condition, but a study said this property needs to be in optimal condition. Chair states this project was slated to begin on December 1<sup>st</sup>, and there was public concern that there had been no public involvement. Chair states that optimal Scrub to the EELs program is removing all vegetation above ground by a brontosaurus machine. Once that goal is achieved, the area is then burned. Scrub oaks and palmettos grow back because the roots are undamaged, but it takes years to accomplish a regrowth. Chair then goes over the meaning of Category 1 site, which is a higher public recreation use and enhanced education. Malabar Scrub is a Category 1 site, and there is no educational site. VC Hann was surprised at the level of restoration done in the Jordan Scrub. The area was burned in the Mother's Day fires of 2009. Malabar Woods Blvd was "Ground Zero" for the fires with hundreds of Fire Trucks from around the state. Chair believes the Jordan Scrub was "Over Restored." VC Hann states one of the problems is that we don't know exactly what is happening. Will Malabar Scrub be treated the same way as Jordan Scrub? Chair believes that the result would be the same across the sanctuary, with one tree per acre. VC Hann states that many of the areas highlighted in red are not scrub habitat, they are wetlands. He also questions the need to remove the Oak trees along the area. Chair believes the crux of the issue is that the EELs program do not value user input.

Mike Knight stated that there will be an additional Public Forum held on January 18<sup>th</sup> to discuss potential alternatives and explain better the plan.

Chair states the goal is to be heard and considered. He offered to go with the EELs program to the sanctuary and walk the area to get a better understanding of what the plan is. VC Hann asks if there has been a change since the newest map has come out as one lists the whole trail as red needing to be thinned, and one has trail differentiated in sections.

Mike Knight states the red on the first map was just the color presented to highlight the map, not that the trails would be reduced.

VC Hann referenced a 300 acre habitat restoration done in the Florida Greenway that has 15' trees. That is a very different approach than what is being used in Malabar.

Chair asks Mr. Knight if all of the sanctuary will look the same, or if different density areas will look different. VC Hann asks if the whole property will be done at once.

Mike Knight stated that in Jordan Scrub they did about 350 acres of land.

VC Hann stated a large area near the Harris Corp a large area was root raked.

Mr. Knight states that no work was done there with a root rake. He would be happy to look at the area in question with VC Hann.

VC Hann states he was particularly puzzled by the removal of palm trees from the edge of the lakes. Was that to remove the screen of trees that keep Scrubs from moving?

Mr. Knight states that most likely, but he will need to see it in person to confirm.

VC Hann states that at the south side of the south lake had trees pushed into the lake. If a contractor did that, they would be fined. He then went over the new trail map and discussed the specifics of the areas highlighted. He noted that there were clumps of Oaks left during the last restoration and questioned why the three patches of oaks in

Malabar East need to be removed. One of them is the only spot he sees Scrub Jays. In Malabar West there are very few trees left. The one pretty spot of trees left is near Stillwater Preserve and would not affect the area. There is a highlighted portion of the trail near a creek. Will the trees around Country Cove, Stillwater Preserve and Brook Hollow be removed? Have the resident in there been informed?

Chair states he would love to put in a new trail on the Western most edge of the property. That would be another excellent spot to conserve trees.

VC asks why would you roller chop then burn?

Mr. Knight states that scrub doesn't burn well, so it needs to be chopped to create fuel for the burn.

VC Hann asks if there is more information on specifics in the area?

Mr. Knight states that the map we are referencing is the most up to date.

Resident asks who makes these decisions?

Mr. Knight states that it is County Staff.

CM Waite asks how much of the gray area will be burned?

Mr. Knight states that it will be burned by unit. The project is just to cut and remove trees, the burning will happen as available.

Chair suggests using a circular plan to burn the area so that there is always a healthy scrub habitat.

Mr. Knight states that is their plan. You don't roller chop something if you're not going to burn it.

VC Hann asks about the red line along Malabar Woods Blvd.

Mr. Knight states that is just to remove the pine trees in the median. He really appreciates these comments, as this was the purpose of this map. We want to have an open conversation about the best areas to work. Everything in the shaded area will be reduced to the specs.

VC Hann asks if they will be cutting trees in the wetlands?

Mr. Knight states that no, but they will remove pine trees from wetlands where they do not belong.

Chair reminds Mr. Knight that there are three HOAs and an ALF facility that will be affected by this project. In a public perspective, leaving the screen around neighborhoods would help.

CM Scardino asks what is happening with stormwater?

Mr. Knight states that none of their work will affect the ground, so no stormwater work is required.

Chair states that he went to Cruikshank Sanctuary, and they had high trees and lots of scrub jays. He is looking forward to working on a compromise with the EELs program. We are supportive of the Florida Scrub Jay and the Gopher Tortoise.

VC Hann states he will work on a draft document for the Committee to review at the January 10<sup>th</sup> Trails and Greenways Committee Meeting.

Ms. Kuhn expressed concern that the SMC committee seems to have not been to the sanctuary. Can you facilitate the group going to see the area?

VC Hann expressed that he was concerned about how the information was presented to the SMC, as the area is overgrown. That is a misrepresentation. The narrative is that Mountain Bikers like shade and will favor that over the Scrub Jay species, and that is incorrect.

Chair states that Malabar is proud of its conservation in its Town, and it is offensive to be represented as a biker who likes shade. We have worked hard in the sun to improve these projects.

## 8. OLD/NEW BUSINESS

### a. Board Member Comments

- Chair states that work has paused in the ENT.
- CM Waite thanked Mr. Knight for attending and being so responsive. He also thanked VC Hann for his hard work. He is concerned about trail damage being caused by the heavy equipment. Can we reach an agreement about trail crossings? Chair states that in the past contractors have gone over the scope of work and made mistakes. We should work together to prevent that. CM Waite suggests reinforcing the fact that the burns will not take place at once. Chair states that if the EELs program could produce a document that shows that they would likely get a better buy in.
- Mr. Knight states that he will develop and adjusted map and include the mark of the Eagles Nest.
- CM Harvey believes we need to keep the balance of preservation and recreation. We need to be as open and transparent as possible.

### b. Staff Reports

- Kohler informed the Committee that the squatter in Cameron Preserve has moved on.

### c. New Business:

- Next Regular Meeting- January 10<sup>th</sup>, 2022

## 9. ADJOURN

There being no further business to discuss;

MOTION HANN/Harvey. Vote: All Ayes. The meeting adjourned 7:57 PM.

BY:

\_\_\_\_\_  
Drew Thompson Chair

\_\_\_\_\_  
12/11/2021

Date Approved: as presented:

\_\_\_\_\_  
Richard W. Kohler, Board Secretary

# TOWN OF MALABAR

## TRAILS AND GREENWAYS COMMITTEE MEETING

**AGENDA ITEM NO: 7.b**  
**Meeting Date: January 10<sup>th</sup>, 2021**

**Prepared By:** Richard W. Kohler, Deputy Clerk/Treasurer

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**SUBJECT:** TOM RTCM of 20220103 EEL Program MSS1 Restoration Presentation Summary

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**BACKGROUND/HISTORY:**

- a. At the January 3<sup>rd</sup> RTCM, EELs program manager Mike Knight gave a presentation about the planned restoration of the Malabar Scrub Sanctuary.
- b. Following Mr. Knight's presentation, during the public comments portion of the meeting, Ms. Sue Hann and Mr. Drew Thompson both gave presentation about the planned project.

**ATTACHMENTS:**

- a. 1/3/2022 RTCM Draft Minutes
- b. Mr. Knight's Presentation
- c. Drew Thompson's Presentation
- d. Sue Hann's Presentation

**ACTION OPTIONS:**

- a. Discussion/Recommendation to Council for action.

**MALABAR TOWN COUNCIL  
REGULAR MEETING MINUTES  
JANUARY 03, 2022, 7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

**1. CALL TO ORDER:**

Council Chair, Mayor Patrick T. Reilly called meeting to order at 7:00 pm. CM Rivet led P&P.

**2. ROLL CALL:**

CHAIR:	MAYOR PATRICK T. REILLY
VICE CHAIR:	STEVE RIVET
COUNCIL MEMBERS:	MARISA ACQUAVIVA
	BRIAN VAIL
	DAVID SCARDINO
	MARY HOFMEISTER
TOWN MANAGER:	MATT STINNETT
SPECIAL PROJECTS MANAGER	LISA MORRELL
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN
DEPUTY TOWN CLERK/TREASURER:	RICHARD W. KOHLER

**3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:** None

**4. CONSENT AGENDA:**

**4.a. Regular Town Council Mtg Minutes of 12/06/2021**

**4.b. Cancel RTCM 01/17/2022**

**4.c. Set American Rescue Plan Workshop for 01/24/2022 @ 7:00pm**

**MOTION:** CM Vail / CM Acquaviva to approve. **Vote:** All Ayes.

**5. ATTORNEY REPORT:** None

**6. BCSO REPORT:** None

**7. BOARD / COMMITTEE REPORTS:**

**7.a. T&G Committee:** Committee Chair Thompson – the T&G would like to continue work on the ENT (Eagle Nest Trailhead) on Marie Street but this EEL proposed project has taken a priority and he requests to speak after the presentation by Mike Knight.

**7.b. Park & Recreation Board:** Chair Eric Bienvenu – agenda report summarizes the request for porta-potty.

**7.c. P&Z Board:** Chair Wayne Abare – not present

**8. STAFF REPORTS:**

**8.a. Town Manager –** Matt Stinnett is back. He gave an update on the next TAC being in February and they are working on the NPDES permit audit responses. RFP on Town signage is closing on Jan 14, 2022.

**8.b. Special Projects Manager –** Ms. Morrell, SPM, ARP WS was just approve for 1/24/22 to discuss how to spend the first tranche of 750K – the NEU (non-entitled units) have to wait to receive their money from the State instead of directly from the federal govt because they don't participate in the CDGB (Community Development Grant Block) – we got our money late but have until 2026 to expend the funds. The 750K is only payment 1 of 2. Malabar is getting a total of 1.5 million for the ARP funding so will get the second tranche in 2022 and have until 2026 to expend the funds.

She also reported that the Road workshop is also coming up in January/Feb to discuss the possibility of modifying the road improvement requirement, such as width requirements.

**8.c. Fire Dept:** Lt. Hooker stated a written report was submitted separately to Council and the public for December but he was present to give an summary overview. The annual ISO audit is going on now and is their top priority.

**8.d. PW Director –** Provided written report.



**8.e. Clerk – Happy New Year.** The FDEO notified us on 12/21/2021 that our Comp Plan Amendment to provide a Private Property Rights Element to the Malabar Comprehensive Plan was reviewed by the State and other State agencies without adverse comments and will be legally advertised for the final public hearing and adoption at the Feb 7, 2022 RTCM.

**9. PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required)

**Five (5) Minute Limit per Speaker. None**

**10. PUBLIC HEARINGS: 0**

**11. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING; PRESENTATIONS; RECOMMENDATIONS FROM BOARDS: 2**

**11.a. Presentation by Mike Knight Project Mgr of EEL Program re: Restoration Project at Malabar Scrub Sanctuary**

**Exhibit: Agenda Report 11.a.**

Environmentally Endangered Lands (EELs) Program Manager Mike Knight went over the history on acquisition and management plans. Florida Forever program and managed under lease 4263. He then gave a history of the ballot language voted on in 1990 and 2004. Went to voters in 1989 and failed because there was no science backing plan. Language was in place prior to the purchase. Can't burn during summer. That is where the roller chopping comes in. Fire lines are exempt from silt fencing. Old growth forests are not located here. Older trees are left in place, and flat topped pine trees are always left in place. Could be larger trees that are younger. Scrub habitats don't have many treed areas. Concern that we are not considering other species is incorrect. The EELs program must manage it for the scrub habitat. Went over some of the concerns. There is a mixture of species in that area. Comes back to the proximity of the scrub.

CM Rivet asked about the methodology they are using to take down the trees.

CM Vail stated that he has used that area since the late 1970's and he does not see much difference in both Jordan and Malabar Scrub. When Eels bought it there was 10 families. Now there are 4 or 5.

Mr. Knight explained how they did a mosaic pattern when roller chopping at Jordan Scrub. They did not do 750 acres as stated.

Mr. Knight then explained what is pushing all of this. Population Viability Assessment (PVA) study done in 2020. That is why there is a push – there is enough (30 yrs.) data in Florida to do the study. 3 groupings of scrub jays. Nasa, central Brevard and south Brevard are covered in the report. The south area is the only area that is salvageable. Only hope they have to keep them from becoming locally extinct is by doing this work in these areas.

CM Scardino asked if he knows if they are threatened or endangered. Mr. Knight said he believes they are threatened. CM Scardino asked if he knew the difference between those categories. Mr. Evan Hall, 1373 Blanche St. came forward and explained the difference and stated they are both have federal protections.

Mr. Knight then went over the timbering aspect of the project. Trying to target the pines per acre but they leave extra to account for other threats like stress or beetle infestation.

CM Vail asked for clarification - that the pine growth has caused the scrub jay population to decline. Mr. Knight said yes. CM Vail asked if he has studied any aerial photography from 40 years ago. Mr. Knight said since the "natural fires" have subsided in the 1940's the pine trees have grown and become resistant to dying in a planned fire.

There is an eagle nest in the area, and they are held to the same regulations and won't do any work in the area. Also following the USFW rules for managing jay territories. Trying to confirm the 6<sup>th</sup> family and 2 additional potential territories on Malabar scrub west. Also potential for two families in Cameron Preserve.

Mr. Knight showed some of the existing trails and showed how the trees would be mowed down to 4 and 5 feet in height. Too many cabbage palms. CM Rivet said that it is most attractive part of the trail system. Mr. Knight reiterates that the only thing he is saying is primary concern is preserving the jays. Primary focus should be jays not public use. CM Rivet is saying that the public did not vote with that knowledge.

CM Vail said the dense shaded trail on left of screen, and asked Mr. Knight how much of the trails still have shade coverage. Mr. Knight responded very little, probably less than 1%. By taking that down how much does that small parcel benefit – the one scientist says the population will increase.

CM Rivet said the objective has to be the entire use – not just the jays. 160 acre site in Rockledge. Private property is adjacent to that site and providing 1000' buffer is not possible. Mr. Hann explained how these rules weren't followed at that location. CM Acquaviva said we are trying to keep the trees here in this rural community. It is a bit of an arrogant thing to say that we are just bikers who want shade. The trees are very important.

Mr. Knight said if you don't manage habitat with fire, it will become overgrown. Some of those trees are not "natural" in those area.

Mr. Knight went over some of the areas that would keep the trees. They have made effort to keep some of those areas. They have a management plan which was revised in 2006.

They have always routinely removed trees before controlled fires. CM Rivet said the fact that we issued a permit shows we are willing to work with you. Mr. Knight hopes we can address both concerns.

CM Scardino said they are having a difference of opinion

Mr. Knights states that the project won't go forward until the permitting issue is resolved. Went over some of the codes other municipalities.

CM Rivet said he is ignoring the objectives – what are the priorities. The jays are his priority. The county is saying that they don't care about our objectives.

CM Scardino states a balance needs to be struck.

CM Hofmeister would like to see more communication. Close the gap between the town city and state.

Mayor said he only talked about 1% of the land is oak hammock. We moved here just to have this rural lifestyle.

**11.b. Recommendation from Parks & Recreation Board: Town provide an additional Porta-Potty at Malabar Community Park (MCP)**

**Exhibit: Agenda Report 11.b.**

Park Board Chair Eric Bienvenu stated request.

**MOTION:** CM Vail / CM Scardino to approve. **Vote:** All Ayes.

**12. ACTION ITEMS:**

**ORDINANCES for FIRST READING: 1**

**12.a. Ordinance to codify Solid Waste Franchise Agreement (Ord 2022-01)**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA REPEALING AND REPLACING ORDINANCE 2014-12 AND ALL OTHER SOLID WASTE AND RECYCLABLE MATERIAL FRANCHISE ORDINANCES AND AGREEMENTS IN ARTICLE IV OF APPENDIX A, THE FRANCHISE SECTION OF VOLUME ONE OF THE CODE OF ORDINANCES REPLACING SUCH REPEALED FRANCHISE ORDINANCES AND AGREEMENTS WITH ORDINANCE 2022-01 GRANTING AN EXCLUSIVE SOLID WASTE AND RECYCLABLE MATERIAL COLLECTION FRANCHISE AGREEMENT BETWEEN THE TOWN OF MALABAR AND WASTE PRO of FLORIDA, INCORPORATED AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A HERETO; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS, CODIFICATION AND AN EFFECTIVE DATE.

**Exhibit: Agenda Report 12.a.**

**MOTION:** CM Acquaviva / CM Hofmeister to approve 1<sup>st</sup> Reading of Ord 2022-01.

Discussion: None

**ROLLCALL VOTE:** CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Aye. Motion carried 5 to 0.

**RESOLUTIONS: 1**

**12.b. Adopt Performance Measures per NFIP (Reso 01-2022)**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE IMPLEMENTATION OF PERFORMANCE MEASURES FOR COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM; PROVIDING FOR FUTURE UPDATES AS NECESSARY TO COMPLY WITH THE OBJECTIVES OF THE NFIP AND CRS PROGRAMS; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit: Agenda Report 12.b.**

**MOTION:** CM Vail / CM Rivet to Adopt Reso 01-2022.

Discussion: Clerk said it is housekeeping to update the Code Book

**ROLLCALL VOTE:** CM Acquaviva, Aye; CM Vail, Aye; CM Rivet, Aye; CM Scardino, Aye; CM Hofmeister, Aye. Motion carried 5 to 0.

**MISCELLANEOUS: 0**

Chair dismissed Attorney.

**13. DISCUSSION / POSSIBLE ACTION: 0**

**14. PUBLIC COMMENTS: General Items (Speaker Card Required)**

**Drew Thompson, as T&G Committee consensus -**

People that are paying for it need to have input. Need balance. Category 1 for passive recreation. Find a better way of doing this. (Presentation attached)

**Sue Hann 1365 Corey Rd** – thanked Council for having this discussion.

There are a lot of other topics that should be part of the science-based discussion. She asked Malabar Town Council to request the meeting on Jan 18 at EELs be held here in Malabar. The FS includes passive recreation as part of “conservation”

Confirmation Bias – lots of technical people here and experts we can search out. There is a lot of work we can do together. Why cut down the forest for a program that is set to sunset in 2024.

The Town should be an active partner at the table when these decisions are discussed and voted on. Need to make sure they are listening.

Financial plan should be requested. She then thanks Council for their time and consideration. (Presentation Attached)

**Murray Hann – on T&G Committee**. We want to discuss this at their next meeting. Develop compromise plan. Then bring it back to Town Council.

**Alan Wollard – Country Cove Community HOA President** – The land surrounding his community has changed dramatically since the EELs program has been managing the land. He represents 49 homeowners, 10 of whom have property adjacent to the Sanctuary. As the President of the HOA, potential buyers often call him before purchasing, and the Sanctuary is a huge selling point. He fears that it will be a detriment after the restoration process.

**Mark Britt - 1617 Country Cove Circle** – His property backs up to sanctuary. He was shocked when he heard about this project, and thanks Council for acting.

**Jason Strouble, Vice-President of Brevard Mountain Bike Association** – He wants to work with the Town to save the woods. The mountain bikers across the USA have built and expanded many trail systems. Mr. Knight referred to these lands are irreplaceable yet the proposed plan will take down all the trees. States he will save the majority of his comments for County Commission. Why was the Crukshank sanctuary cleared and the trees removed if your PVA shows that those jays will be extinct soon?

**Mike King, lives in Country Cove**, - States his property borders sanctuary. He is happy that Council supports including more public outreach. EELs value science over compromise. Policy does allow for compromise. Thanks council for their position.

SPM Morrell asks direction from TC to staff. Special mtg before the WS on the 24<sup>th</sup> at 6:30 PM.

**MOTION: CM Scradino / CM Hofmeister to amend code to regard conservation.** This is INS in zoning. **Vote All aye.**

**MOTION: CM Rivet / CM Vail to make special mtg at 6:30 on the 24<sup>th</sup>. Vote All Ayes**

CM Vail asked if EEL Program allows mitigation projects within the Malabar Scrub for development. Mr. Knight said, yes, half of the Malabar Scrub and West to do development. CM Acquaviva said compromise have been made in the past when Country Cove Circle was developed due to Scrub Jays.

## 15. REPORTS – MAYOR AND COUNCIL MEMBERS

**CM Acquaviva:** Shared that she is proud of the Town’s people for their expressing the importance in why we live here.

**CM Vail:** none

**CM Rivet:** Would like to see no “restoration” permits issued by the Town until we have some mutually agreed compromise.

**CM Hofmeister:** Thanked Murray and Sue Hann and Drew for their presentations. She runs within the Sanctuaries and hopes we can come to a compromise with the County and EEL Program – we have to do it together.

**CM Scardino:** Drove by Twin Lakes SD. It appears they have stopped watering the trees since their bond was returned. The trees appear to be dying.

**Mayor Reilly:** none

16. **ANNOUNCEMENTS:** Openings on T&G Committee.

17. **ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 10:00 P.M.

BY: \_\_\_\_\_  
Mayor Patrick T. Reilly, Council Chair

ATTEST:

\_\_\_\_\_  
Debby Franklin, C.M.C.  
Town Clerk/Treasurer

Date Approved: 02/07/2022

DRAFT

# Malabar Scrub Restoration Project

Malabar Town Council Meeting – 1/3/22



# Malabar Scrub Sanctuary

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- Purchased by County between 1993 and 2010 (\$6 million)
- First scrub purchase of the program.
- Planned Malabar Woods Housing Development.
- Transferred to State in 2001 and 2005 (50% reimbursement received)
- Management Lease 4263



# Voter Ballot Language

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**1990** - 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...

**2004** - Shall Brevard County issue bonds to finance the acquisition, improvement and maintenance of environmentally endangered land and water areas for the protection of habitat, public open space, and water resources, and for providing passive recreational opportunities...



*"The **primary objective** of the land acquisition plan is the acquisition of environmentally endangered lands for preservation / conservation. These lands are environmentally unique and irreplaceable, and contain excellent examples of natural communities, forest resources, plants, animals, coastal and wetland resources, and geologic features."*

*"A **secondary objective** of the plan is to allow some environmentally endangered lands to be used for non-consumptive resource based outdoor enjoyment. Some lands could be developed for passive recreational uses such as hiking and nature trails, educational nature centers, and elevated boardwalks."*

## EEL Policy Manual and State Management Lease

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“a recreation type of use, level of use and combination of uses that do not individually, or collectively, degrade the resource values, biological diversity, and aesthetic or environmental qualities of a site.”

“Purpose: Lessee shall manage the leased premises only for the conservation and protection of natural and historical resources and for resource based public outdoor activities and education which are compatible with the conservation and protection of these public lands....”

# Land Clearing Misconception – Fire Line vs Vegetation Management

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# Soil Erosion Misconception

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Silt fencing is not required unless there would be temporary and direct impact to a waterway due to vegetation removal and root-raking. This does not apply to vegetation mowing.

Fire lines are permanent features and must be maintained in an exposed soil state. Silt fencing cannot be reinstalled each time line is plowed. Permanent silt fence would also burn up during fire operations.



# Removing Old-Growth Forest Misconception

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- Scrub communities are fire-dependent and do not contain old-growth trees but do contain old growth root systems. Scrub habitat is a dynamic system that depends on frequent alteration.
- Pine Flatwoods communities do contain some old-growth pine trees. Due to the limited number of these older trees, they are preserved during restoration.
- Oak hammocks and forested wetland communities could potentially contain old growth trees but those habitats are not included in this restoration plan.



## Not Considering Other Species - Misconception

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- The Florida Scrub Jay and Gopher Tortoise are considered umbrella species. This means that if we manage the habitat to benefit these two species, all other species that depend on that habitat will also benefit.
- Scrub Jays and Gopher Tortoises also use adjacent pine flatwoods.
- Pine Flatwoods interface with scrub systems and tree densities vary depending on slight changes in elevation.

# Converting Other Habitats to Scrub - Misconception

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- Habitat types are soil dependent.
- It would not be possible to convert one habitat into another.
- Scrub and pine flatwoods ecosystems also contain depression marshes.



# Jordan Scrub Habitat Enhancements – 2019 Prescribed Fire

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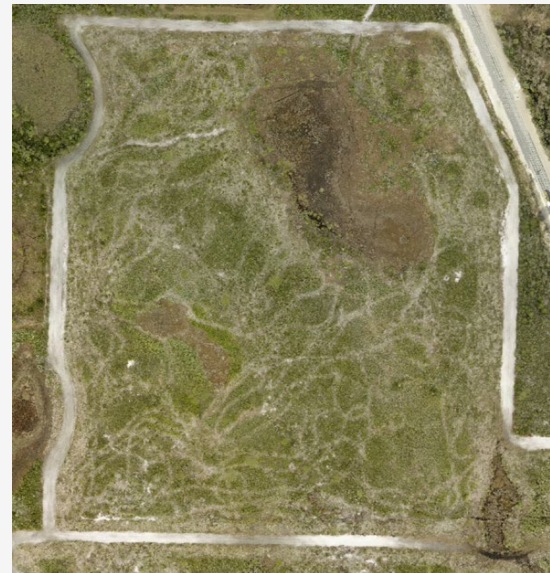
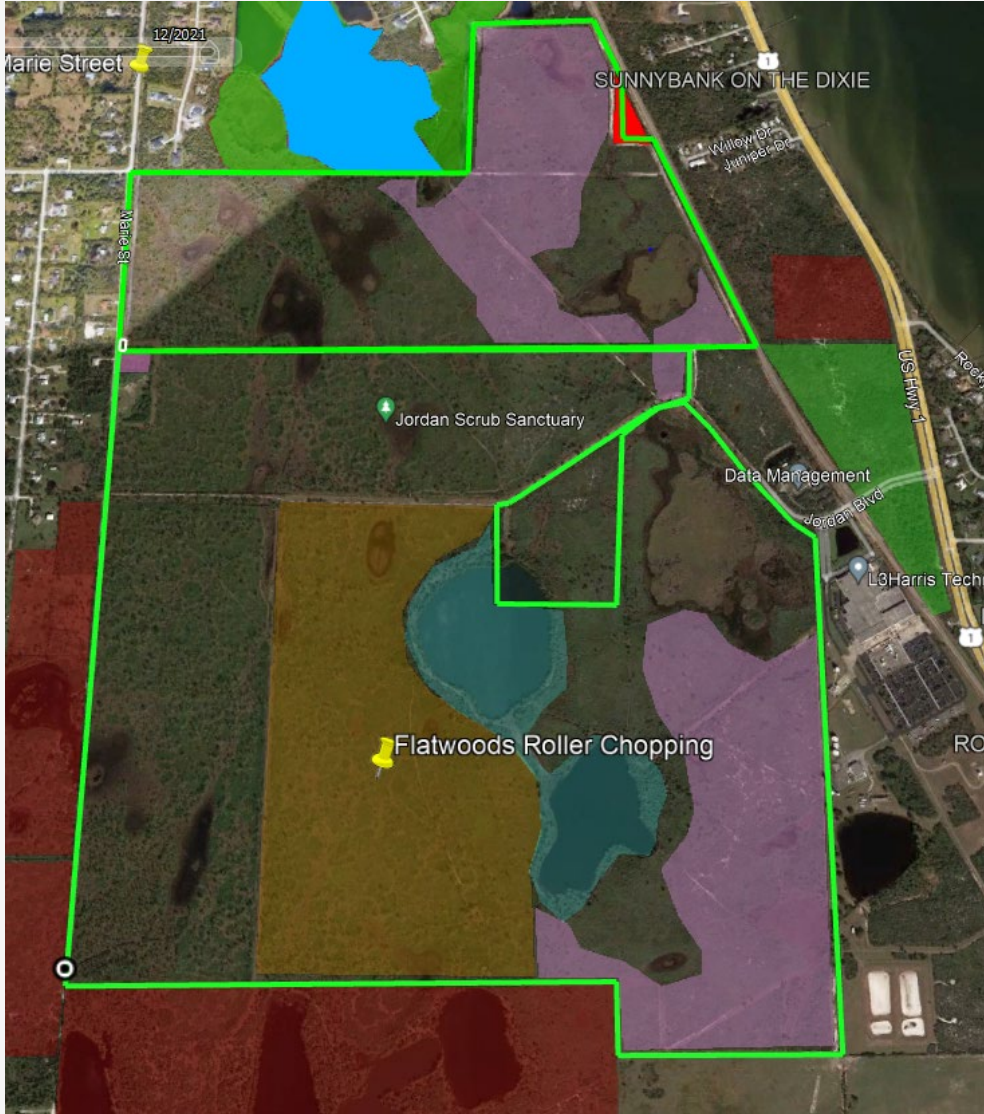


# Jordan Scrub Enhancements – 2021 Roller Chopping & Pine Reduction

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# Jordan Roller Chopping & Palm / Pine Reduction at Lakes



# Saw Palmetto Density Reduction for Wiregrass Enhancement

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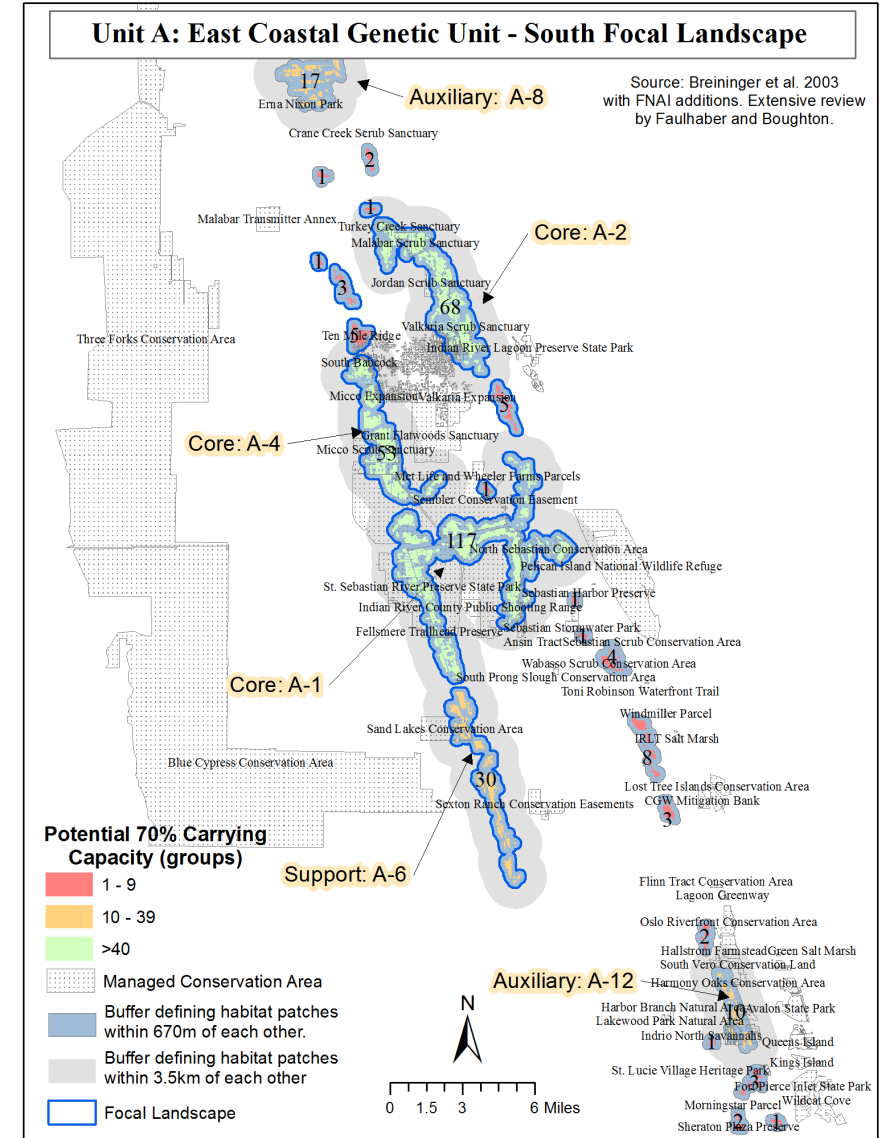
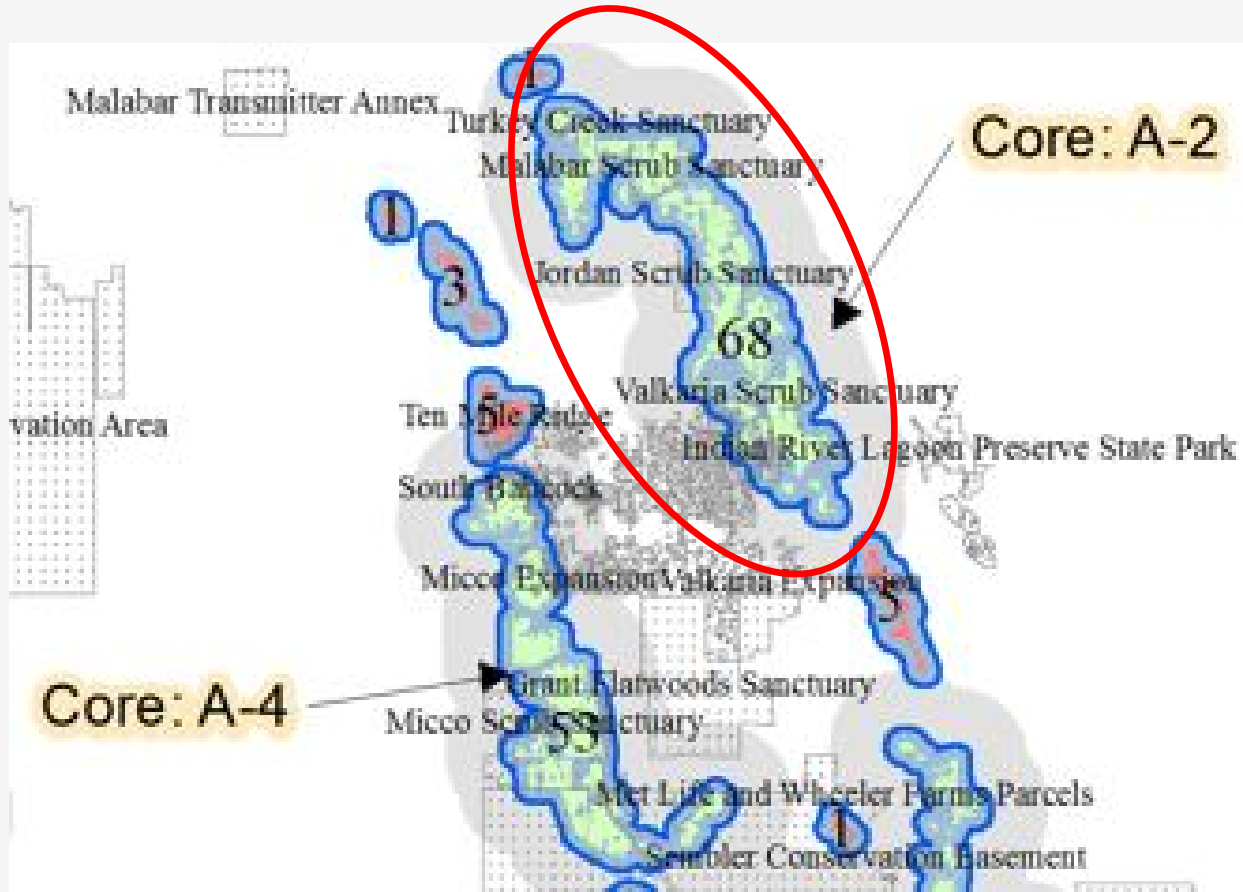
# Florida Scrub Jay Population Viability Analysis

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- Based on over 30 years of data and documented successful restoration projects throughout Florida and Brevard County.
- Fragmented scrub habitat quality must be maintained in optimal condition to maximize breeding success.
- South mainland Brevard has the greatest potential to protect the species long-term from further decline if existing habitat patches are managed in optimal condition.
- FSJ is an umbrella species for the scrub.
- Malabar Scrub and Jordan Scrub are critical to the survival of the south Brevard population. Without these two sites serving the population at an optimal level, extinction of the species in south Brevard is likely to be inevitable.



# South Brevard Scrub Sites



# Restoration Scope

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Project includes multiple sites in south Brevard including:

- Malabar Scrub, Jordan Scrub, Grant Flatwoods, Micco Scrub

Jordan Scrub and Grant Flatwoods are excluded from the timber removal project.

Vegetation management through roller chopping and mulching focus on palmetto, cabbage palms, scrub oaks and non-marketable pines to achieve appropriate densities depending on habitat type. Grant funding from The Nature Conservancy.

Timber thinning focuses on removal of cut pines to achieve appropriate densities depending on habitat type. Timber will be sold to offset cost of restoration.



# Restoration Project



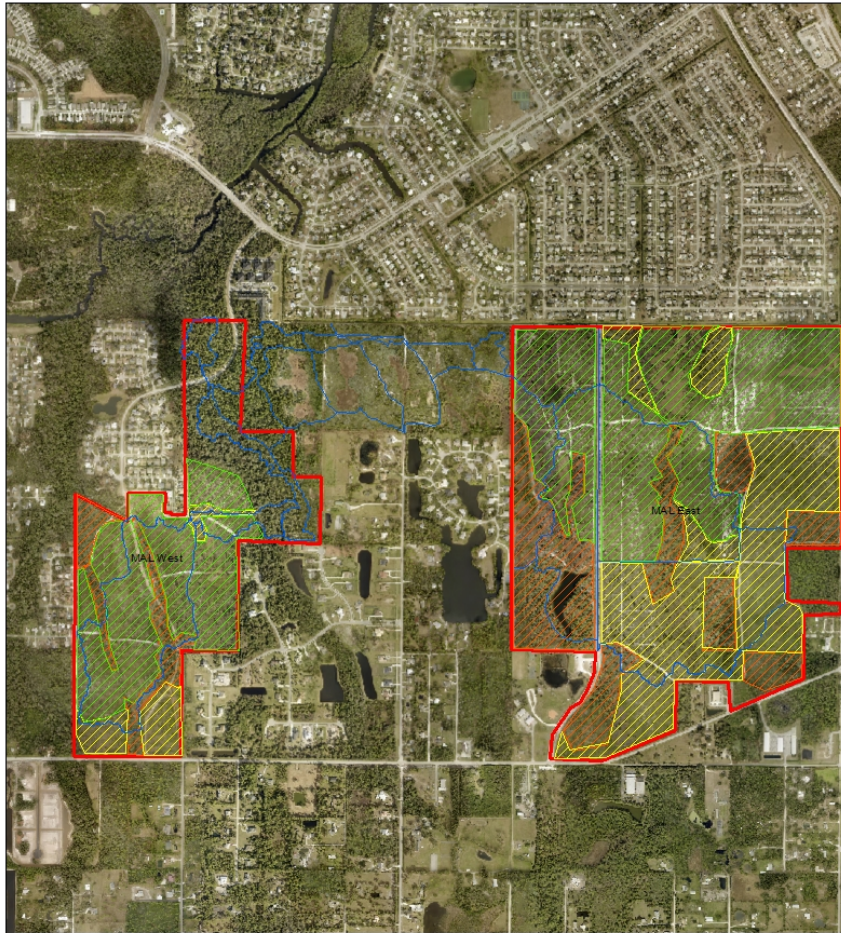
Before



Before



After



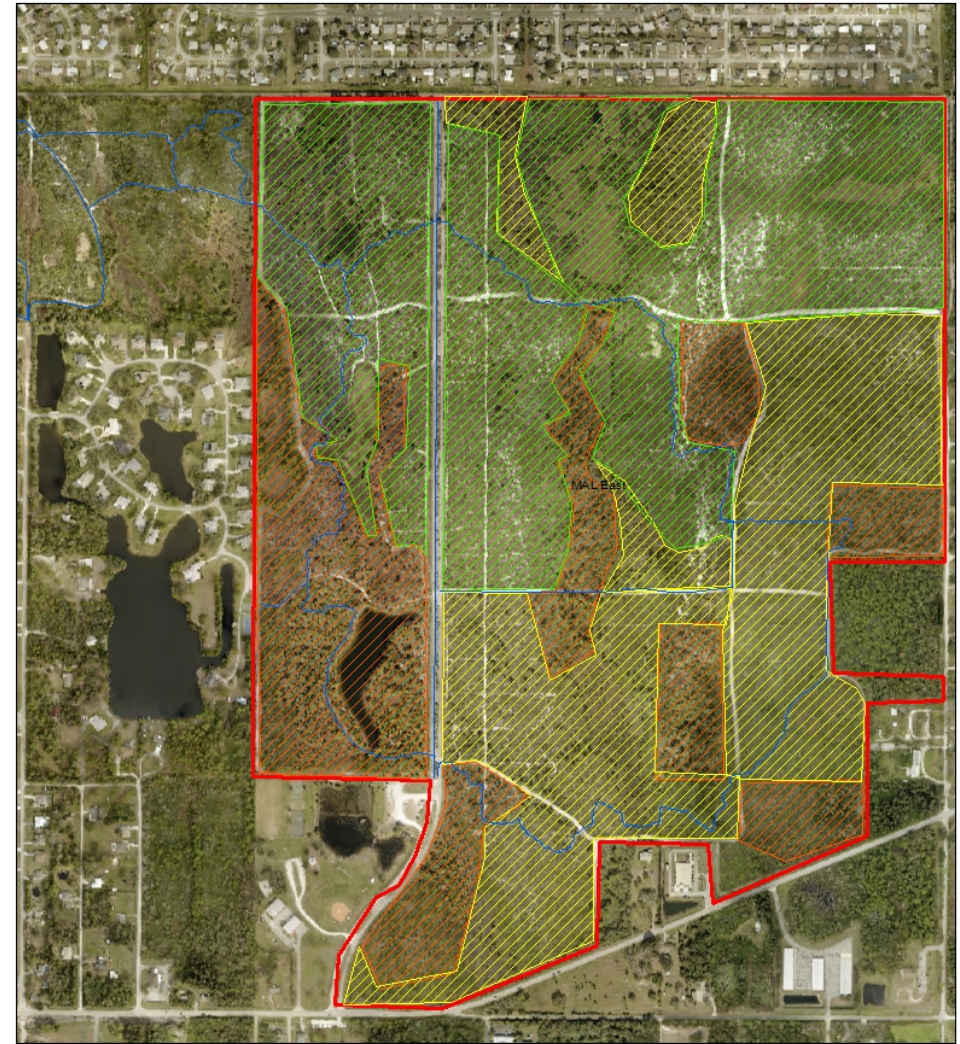
## Legend

- EEL\_Trails\_2017
- Low\_Density
- Medium\_Density
- High\_Density



**Legend**

- EEL\_Trails\_2017
- ▨ Low\_Density
- ▨ Medium\_Density
- ▨ High\_Density



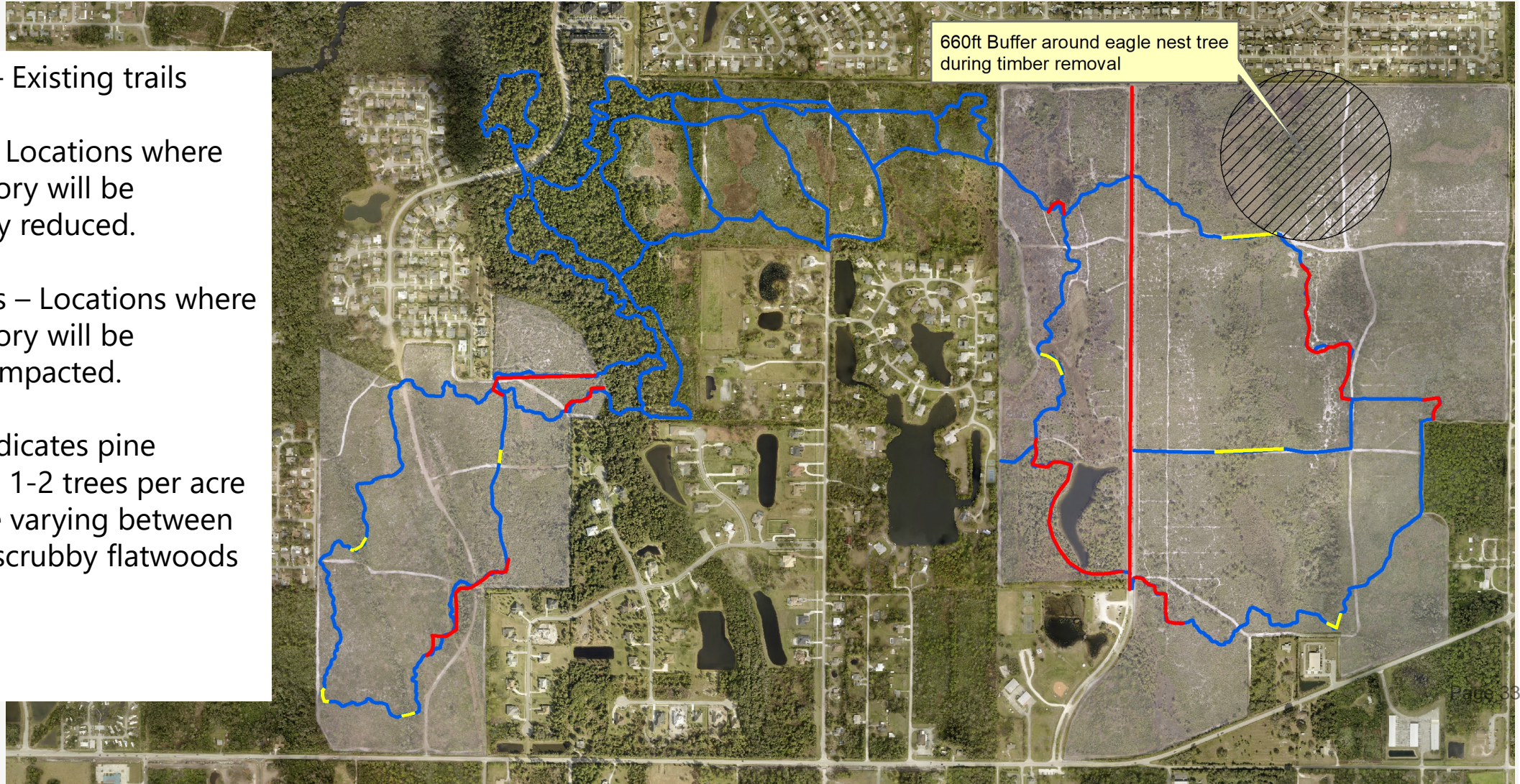
**Legend**

- EEL\_Trails\_2017
- ▨ Low\_Density
- ▨ Medium\_Density
- ▨ High\_Density



# Restoration Map

- Blue lines – Existing trails
- Red lines – Locations where trail overstory will be significantly reduced.
- Yellow lines – Locations where trail overstory will be minimally impacted.
- Shading indicates pine thinning to 1-2 trees per acre on average varying between scrub and scrubby flatwoods areas.



# State of Florida Guidelines for Management of Scrub Habitat

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## **Florida Fish and Wildlife Conservation Commission**

620 South Meridian Street, Tallahassee, FL 32399

### **Policy, Position Statement, or Guideline (PPG)**

TYPE OF PPG: [GUIDELINE](#)

ORIGIN: FWC ORIGINATED

APPROVAL AUTHORITY: DIVISION DIRECTOR ACTION

EFFECTIVE DATE: February 25, 2019

Note: This document is subject to update after further review.



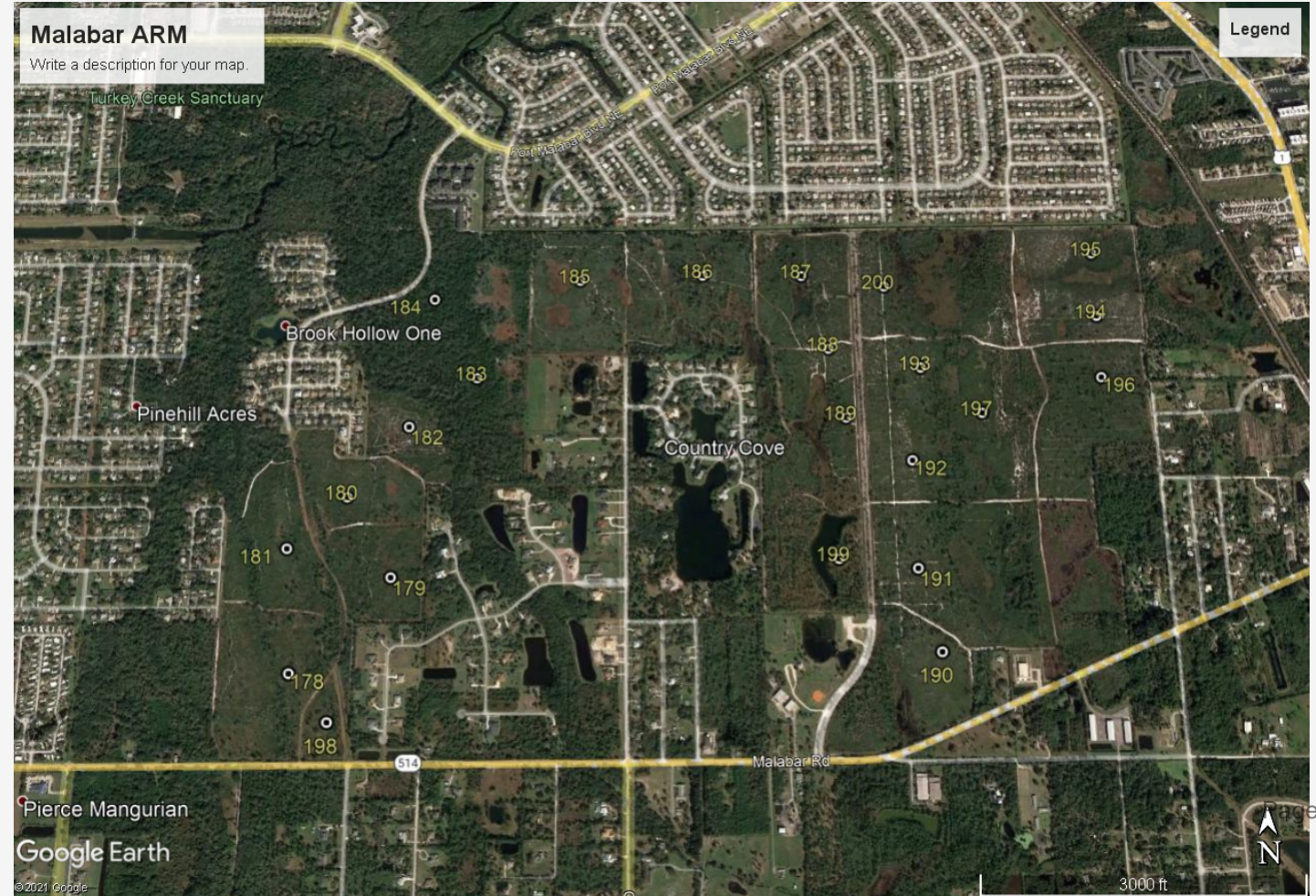
# Existing and Potential Jay Territories

5 Florida Scrub Jay families currently exist at Malabar Scrub.

After restoration the site will have the capacity to support an additional 13 family territories.

Two additional potential territories exist on the Town's Cameron Preserve.

Two more potential territories exist on the norther portion of Malabar West which is outside the current restoration project footprint.



# Trails

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# Trails

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# Trails

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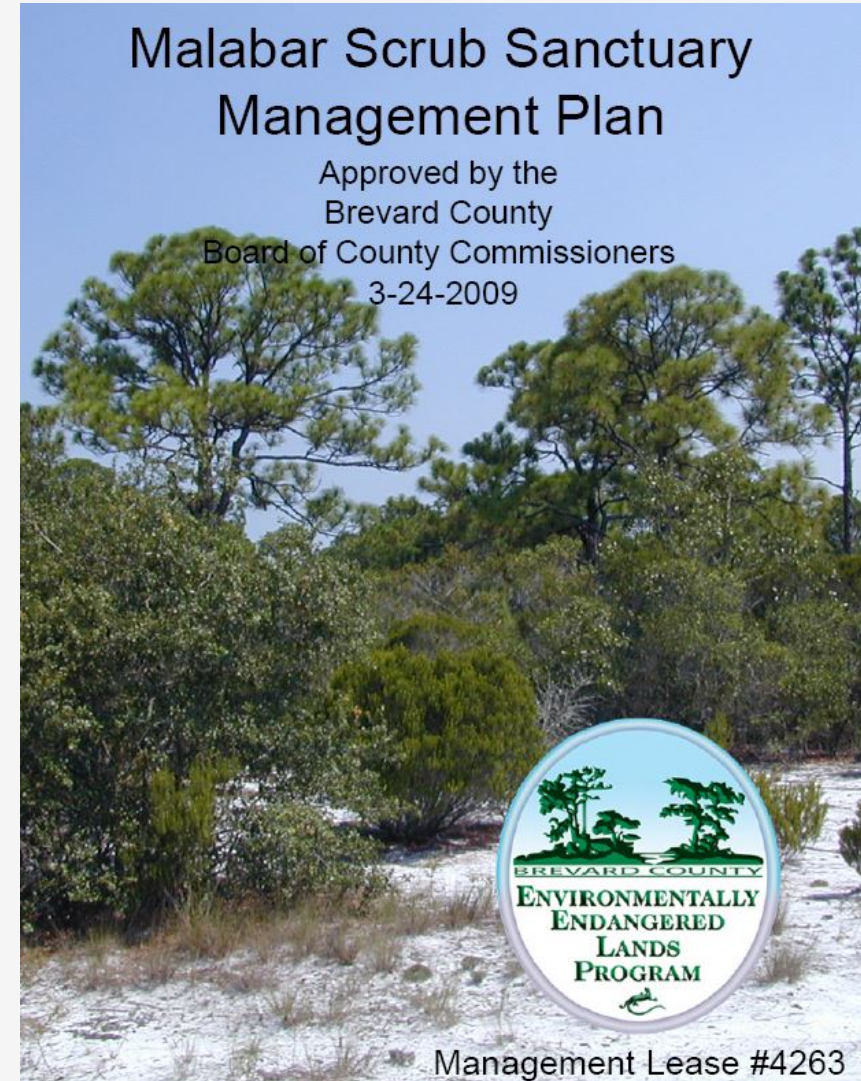
# Malabar Scrub Management Plan

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Current management plan approved by State in 2010

Public input process began in 2006

*"Reduction of exotic species and the reintroduction of fire to the ecosystem are expected to maintain the quality of the prime habitat, as well as improve the habitat currently designated as marginal. The marginal habitat may also be improved for the management of Florida Scrub jays by the selective removal of pine canopy, thereby reducing the perching opportunities for raptors, a primary predator of adult Florida Scrub jays."*



# Permit

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- EEL applied for and received a land clearing permit from the Town of Malabar for the timber removal project to be done under the Florida Forest Service to address any issue related to timber hauling on local roads. Permit expired due to delays.
- Land clearing permits are generally not pursued by the program for routine maintenance chopping and mulching activities.





## Town Codes

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Town code was revised following the issue of the permit to include any form of mowing of vegetation but is still focused on land development actions and land improvements without consideration of conservation management actions.

The Town currently has no code that applies to the management of vegetation for land conservation and habitat restoration work but it does have a limited exemption that allows for *“routine landscape maintenance such as trimming or pruning of vegetation which is not intended to result in the eventual death of a plant, mowing of yards or lawns, or any other landscaping or gardening activity which is commonly recognized as routine maintenance or replacement.”*

# Timeline

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December 6 – Town Council Meeting

December 9 – EEL Webinar with Public Input Opportunity

December 17 – EEL Selection and Management Committee Meeting

December 20 – Town Greenways and Trails Committee Meeting

January 3 – Town Council Meeting EEL Presentation

January 12 – Grant Valkaria Town Council Meeting EEL Presentation

January 18 – EEL Public Forum (in-person and Zoom opportunities)

January 21 – EEL Selection and Management Committee Meeting

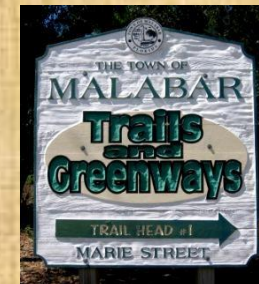
Late January or early February ? – Board of County Commissioners

# Questions?

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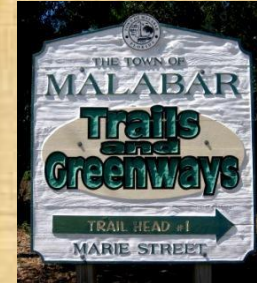


**TOWN OF MALABAR**  
**Trails & Greenways Meeting**  
~~**MONDAY Dec 13, 2021, 6:00 PM**~~  
**MONDAY Jan 3, 2022, 7:30 PM**  
**2725 MALABAR ROAD**  
**MALABAR, FLORIDA**



**T&GC Primary Issue =**  
**Concerns About**  
**EEL Program Plan to do Tree Removal/Land Clearing**  
**in Malabar Scrub Sanctuary (MSS1)**

Per T&GC References: **MSS2** = **Micco** Scrub Sanctuary



## ***T&GC Unofficial Mission***

**Plan, enhance, and maintain the trails and greenways of the Town of Malabar to assure the sustainability of our environmentally protected lands so that current and future generations are encouraged to get outside to safely enjoy nature. Coordinate these efforts by networking with neighboring communities so that the resulting trail system flows from one to another –  
**serving all.****

# Environmentally Endangered Lands (EEL) Program

## Mission Statement

Protecting and Preserving Biological Diversity Through Responsible Stewardship of Brevard County's Natural Resources

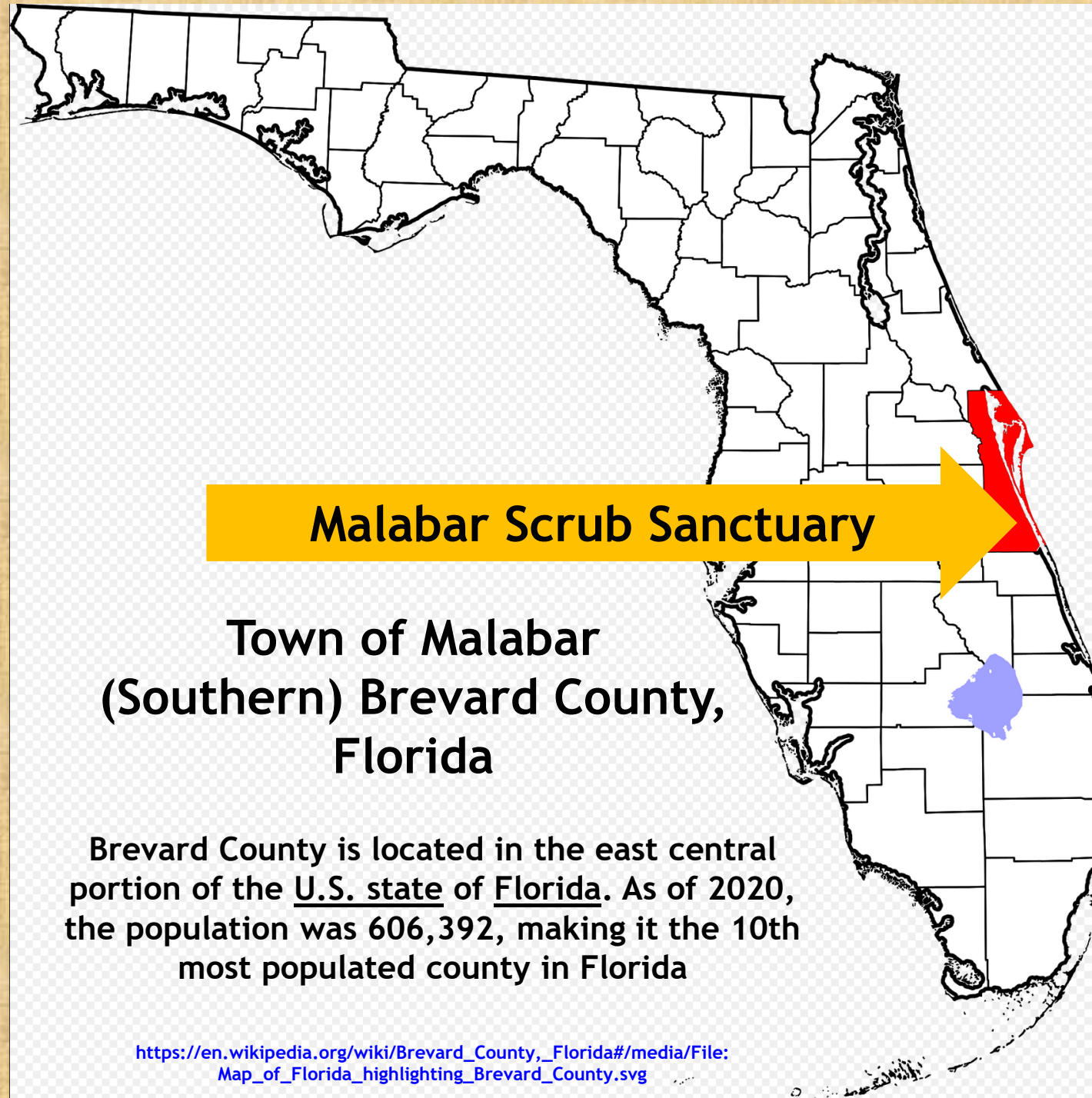
## Vision Statement

- The Environmentally Endangered Lands (EEL) Program acquires, protects and maintains environmentally endangered lands guided by scientific principles for conservation and the best available practices for resources, stewardship and ecosystem management.
- The EEL Program protects the rich biological diversity of Brevard County for future generations.
- The EEL Program provides passive recreation and environmental education opportunities to Brevard's citizens and visitors without detracting from the primary conservation goals of the program.
- The EEL Program encourages active citizen participation and community involvement.

## Guiding Directives

- Conserving and managing natural resources
- Providing opportunities for environmental education
- Providing opportunities for passive recreation such as hiking and wildlife observation

<https://www.brevardfl.gov/EELProgram/home>  
As of January 3, 2022



**Malabar Scrub Sanctuary**

**Town of Malabar  
(Southern) Brevard County,  
Florida**

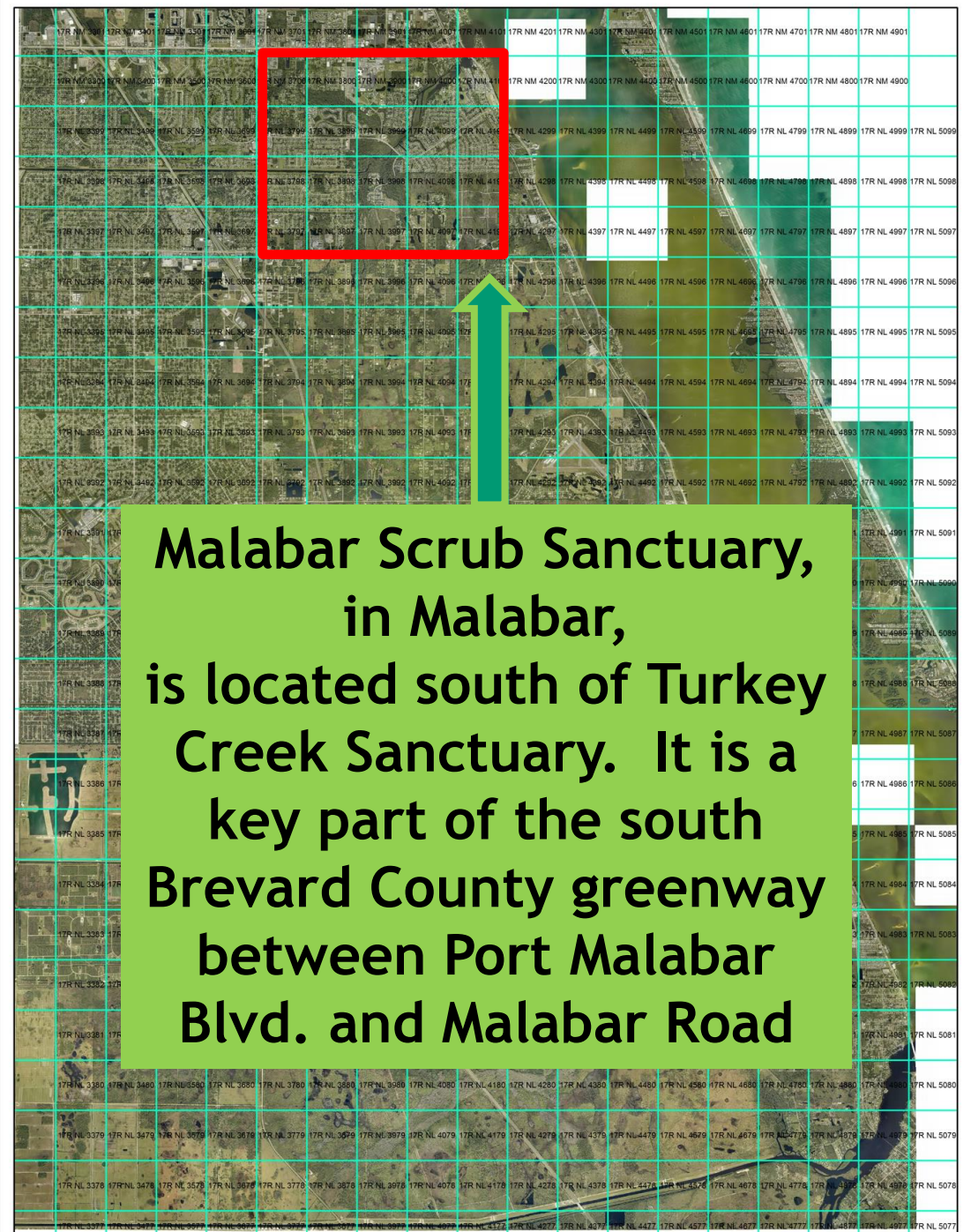
Brevard County is located in the east central portion of the U.S. state of Florida. As of 2020, the population was 606,392, making it the 10th most populated county in Florida

[https://en.wikipedia.org/wiki/Brevard\\_County,\\_Florida#/media/File:Map\\_of\\_Florida\\_highlighting\\_Brevard\\_County.svg](https://en.wikipedia.org/wiki/Brevard_County,_Florida#/media/File:Map_of_Florida_highlighting_Brevard_County.svg)

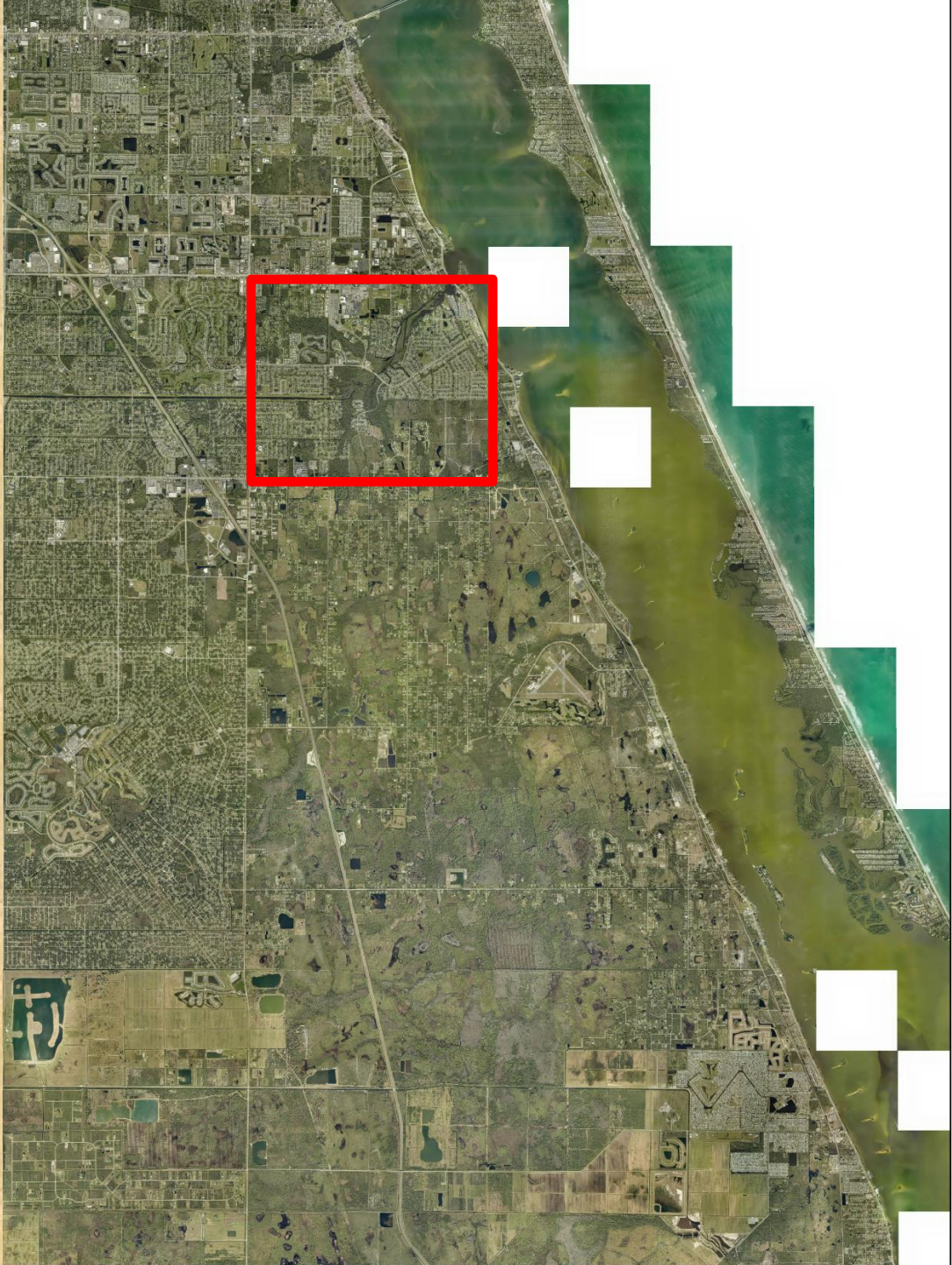
## **Why is Malabar Scrub Sanctuary So Important to So Many?**

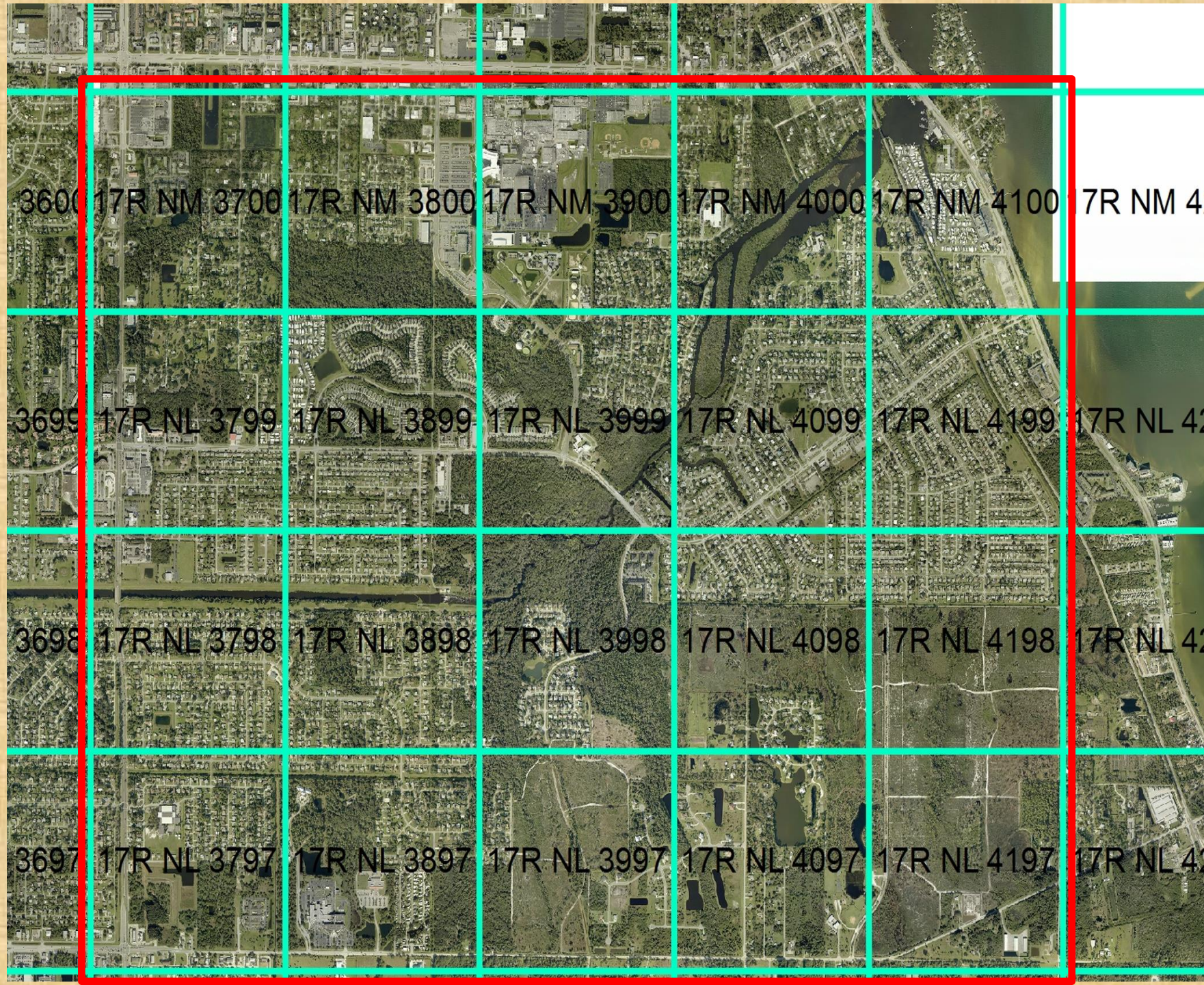
**The contiguous lands comprised of Turkey Creek Sanctuary, Malabar Scrub Sanctuary, and Cameron Preserve form an amazing greenway with numerous habitats. A diversity of wildlife has made this their home. The dense populations of the Melbourne / West Melbourne / Palm Bay cities and the rural residential towns of Malabar and Grant-Valkaria, have grown to love the area as their primary place for recreation in a natural environment.**





**Malabar Scrub Sanctuary,  
in Malabar,  
is located south of Turkey  
Creek Sanctuary. It is a  
key part of the south  
Brevard County greenway  
between Port Malabar  
Blvd. and Malabar Road**





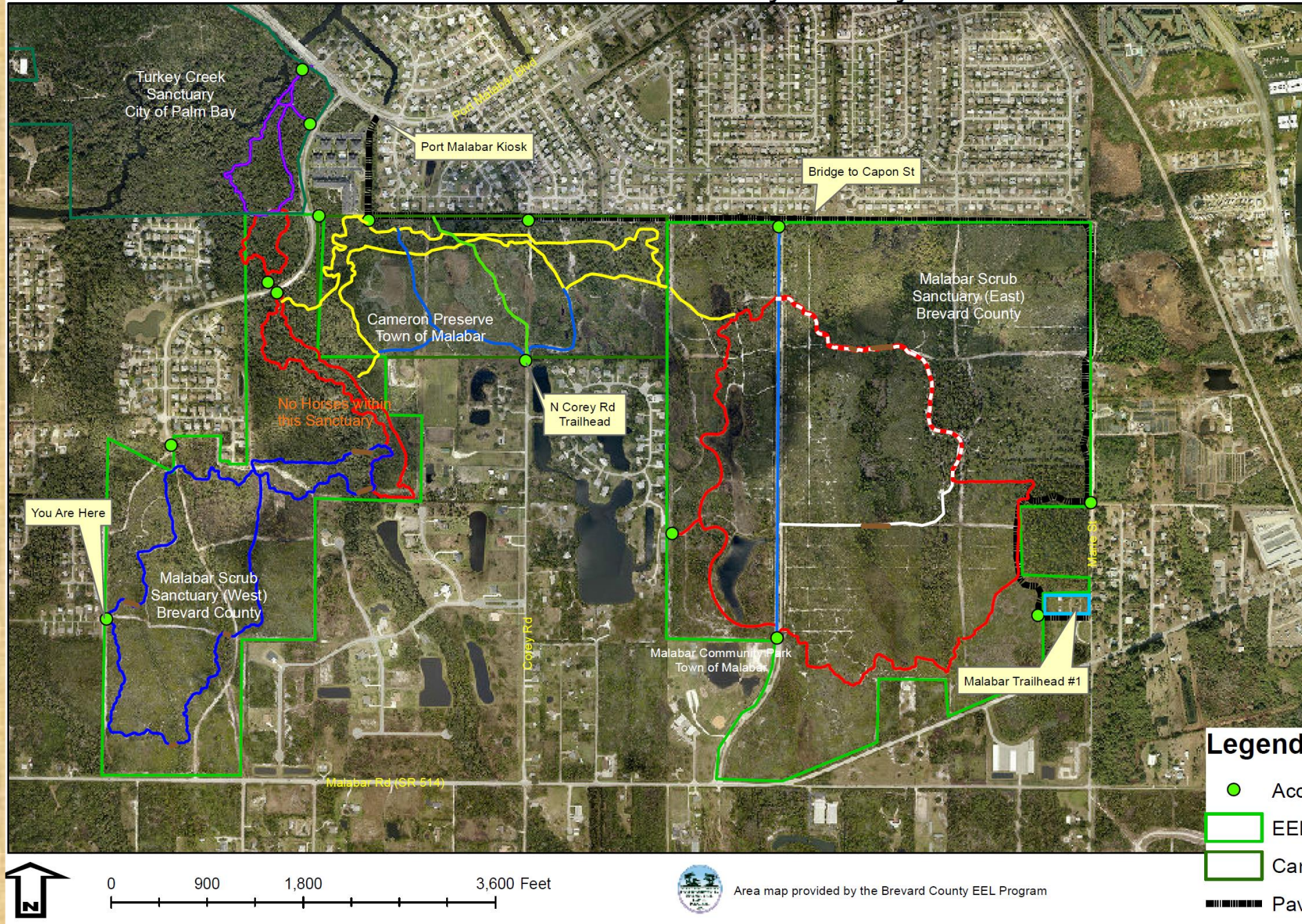
10 17R NM 3700 17R NM 3800 17R NM 3900 17R NM 4000 17R NM 4100 17R NM 4200

9 17R NL 3799 17R NL 3899 17R NL 3999 17R NL 4099 17R NL 4199 17R NL 4299

8 17R NL 3798 17R NL 3898 17R NL 3998 17R NL 4098 17R NL 4198 17R NL 4298

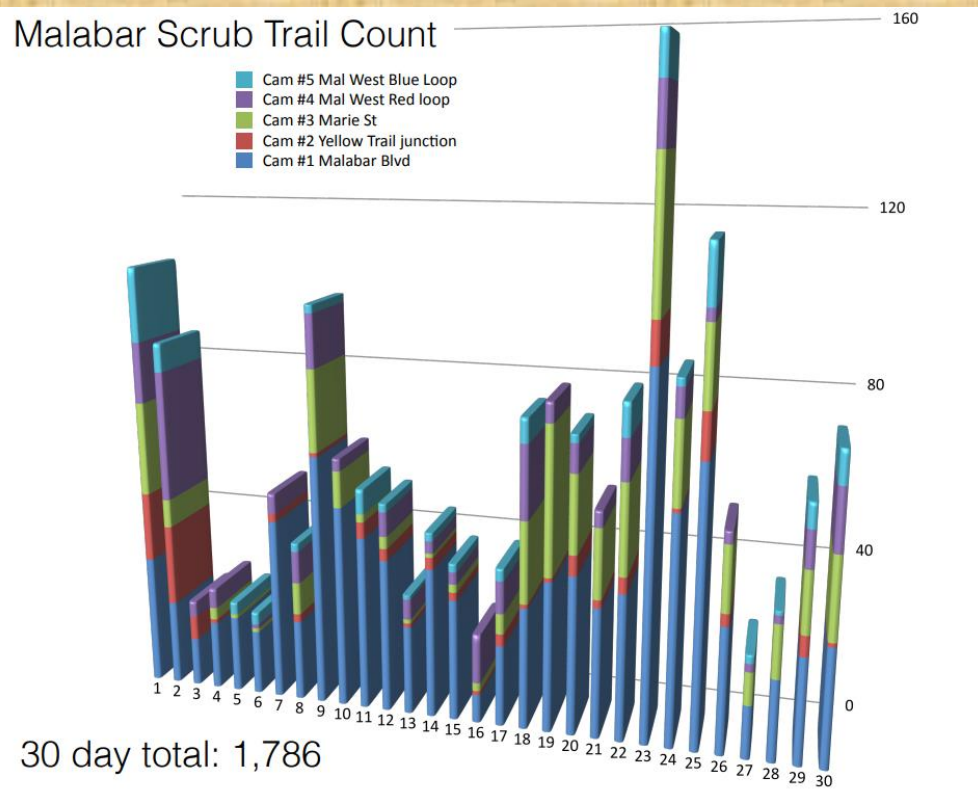
7 17R NL 3797 17R NL 3897 17R NL 3997 17R NL 4097 17R NL 4197 17R NL 4297

# Malabar and Palm Bay Trail System



# EEL Program Trail Count for Malabar Scrub Sanctuary from June 2016 (summary)

Estimate is trail usage has more than doubled since that time

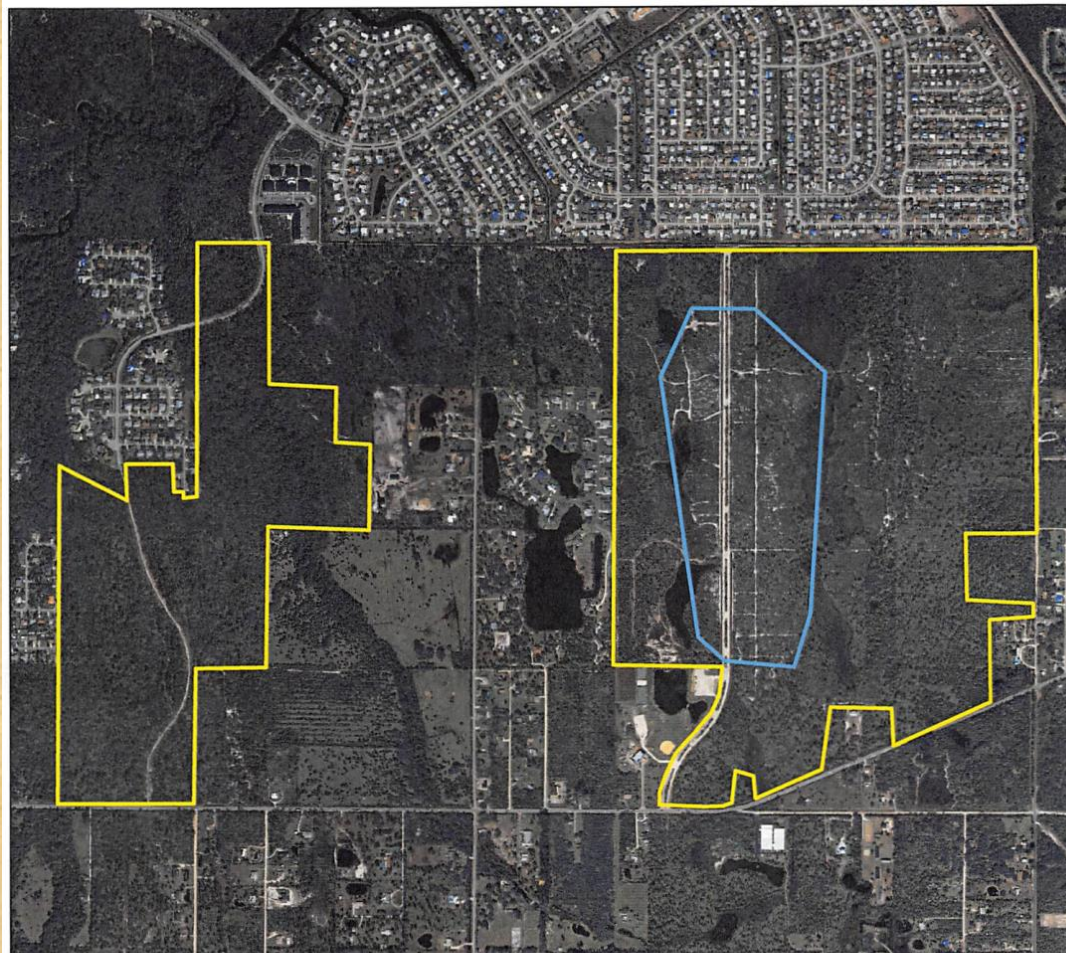


- Recorded visitation over 30 days - 1,786
- Average daily visitation - 59.53
- Projected average annual visitation - 21,728
- (Dogs: 39 with many repeats)
- Assuming Malabar Scrub visitation followed the same pattern as South Beaches, Malabar Scrub could expect to see nearly 32,000 visitations annually.
- Conservative estimates suggest County-wide sanctuary trails may have 170,000 annual visitors.



**Yes, it was a very big deal when EEL Pgm posted plans to extensively remove trees and vegetation from Malabar Scrub Sanctuary to create optimal scrub habitat for Florida Scrub-Jays**





\*Data courtesy of David Breininger

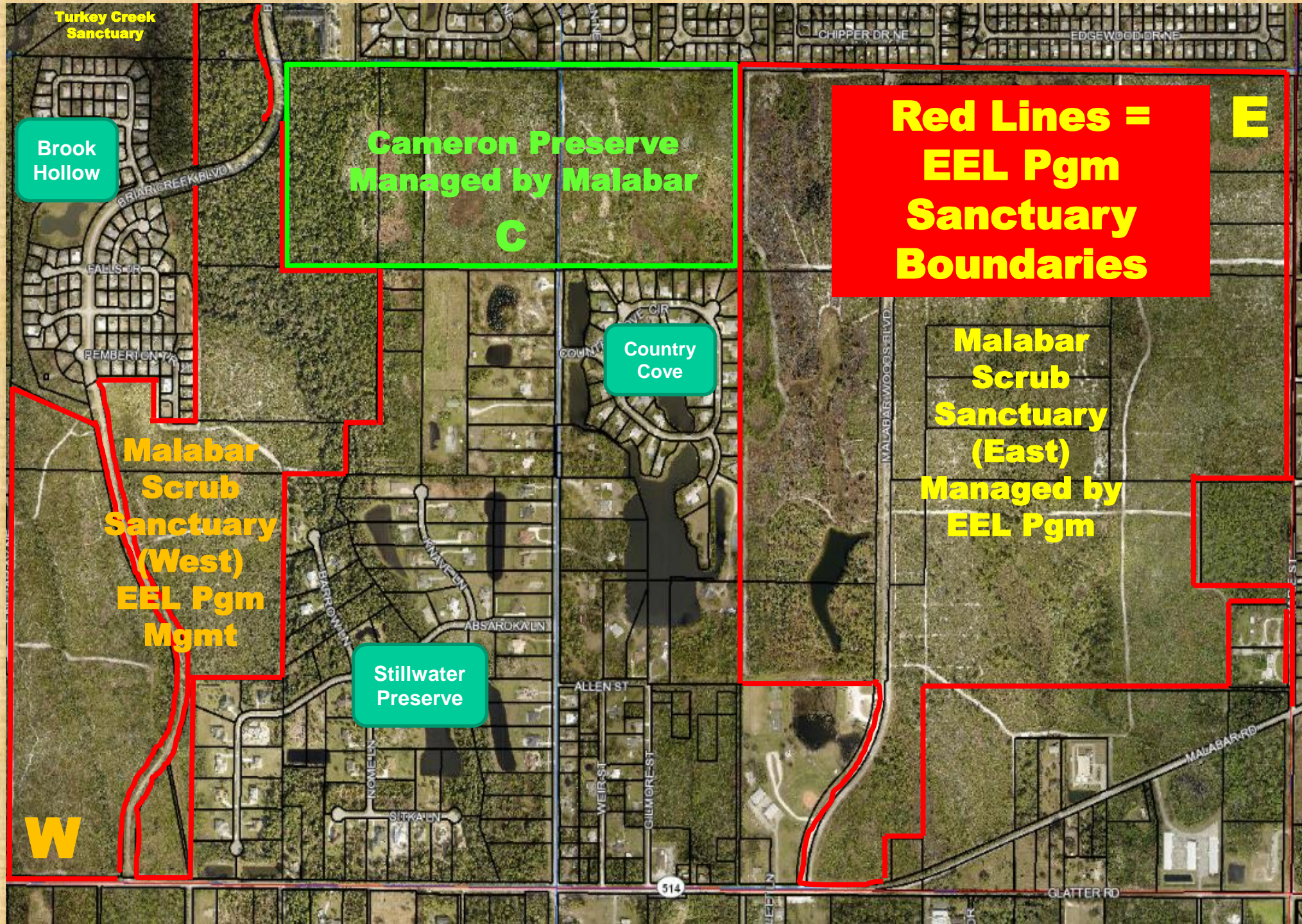


-  2006 Florida Scrub Jay Territory
-  Sanctuary Boundary

***This slide copied from EEL  
Pgm documentation***

Figure 9: Malabar Scrub Sanctuary  
Florida Scrub Jay Territories





# Map Legend - From EEL Pgm Provided Materials

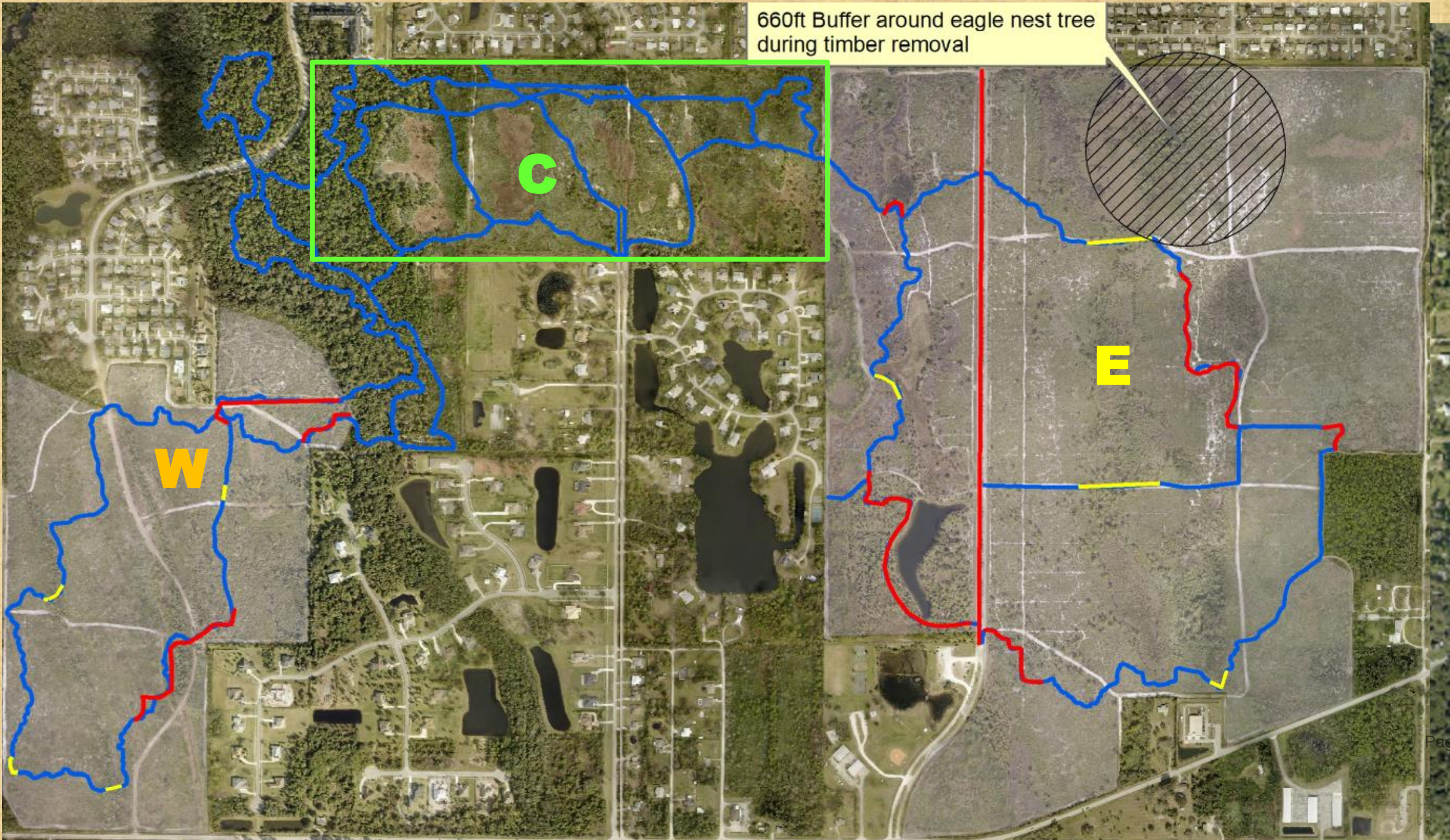
**Shaded area** = Restoration project Boundary. Restoration will include pine tree thinning to achieve approximately 1 to 2 pine trees per acre; reducing cabbage palm density and reducing scrub vegetation height to less than 6ft.

**Blue line** = Existing trail

**Red line** = Areas along trail with a greater overstory where larger oak trees and cabbage palms will be removed and pine trees will be thinned to a greater spacing. Oaks and pine trees with flagging tape will remain standing.

**Yellow line** = Areas along trail with less overstory and tree removal will be minimal.

\*Portions of trails may be closed temporarily for safety reasons during the restoration project.



660ft Buffer around eagle nest tree during timber removal

C

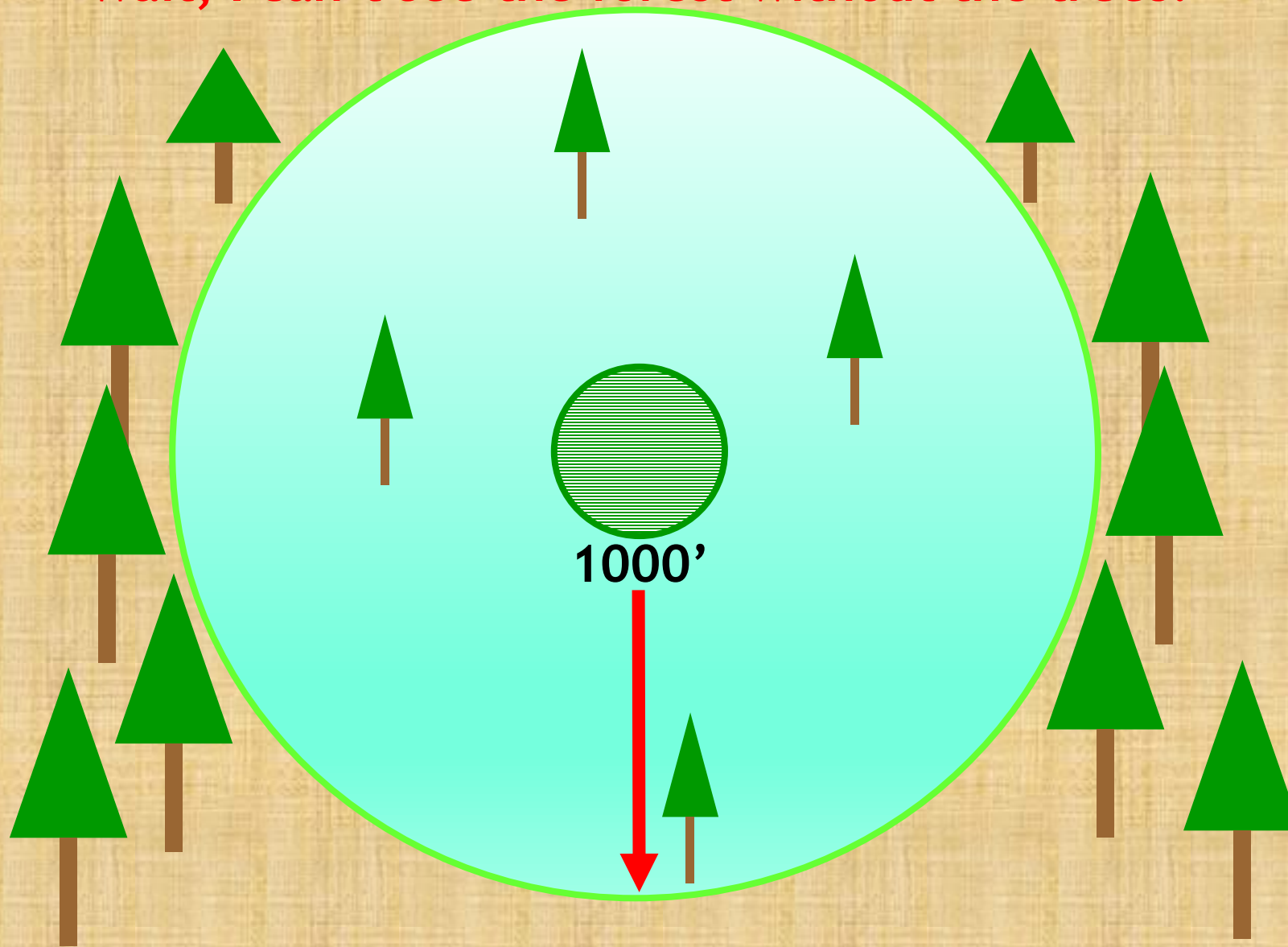
W

E

# T&GC Interpretations of the EEL Pgm Restoration Plan

- ❖ Tree removal plans within sanctuary are excessive – EEL Pgm plan specifies removal of all trees over 15' except for about one per acre in target restoration areas
- ❖ Tree removal plans along outer borders of sanctuary are excessive – EEL Pgm plans optimal 1000' buffer from Scrub-Jay area to forest tree line. FL Fish & Wildlife policies (2019) call for minimum of a 300' buffer.
- ❖ Plans seem based on outdated references and policies
- ❖ Scrub vegetation removal by cutting-grinding-burning as done in Malabar's Jordan Scrub Sanctuary in 2021 is excessive – destroying habitat & food sources of species including Scrub-Jays – it takes four to five years for burned scrub oaks to produce acorns, a key food of Scrub-Jays  
<https://www.fws.gov/verobeach/MSRPPDFs/FloridaScrubJay.pdf> pg 4-275

I can't see the trees through the forest...  
Wait, I can't see the forest without the trees!



# **T&GC Interpretations of the EEL Pgm Restoration Plan (continued)**

- ❖ **Plan does not appropriately balance impact to greenway of which sanctuary is a central component**
- ❖ **Plan development was done without appropriate input from numerous impacted groups – going against EEL Pgm policies**
- ❖ **Plan does not seem to consider economic impact of extensive tree and vegetation loss (and potential ramifications to voter perspectives in the 2024 at time of EEL Pgm referendum renewal)**
- ❖ **EEL Pgm actions seem unbalanced to mission - focus seems only on Scrub-Jay habitat restoration at all costs, without regard to impact on other voter mandates of native habitats & passive recreation – Malabar Scrub Sanctuary - designated a Category 1 sanctuary - most options for public access**

**The EEL Program's Selection & Management Committee identified three Sanctuary Categories. Each EEL sanctuary is assigned a Category of 1, 2 or 3, based on that site's conservation goals and public access needs.** The types of activities to be offered at each sanctuary are determined by the assigned Category. **A Category 1 ranking has the most options for public access, while a Category 3 has the least.**

To balance passive recreational uses and land conservation 'core conservation areas' are identified on all EEL sanctuaries. These are areas that are more sensitive and cannot handle much human disturbance, such as wetlands. These areas will not have trails or other public access features in order to protect the most fragile habitats within a sanctuary.

***Category 1 Sites: Centers for Regional Management and Environmental Education***

These sites offer opportunities for broad public access and for the development of Management & Education Centers. Four sanctuaries have been selected as Category 1 Sites:

- Enchanted Forest Sanctuary in Titusville
- Pine Island Conservation Area in north Merritt Island
- **Malabar Scrub Sanctuary in Malabar**
- Barrier Island Ecosystem Center on the barrier island

Together they offer excellent examples of Brevard's rich biological diversity and are located around the county to provide access for all Brevard citizens and visitors.

***Category 2 Sites: Intermediate Use Sanctuaries***

These sites have some degree of public access development that is usually limited to nature trails, limited parking areas, interpretive signs along trails, and limited facilities (i.e. open shelters, educational kiosks, trail signs, etc.).

***Category 3 Sites: Primary Conservation and Research Sanctuaries***

These sites have little or no public access development due to fragile habitats and sensitive land management projects. Public access is limited to less fragile areas on the site and/or through organized EEL tours.

Source of EEL Pgm **Categories =**  
Environmentally Endangered Lands Program FAQs  
**Are there different kinds of EEL sanctuaries?**



**The original EEL Pgm management plan to restore Malabar Scrub Sanctuary (MSS1) West & East to scrub habitat includes plans to reduce tree count to about one > 15' tree per acre**



**This is a photo of Jordan Scrub Sanctuary after EEL Pgm Scrub Habitat Restoration - Mar 3, 2021 2:10 PM**

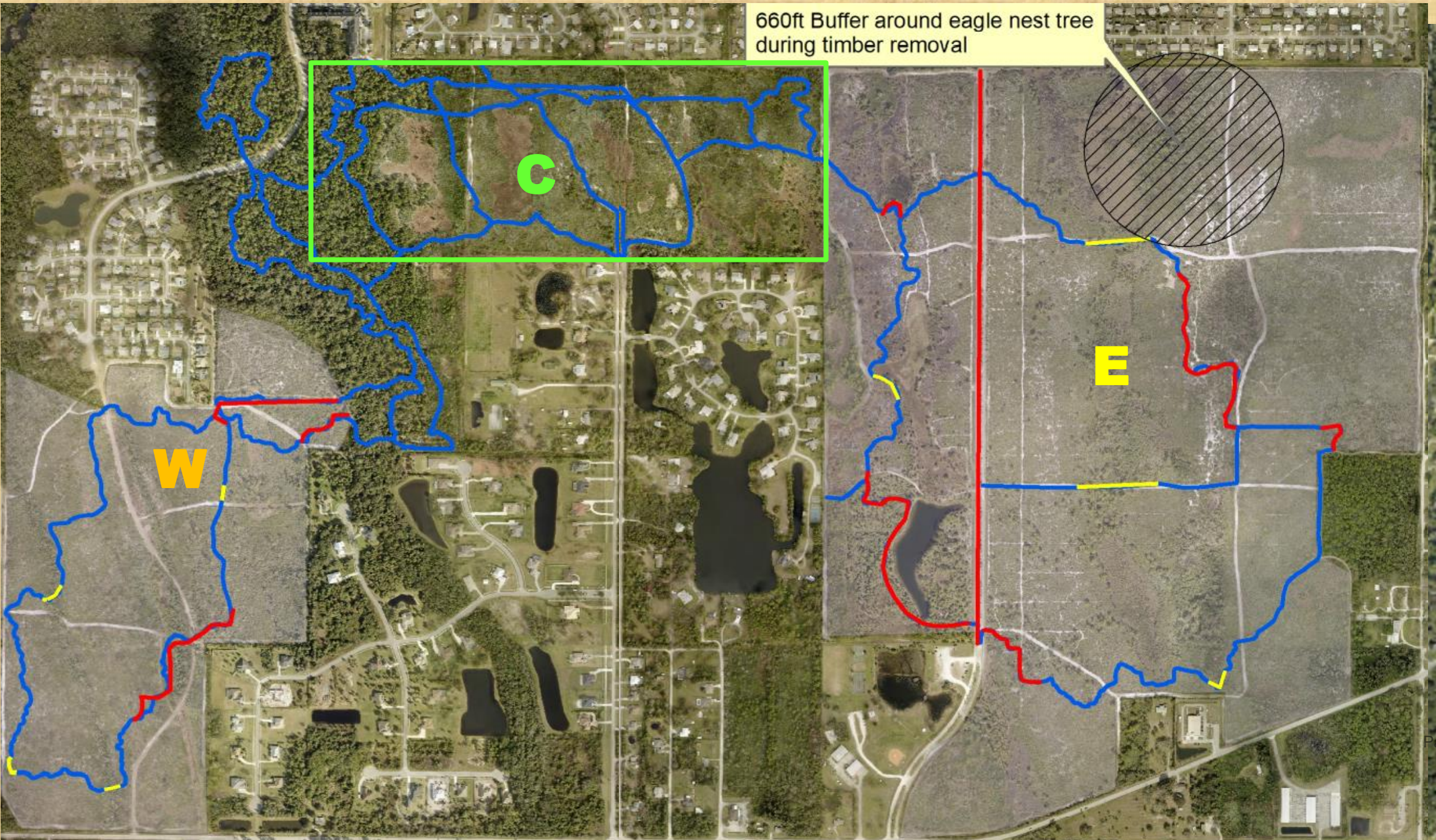


Concern that EEL Pgm scrub habitat restoration methods are too extreme because they damage existing natural habitat is not new. Photos are of Malabar Scrub Sanctuary



Removing trees is a  
very serious endeavor  
that will forever  
change the sanctuary.  
**Strategic planning is  
critical!**

660ft Buffer around eagle nest tree during timber removal



## T&GC Conclusion

**A more balanced plan is quite possible.**

**Every effort should be made by Town of Malabar to work with the EEL Pgm toward a revised plan for Malabar Scrub Sanctuary. The T&GC is willing to assist with this effort, if so desired by Town Council.**

*The T&GC has already been researching topography, hydrology, and respective agency policies & procedures regarding management plan revisions.*

**THANK YOU  
FOR CARING  
ABOUT THE  
MALABAR SCRUB  
SANCTUARY  
(MSS1)**

# EEL Restoration Plan

*for Malabar Scrub Sanctuary*

# Summary

- Ballot language, Land Acquisition Manual, Sanctuary Management Manual, Florida Statutes 253.054 all support:
  - Recreational uses of acquired properties
  - Preserving natural habitats
  - Coordination with affected local governments
  - Public engagement
- Science – needs to be more comprehensive
  - Benefits of urban forests & recreation
  - Trade offs – what is lost/gained
- The Town Council has an opportunity to request the County Commission:
  - Formally collaborate on management of EEL properties within the Town
  - Improve oversight of the EEL program management and execution for properties within the Town



# Ballot Language

- Shall Brevard County issue bonds...to finance the cost of *acquiring, protecting and maintaining environmentally endangered lands*, and making improvements as appropriate for *passive recreation* and environmental education
  - *Trails are certainly appropriate for passive recreation!*
  - *Most of the trails existed BEFORE EELs acquired the Malabar Scrub properties*
- Shall Brevard County issue bonds to finance the *acquisition, improvement and maintenance of environmentally endangered land and water areas* for the protection of habitat, *public open space*, and water resources, *and for providing passive recreational opportunities*
  - *Passive recreation is NOT a secondary purpose*

# Land Acquisition Manual

Land Conservation Goals: The goal of the Brevard County Land Acquisition Manual is to provide a framework for the protection of environmentally endangered lands, *and to manage those lands for conservation, passive recreation,* and environmental education as specifically authorized by the voter-approved EEL Program Referendums of 1990 and 2004.

Land Acquisition Manual - Page 16

# Land Acquisition Manual

“The Sanctuary Management Manual will consider...”

4. Citizen Involvement and Participation: General citizen involvement through advisory committees, non-profit citizen support groups (such as the “Friends of Enchanted Forest”) and county-wide citizen volunteer programs will be encouraged and implemented *as part of an innovative EEL program community involvement campaign*

# Land Acquisition Manual

“The Sanctuary Management Manual will consider...”

6. Racial and Ethnic Group Participation: The EEL Selection and Management Committee and *EEL staff will establish a greater level of citizen participation among all of Brevard County’s citizens. **Direct citizen participation** in all aspects of conservation, land management, environmental education, and passive recreation within the natural areas network will be encouraged through special programs, **citizen involvement in committees and local community participation in nearby EEL sanctuary sites.***

*The EEL Selection and Management Committee and EEL staff will work with entities such as the Brevard County Parks and Recreation Department, the Economic Development Council and the Tourist Development Council to **identify compatible conservation, tourist, and economic opportunities available through ecotourism***

# EELs Selection & Management Committee

February 11, 2021

- Covered in December 6 Council meeting
  - Acknowledged the impact on the mountain biking community
  - Right thing is to have a zoom meeting to let the user groups know goals and approach. *It is **not** going to be an opportunity for the public to weigh in on the plan...*
  - One SMC member did suggest more extensive public outreach
  - One SMC member stated one user group (bikers) should not have a veto on how lands are managed
    - Indicates a gross lack of knowledge about users
  - One SMC member says *“the public is going to object but we really need to sell this thing.”*
  - Speaker states next step is to reach out to the user groups...

# EEL Public Engagement

- Nothing....then...
- Sign went up just before Thanksgiving
- Web site had no info; person answering the phone had no info
  - Per D3 Commission Office email – work is starting “next week”
- EEL webinars – public information, not engagement
  - *January 18 “public forum” – at EEL program office*



# Missed Opportunities

- Recreation and Education Advisory Committee – EELS program
- Malabar Trails & Greenways Committee
- Malabar Recreation Advisory Board
- Malabar Town Council
- TDC, EDC?
- South Brevard Recreation Advisory Board (Brevard County)
- Brevard Bicycle, Pedestrian, Trails Advisory Committee (Space Coast TPO\*)
- User groups?
- Homeowners Associations?
- Adjacent communities – Grant-Valkaria, Palm Bay

\*Space Coast TPO has a great model for public engagement

# Sanctuary Management Manual

The following is a summary of permits required, based on the conceptual master plan for the MSS.

## Town of Malabar Site Plan Approval

In order to construct the proposed improvements to the MSS, a site plan approval will be required from the Town of Malabar. The site plan review will include staff review of the project layout, building setbacks, parking setbacks, landscaping and stormwater management.

The Town is also responsible for issuing permits for fence, boardwalk, tree removal and land clearing. *The EEL Program will comply with all the applicable municipalities' rules and regulations.*



# Sanctuary Management Manual

## Principles of Conservation

1. Maintain all sites in a natural state *and/or* restore sites to enhance natural resource values.
2. Protect natural resource values by maintaining biological diversity and *using conservation as a primary goal for decision-making*.
3. *Balance human use with the protection of natural resources.*
4. Apply the *most accurate scientific principles* to strategies for conservation.
5. Collect and use the *most accurate data* available for developing site management plans.

# Sanctuary Management Manual

## Principles of Conservation

6. *Consider the interests and values of all citizens by using scientific information* to guide management policy making.
7. *Promote effective communication that is interactive, reciprocal, and continuous with the public.*
8. Promote the value of natural areas to Brevard County residents and visitors through the maintenance of the quality of resource values, public services, *and visitor experiences.*
9. *Promote the integration of natural resource conservation into discussions of economic development and quality of life in Brevard County.*
10. Provide *a responsible financial strategy* to implement actions to achieve long-term conservation and stewardship goals.

# Scientific Information?

- Scrub jay science may be covered, but what about:
  - Benefits of urban forests?
  - Benefits of outdoor recreation?
  - Economic benefits of trails and urban forests?
  - Other fields of science?
- Given the broader scope of the ballot language and the EEL program guidance – shouldn't "science" include more diversity?
- Beware of Confirmation Bias

# Responsible Financial Strategy?

- Tree destruction is non-recoverable
- 2<sup>nd</sup> EEL referendum sunsets in 2024 – no plan for continued funding
- What is the plan to continue maintenance of restored properties?

# State-Owned Lands

## F.S. 253.054

These lands *shall be managed to provide for areas of natural resource based recreation, and to ensure the survival of plant and animal species* and the conservation of finite and renewable natural resources. The state's lands and natural resources shall be managed using a stewardship ethic that assures these resources will be available *for the benefit and enjoyment of all people of the state*, both present and future. *It is the intent of the Legislature* that, where feasible and consistent with the goals of protection and conservation of natural resources associated with lands held in the public trust by the Board of Trustees of the Internal Improvement Trust Fund, public land not designated for single-use purposes pursuant to paragraph (2)(b) *be managed for multiple-use purposes*. All multiple-use land management strategies shall address *public access and enjoyment*, resource conservation and protection, ecosystem maintenance and protection, and protection of threatened and endangered species, and the degree to which public-private partnerships or endowments may allow the entity with management responsibility to enhance its ability to manage these lands.

# State-Owned Lands

## F.S. 253.054

- (2) (c) *“Conservation lands” means lands that are currently managed for conservation, outdoor resource-based recreation, or archeological or historic preservation..*
- (5) Each manager of conservation lands shall submit to the Division of State Lands a land management plan at least every 10 years
  - Sanctuary Management Manual dated March 24, 2009
  - This is an opportunity to revisit the management philosophy
- There are requirements in FS 253.034 that would lead to a more robust public engagement process and recognition that one goal should not be at the expense of any other goal.

# Important Points

- Communication
  - Misconception vs. difference of opinion
  - Restoration – use clear words that more accurately describe what is happening
  - Transparency
    - Population Viability Analysis
      - Avoiding local extinction decades from now
      - Malabar Scrub has marginal value without connectivity
      - Malabar Scrub West is more isolated and on the urban fringe
- Public information vs. public engagement
  - Listening or just talking?

# Important Points

- Governance
  - EEL properties represent +/- 20% of the Town
  - EEL program is a division of the Parks & Recreation Department
  - Town can and should communicate with County Management, County Commission
- Oversight
  - Contract management failures (2006 example)
  - Public engagement failures
  - Failure to collaborate



# Tipping Point

- Ballot language and advocacy material for the ballot language included passive recreation. The referendum was not about preserving scrub jays at the expense of passive recreation.
- Recreation and conservation can easily co-exist with a cooperative and collaborative mind-set.
- Fighting about this is wasting scarce public resources.

# Recommendations

- Request a comprehensive “science-based” analysis of the proposal:
  - Value of the resource as an urban forest
  - Value of the resource to humans for passive recreation
  - Value of the resource as a driver for economic activity in South Brevard
  - Engage a more diverse group of scientists
- Request development of a Memorandum of Understanding or Interlocal Agreement regarding the management of properties within the Town of Malabar
- Request a “Responsible Financial Strategy” plan before any “restoration” is done

# Please...

- Communicate with the County Manager's Office and/or County Commission
  - Insist on collaborative mindset
  - Insist on real public engagement with integrity
  - Insist on broadening the scope of what "conservation" means for the EEL-managed properties in Malabar
  - Insist that the EEL program work within the Town's Comprehensive Plan and permitting requirements
  - Insist that the Town is an active participant in the development of the 10 year update of the Malabar Scrub Sanctuary Management Plan

THANK YOU!