



Est. 1925

City of Cocoa Beach

Excellent Recreation and Quality Living

2 South Orlando Avenue / P.O. Box 322430 ~ Cocoa Beach, FL 32932-2430
www.cityofcocoabeach.com ~ www.golfcocoabeach.com

May 6, 2013

Mr. Howard Tipton
Brevard County Manager
2725 Judge Fran Jamieson Way
Building C
Viera, FL 32940

Re: South 1000 Islands Management Plan

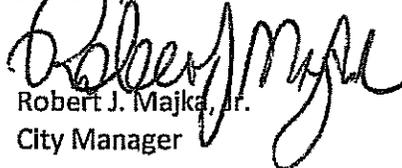
Dear Mr. ^{Howard}Tipton:

On April 4, 2013, Mayor Netterstrom and I met with Mr. Ray Dickerson of the Cocoa Beach Land Management Committee and Mr. Mike Knight of the Environmentally Endangered Lands Program to discuss moving forward with the South 1000 Islands Management Plan. It was determined that the City of Cocoa Beach would like to explore allowing primitive camping on several of the islands and in support of that idea, leaving some Australian Pine trees in designated areas. Mr. Knight indicated he did not have the authority to agree to this proposal without authorization from the County Commission.

The city requests that the County Commission consider postponing currently planned work on the South 1000 Islands and authorize the Environmentally Endangered Lands Program to work with the City, the Mayor, and the City's Land Management Committee to explore the possibility of amending the plan to allow primitive camping and leaving certain areas with Australian Pines.

Thank you for taking this issue under consideration.

Sincerely,


Robert J. Majka, Jr.
City Manager

RJM/met

cc: Mike Knight, Environmentally Endangered Lands Program
Ray Dickinson, Land Management Committee

Mary Turner

From: Mike Knight <Mike.Knight@brevardparks.com>
Sent: Thursday, May 16, 2013 12:59 PM
To: Robert Majka
Cc: Jack Masson; Ray Dickinson
Subject: Re: Thousand islands restoration work
Attachments: HistoryPackage.pdf; ATT00001..htm; CampingAssessments.pdf; ATT00002..htm

Bob,

As you are probably already aware, I met with the County Manager to discuss the Australian Pine and camping issue, and we are proceeding with addressing your letter in the following way:

1. EEL will task its two Board appointed Advisory Committees (Selection and Management Committee (SMC), and Recreation and Education Advisory Committee (REAC) with reviewing the City's request. Additionally, we will work closely with the City's Land Management Committee (LMC) during this process. Initially, the primary questions for the committees will be: -A. Should the EEL Program preserve some Australian Pine trees within the South Thousand Islands Conservation Area to facilitate shaded camping? B. Should camping be permitted within the Thousand Islands Conservation Area, and if so, to what extent.

2. From the committees will come a recommendation that will be presented to the County Manager and the City. My goal will be to obtain a joint recommendation between the two EEL committees and the City's LMC. We will all continue to work together until a joint recommendation can be reached. My goal is to have this process completed and ready for County and City Commission consideration by July. The EEL SMC will review the issue at their May 30th public meeting. We plan to schedule a June meeting for our REAC, and will let you know the date once it is determined. The City LMC plans to have the issue on their June 17 meeting agenda.

I'm attaching a package of documents that includes an overview of the acquisition and management plan history of the Thousand Islands. This packet will be presented to the advisory committees as they consider the issue. I suggest taking some time to read through these documents, as you will see the obstacles associated with the City's request. There are two key issue that will be driving this issue:

1. As a kick off to the acquisition of the islands, the City and EEL jointly prepared the Florida Communities Trust Grant application. The City acted as the Applicant for the grant. The primary focus of the grant application was the removal of exotic species and the preservation of native habitats on the islands.

2. Following FCT's notification of the pending grant award, and while the islands were going through the acquisition process, concerns started to get expressed by the City that the Australian Pines were planned to be removed. Several things happened at this point. EEL made their final recommendation for acquisition contingent upon the City Commission agreement that the pines would be removed if EEL and FCT funds were going to be used. The City and County jointly developed a 5 Year Phased Removal Plan, that all committees and the City Commission agreed to in order for the acquisition to move forward. Florida Communities Trust has confirmed that we are obligated to remove the pines under the covenants and restrictions of the grant fund agreement used to acquire the islands (see attached).

Regardless of the outcome related to the Australian Pines, I believe the fundamental concept of camping on the islands is one that is supported by most people. The primary challenge related to camping will be who is

responsible for managing it, and ensuring it is done responsibly and not in conflict with the preservation goals for which the islands were acquired.

The historical and current unauthorized camping in the islands is causing harm to the islands. Although it is possible to manage camping appropriately on the islands, it will be a significant amount of work and require a strong commitment. I also believe it is possible to establish shaded camping with native tree species. Samson's Island in Satellite Beach is a great example of how this can be done. This island was used as a model for the Thousand Islands phased restoration plan. Once the pines are gone, the native trees fill in and recreate the shade.

In an effort to help everyone better understand the process related to evaluating camping on the islands, I am attaching a summary of the issues that will have to be addressed if a camping plan is developed.

If you have any questions, please feel free to call me.

Thanks

Mike

Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Thousand Islands History Summary

Summary

- Recommended for acquisition by EEL Selection and Management Committee (SMC) due to meeting EEL criteria for protection.
- City submitted cooperative Florida Communities Trust grant application with EEL that included exotic plant removal as key element.
- Due to citizen concerns about the Australian pine removal plan in FCT application, EEL SMC required formal approval of 5 year pine removal plan as a condition of acquisition.
- Following acquisition, all parties spent two years developing final management plan, and all parties approved the plan including FCT.
- New City leadership is now requesting change of direction for preservation of Australian pine trees on the islands for camping locations.

Acquisition History

Crawford Tract:

- Acquired 2006, Purchase Price \$1,200,000 (County EEL \$945,162.25 / City \$50,000 / FCT \$204,837.75)

Reynolds Tract:

- Acquired 2008, Purchase Price \$3,100,000 (County EEL \$2,216,497.70 / City \$100,000 / FCT \$773,502.30 / Centex Homes / Conservation Fund \$10,000)

**All property is titled to Brevard County (City did not wish to have joint title)

5 Year Phased Australian Pine Removal Plan

- This plan was developed and approved by all parties prior to EEL recommending acquisition to County Commission.
- This was done in advance of acquisition due to the fact that if EEL funds were used, the subsequent preservation of an exotic species would be contradictory to the voter-approved EEL referendum, County Commission approved goals of EEL, and FCT funding.

Strategic Plan for Exotic Removal (2008)

- Jointly developed between the City and County to identify the specific details of the phased Australian pine removal plan approved prior to acquisition.
- Plan included a three-phase strategy over a 5-year period.
- Included a replanting plan, and confirmation that the City would provide irrigation.

Final Overall Management Plan (2009)

- Jointly developed during a two-year public process by the City and County setting overall site management goals as required by Florida Communities Trust and EEL policies.
- Plan included the Strategic Plan for Exotic Removal, and was approved by all parties (City Land Management Committee, EEL Selection and Management Committee, EEL Recreation and Education Advisory Committee, Cocoa Beach City Commission, Board of County Commissioners and Florida Communities Trust).

Phased Removal Process Status

- Phase 1 began in 2009 and is complete with all success criteria met.
- Phase 2 was due to start in 2011, but was delayed due to funding availability.
- Phase 2 is ready to begin with contractor selected and funds available.
- Staff held briefing with new City leadership to review work, and confirm water availability.
- City Mayor and Manager requested work be postponed for reconsideration.



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May 6, 2013

Mr. Howard Tipton
Brevard County Manager
2725 Judge Fran Jamieson Way
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Re: South 1000 Islands Management Plan

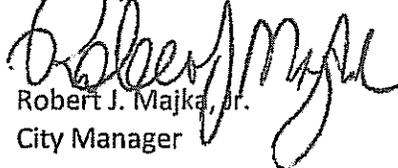
Dear Mr. ^{Howard}Tipton:

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The city requests that the County Commission consider postponing currently planned work on the South 1000 Islands and authorize the Environmentally Endangered Lands Program to work with the City, the Mayor, and the City's Land Management Committee to explore the possibility of amending the plan to allow primitive camping and leaving certain areas with Australian Pines.

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Sincerely,


Robert J. Majka, Jr.
City Manager

RJM/met

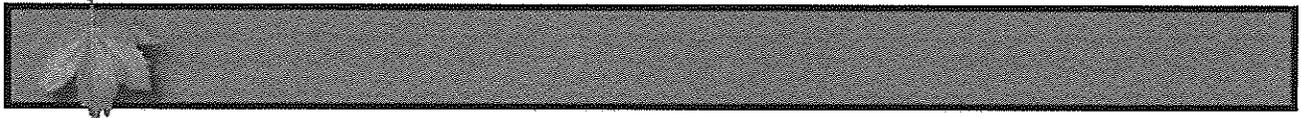
cc: Mike Knight, Environmentally Endangered Lands Program/
Ray Dickinson, Land Management Committee

From: "D. Scott Taylor" <scott.taylor@brevardparks.com>
Subject: **Fwd: Australian Pines on Thousand Islands Conservation Area**
Date: May 10, 2013 4:09:03 PM EDT
To: Mike Knight <mknight@brevardparks.com>
▶ 1 Attachment, 7.6 KB

After conversation with Jerry Taber yesterday, he sent this.
dst

Begin forwarded message:

From: "Taber, Jerry" <Jerry.Taber@dep.state.fl.us>
Date: May 10, 2013 11:48:03 AM EDT
To: "scott.taylor@brevardparks.com" <scott.taylor@brevardparks.com>
Cc: "Langston, Diane" <Diane.Langston@dep.state.fl.us>
Subject: Australian Pines on Thousand Islands Conservation Area



The Florida Communities Trust (FCT) provided partial funding for the Thousand Islands Conservation Area and those lands are subject to the Declaration of Restrictive Covenants. One of the requirements under Section VII, Special Management Conditions of The Declaration of Restrictive Covenants require the elimination of invasive exotic plant species. Since one of the requirements of the Grant, approved Management Plan and the Declaration of Restrictive Covenants associated with the project is elimination of exotic plant species and the maintenance of a diverse association of native vegetation, the County has an obligation to remove the Australian Pines. Pursuant to the approved Management Plan, under Future Uses and Future Conditions, the plan states "The Project Site will be managed in perpetuity only for conservation, protection and enhancement of natural resources..." Australian Pines are not a natural resource. Eradication of invasive species is mentioned throughout the Management Plan under Section III, Natural and Cultural Resources, Natural Communities and Section IV, Restoration. The restrictive covenants also require any change to the approved Management Plan to be reviewed and approved by FCT.

Australian Pines were introduced to Florida in the 1800's, the Australian pine is listed as a category 1 invasive plant and is illegal to plant in many parts of Florida. This is a destructive invasive species! Australian pine is an extremely aggressive and densely rooted species that smothers its struggling competitors under a heavy blanket of needle-like litter. Mono-cultural stands displace sand-binding native vegetation, encouraging erosion, changing soil chemistry, degrading wildlife habitat, and drastically altering native environments. These trees are shallow-rooted and highly susceptible to wind-throw in severe

storms. Specimens thus overturned open the soil to erosion and thereby accelerate rates of erosion. Few animals can survive in the ecologically sterile interior of an Australian pine forest. The Plant Conservation Alliance names this species as an Alien Invader. It is listed as a Category I invasive exotic species by the Florida Exotic Pest Plant Council. This means that it is known to be "invading and disrupting native plant communities in Florida".

If I can answer any other questions, don't hesitate to call me.

Thank you,

Jerry Taber, Planner IV
Florida Communities Trust
Florida Department of Environmental Protection
3800 Commonwealth Boulevard
Mail Station 103
Tallahassee, Florida 32399-3000
850-245-2683

Please take a few minutes to share your comments on the service you received from the department by clicking on this link. [DEP Customer Survey](#).

D. Scott Taylor, Ph.D.
Brevard County Environmentally Endangered Lands Program
91 East Dr.
Melbourne, Florida 32904

tel: 321.255.4466, Ext. 27
FAX: 321.255.4499
email: scott.taylor@brevardparks.com

Detailed History of Thousand Island Australian Pine Issue

In response to a recent letter received by the County from the City of Cocoa Beach, requesting the EEL Program to preserve Australian Pine trees for shaded camping opportunities, I am providing this historical summary of the acquisition and management plan approvals for the Thousand Islands, and the results of our staff review of the request for camping in the south Thousand Islands.

The Thousand Islands were acquired in 2006 and 2008 by the County under the Environmentally Endangered Lands Program. Funding support was also provided by the City of Cocoa Beach, The Conservation Fund and a grant from the Florida Communities Trust Program.

Due to the concerns expressed regarding the planned removal of the Australian Pines on the islands, the acquisition recommendation from the EEL Selection and Management Committee (SMC) was made conditional upon the approval of a phased pine removal approach by the Cocoa Beach City Commission. The City's ultimate approval of the phased removal plan was the result of a 14-month public review process jointly coordinated by the City's Land Management Committee (LMC), and the EEL SMC.

This was a critical step in the acquisition of the islands to ensure if EEL funding was being used, there would be no plan to preserve invasive / exotic species on the islands, as it would be in conflict with the fundamental goals for which the program was created. **This point was clarified in the June 27, 2007 approval by the EEL SMC, and during the September 20, 2007 approval by the Cocoa Beach City Commission.**

The Florida Communities Trust (FCT) grant application submitted by the City of Cocoa Beach, included the removal of the Australian Pines and other invasive plant species for native habitat preservation as a primary objective of the acquisition of the islands. Additionally, the City cited multiple conservation elements in its Comprehensive Plan related to the removal of invasive species for the preservation of native habitats. Upon award of the grant, the City requested the County EEL Program to be the recipient of the grant. The County Commission approved the grant contract in January 2007.

The FCT grant application was jointly prepared by the City and the EEL Program in an effort to develop a cooperative plan that addressed the concerns of the City, and the funding source requirements of the EEL Program referendum. During the time concerns were being expressed about the pine removal, FCT staff confirmed that any plans to preserve invasive species would contradict the grant application and likely result in the loss of grant funding. Recent input from FCT confirms that the County has an obligation under the grant to remove the Australian pines and other exotic species.

Following the acquisition of the islands, the site specific management plan was developed jointly by the EEL Program and the City's Land Management Committee. This included a Strategic Plan for Exotic Removal through a multi-year phased approach, which was the result of a two-year public review process, culminating in final approvals by the EEL Selection and Management Committee, City Land Management

Detailed History of Thousand Island Australian Pine Issue

Committee, City Commission, Board of County Commissioners, and the Florida Communities Trust. The plan was also endorsed by the newly formed Friends of the Thousand Islands.

Australian Pine trees are classified by the State of Florida as a Category I invasive species. The Category I classification is reserved for invasive exotic species that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. The Australian Pines on the Thousand Islands are causing impacts in all of these categories.

The first phase of restoration which has already been completed on the North Crawford island, has proven to be a huge success that has demonstrated the ability of the islands to recover from both natural recruitment and strategic replanting.

Providing primitive camping opportunities fits within the EEL Program's definition of Passive Recreation, as long as consideration is given to the scope and location of the activity within the management plan. In an effort to explore the opportunities for primitive camping, we would be happy to work with the EEL SMC and the City LMC to identify possible camping locations, where native tree planting following the Australian Pine removal could provide a more shaded experience.

Since South Crawford Island is not a logical location to propose camping, it is the recommendation of staff to proceed with the planned Australian pine removal in this location, and give consideration through the County and City advisory committee process to camping on alternate island locations.



N

Minutemen Causeway

Aurelia Rd

Sunset Dr

Corona Ave

Colonial Dr

River View Ln

Westview Ln

Deleon Rd

Ramp Road

Estimote

Crawford

4th Street South

Reynolds

Sherrys Pocket

S 1st St

S 2nd St

S 3rd St

S 4th St

S 5th St

S 6th St

S 7th St

S 8th St

S 9th St

S 10th St

S 11th St

702 m

© 2013 Google

Google earth

Imagery Date: 10/29/2012 28°18'24.40" N 80°37'00.69" W elev 0 m eye alt 3.14 km

Figure 1: Location of exotics and phased removal



Meeting Date
July 11, 2006



AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA	
Section	New Business
Item No.	VIII-B-2

SUBJECT: Consideration of Assignment of Contract to Purchase Property from Crawford Homes and the Conservation Fund (Thousand Islands) – District 2

DEPT. / OFFICE: Parks & Recreation Department
Environmentally Endangered Lands Program

Requested Action:

Staff requests direction from the Board regarding how to proceed with further efforts to acquire the Thousand Islands in Cocoa Beach, and approval for Chairman to execute the assignment of Contract to Purchase property from Crawford Homes.

Summary Explanation & Background: (Page 1)

The subject property Owned by Crawford Homes consists of islands and wetlands located on the south side of Minuteman Causeway adjacent to the eastern shoreline of the Banana River within the city limits of Cocoa Beach. The property is part of a larger set of islands commonly referred to as the Thousand Islands. This parcel represents one of the two remaining privately owned portions of the Thousand Islands. The property is 61.70 ± acres, with 14.90± acres of uplands, 20.4 ± acres of wetlands and 26.4 acres of owned submerged lands. The property is separated from the mainland and only accessible by boat. Portions of the property have been built up with spoil that was historically dredged from the canal. Other portions of the property remain in a natural state. Mosquito impoundment operations over the years have also impacted the site, but it is no longer managed as an active impoundment. The property is currently zoned GU (General Use) by the City of Cocoa Beach and has a land use designation by the City of "Conservation". The combined development limitations resulting from the current zoning and the land use designation prohibit any development beyond trails, boardwalks and observation platforms. City officials have indicated that the current City Council would likely not approve a change of zoning or future land use of the property without court direction.

The EEL SMC reviewed the conservation value of the property and completed a site visit that resulted in identifying the property as a high priority for acquisition due to fact that the property and surrounding islands are part of a remnant tidal inlet that once connected the Banana River to the Atlantic Ocean at this location. This is a very unique geologic feature that is only found in a few locations along the barrier islands. The SMC took first and second majority votes on the property, which according to the land acquisition procedures approved by the BOCC, authorizes staff to appraise the property and negotiate with the owners. The owner's initial asking price was \$1.9 million. The SMC's authorization to negotiate with the owners was contingent upon the availability of partnership funding. The SJRWMD and the City of Cocoa Beach were identified as willing partners.

(see page 2)

Contact: Mike Knight, EEL Program Manager, 255-4466 or mknight@brevardparks.com

Exhibits Attached:

- Option Agreement for Sale and Purchase (two originals for signature)
- Assignment of Option to Purchase
- Specifications for Appraisal Services (Hypothetical Development Assumptions)

Contract /Agreement (If attached): Reviewed by

Ye N

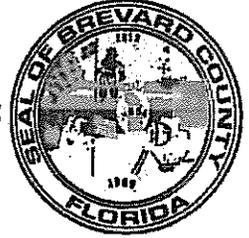
County Attorney

County Manager's Office

Peggy Busacca, County Manager

Department

Don Lusk, Interim Parks & Recreation Director



BERNADETTE S. TALBERT, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 254-6972

July 12, 2006

MEMORANDUM

TO: Mike Knight, EEL's Program Manager

RE: Item VIII.B.2, Acquisition of Thousand Islands Property from Crawford Homes

The Board of County Commissioners, in regular session on July 11, 2006, approved moving forward with the acquisition of the Thousand Islands property from Crawford Homes; and executed Assignment of Option to Purchase with The Conservation Fund. Enclosed are original and fully-executed copy of the Option Agreement for Sale and Purchase, original and fully-executed copy of the Assignment of Option to Purchase, and a copy of a verbatim transcript of that portion of the meeting.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Tamara Ricard, Deputy Clerk

/sl

Encls. (5)

cc: Assistant County Manager Lusk
Finance
Budget

On May 10, 2005, the Board of County Commissioners directed the EEL Program to work with the Conservation Fund to facilitate the acquisition of the subject property. As part of this process, the owners indicated that their willingness to sell was contingent upon the County giving consideration in the appraisal process to both the "As Is" value and a hypothetical highest and best use value based on a set of limited development assumptions that were developed collectively over several months (see attached development assumptions).

As per County / EEL policies, two (2) independent appraisals and a third party appraisal review were completed. The appraisal process provided a range of four (4) values that compared scenarios that included and excluded development assumptions and submerged lands. The value range assigned to submerged lands included a full value for use of the submerged lands for mitigation, and no value based on the fact that open water submerged lands have never been permitted for mitigation by the SJRWMD. The final appraisal values prepared by Paul Roper, Richard Wagner and reviewed by William Benson are as follows:

- Market value with current zoning / land use and EXCLUDING submerged lands:
\$353,000. (Roper), \$335,000. (Wagner)
- Market value with current zoning / land use INCLUDING submerged lands:
\$617,000. (Roper), \$585,000. (Wagner)
- Hypothetical value assuming change of zoning / land use EXCLUDING submerged lands:
\$2,242,000. (Roper), \$1,920,000. (Wagner)
- Hypothetical value assuming change of zoning / land use INCLUDING submerged lands:
\$2,506,000. (Roper), \$2,170,000. (Wagner)

Initial negotiations with the owner based on the appraised Market Value were unsuccessful. Since the EEL Program has never paid above appraised value for the acquisition of land, no mechanism exists within EEL policies for the program to attempt further negotiations. As part of the negotiation strategy, in the event the offer was declined by the owner, the Conservation Fund requested the opportunity to have the EEL Program consider any negotiated price between the owner and the Conservation fund that would be over the As-is value. This strategy recognized the fact that there was likely a value assignable to the submerged lands that was not captured in the initial offer; and also recognized the imprecise nature of assigning a value to this property through the standard appraisal process. The Conservation Fund proceeded to negotiate the best price possible and successfully obtained an option agreement with a purchase price of One Million Two Hundred Thousand and 00/100 Dollars (\$1,200,000.00). This Option Agreement may be exercised during the period beginning with the Brevard County Board of Commissioner's execution and ending 120 days later or September 29, 2006, whichever is earlier.

On May 25th, EEL and Conservation Fund staff provided an update to the SMC on the status of the acquisition. The SMC reaffirmed that the acquisition of the Thousand Islands was a high priority for the EEL Program. Although the SMC recognizes that in some cases it may be necessary to pay above appraised value for important environmental land acquisitions, the committee remains concerned that a precedent could be set that may have negative impacts on other current and future negotiations for land under the EEL Program. In addition, the EEL Program has recently negotiated three (3) contracts on other lands that did not exceed the appraised value. The City of Cocoa Beach remains a willing funding partner. Although The SJRWMD has been a partner throughout this process, it has now expressed that it might not be willing to participate as a funding partner since the purchase price is above the "As-is" value. Significant public support exists for the protection of the Thousand Islands, which is evidenced by the large amount of public passive recreation that has historically been popular around the islands. In addition, the City's Land Management Committee has offered their willingness to identify and pursue additional outside funding sources that may be able to assist with the acquisition of the islands. An FCT grant application has been submitted by the City of Cocoa Beach for the potential acquisition of this property.

Cost/Benefit Analysis:

The Property Appraiser's site shows that the taxable value of the entire property for 2005 is \$126,240. If acquired future fiscal impacts will be associated with capital improvements, site security, and land management activities. Addition of the proposed property furthers the EEL Programs mission of protecting and preserving environmentally sensitive lands and water areas. If the property were not acquired it is uncertain whether or not the owners would attempt to force a zoning change from the City. It is also uncertain if the approval of a purchase above appraised value may affect future EEL land negotiations.



TAMARA J. RICARD, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-8972

January 24, 2007

MEMORANDUM

TO: Don Lusk, Interim Parks and Recreation Director, Attn: Mike Knight

RE: Item III.B.3., Grant Contract with Florida Communities Trust, for Thousand Island Conservation Area

The Board of County Commissioners, in regular session on January 23, 2007, authorized the Chairperson to execute the standard Grant Contract with the Florida Communities (FCT), Florida Department of Community Affairs and authorized the County Manager to execute any other standard documents and amendments required by the FCT for the reimbursement of funds expended for the acquisition of Thousand Island Conservation Area. Enclosed are original and two executed copies of the Grant Contract for your action. Upon execution of the Grant Contract by the State, please forward one fully-executed copy to this office for inclusion in the official minutes of the Board.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tamara Ricard, Deputy Clerk

/rkp

Encls. (3)

cc: Budget
Finance
Contracts Administration

orig of enclosures (3) Mike/EEL

cc: Agenda file, Clerk's file, EEL file, Harry

3/1 CC memo # orig enclosures to Sandy



2007 JAN 30 AM 9:25

PAID 1.00
BREVARD COUNTY
CLERK'S OFFICE

Meeting Date
January 23, 2007



AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA	
Section	Consent
Item No.	III B. 3.

passed

SUBJECT: Authorize Chairman to Execute Standard Grant Contract and Authorize County Manager to execute any other standard documents and amendments required by the Florida Communities Trust, Florida Department of Communities Affairs, Re: Thousand Island Conservation Area – District 2

DEPT. / OFFICE: Parks & Recreation Department
 Environmentally Endangered Lands Program

Requested Action:

It is requested that the Board authorize the Chairman to execute the standard Grant Contract with the Florida Communities (FCT), Florida Department of Community Affairs and to authorize the County manager to execute any other standard documents and amendments required by the FCT for the reimbursement of funds expended for the acquisition of Thousand Island Conservation Area.

Summary Explanation & Background:

The City of Cocoa Beach applied for a grant from Florida Communities Trust (FCT) during the May 2006 FCT grant cycle for acquisition of the Thousand Islands. Upon notification of the award, the City of Cocoa Beach asked the EEL Program to become the "recipient" of the grant contract. As the managing entity the county will be able to hold title to the property as per FCT grant requirements. The grant application requested funding for the entire area of the Thousand Islands that is still in private ownership, totaling 332 acres and owned by two entities, Crawford (61 acres) and Reynolds (271 acres). The Thousand Island grant application provides funding at 45% of the final Project Costs. FCT requires a 55% match from the "recipient". The total grant award of \$3,555,000.00 was based on the estimate of value in the grant application prepared prior to negotiations with the owners.

The Crawford Property (Parcel ID# 25-37-15-00-26) was acquired by Brevard County on December 14, 2006 for the negotiated purchase price of \$1,200,000. (One million, two hundred thousand) The FCT grant will reimburse 45% of the approved appraised value of the property. The appraised value was \$353,000.00. (Three hundred, fifty three thousand) The FCT award for this parcel will be \$158,850 (One hundred fifty eight thousand, eight hundred fifty) Additionally, 45% of closing costs will also be reimbursed to the County through this grant. The second parcel in the Project area is the Reynolds property and is currently in negotiation. FCT reimbursement for this parcel will also be based on approved appraised value.

In Section IX, page 12 of the contract there is a "Declaration Of Restrictive Covenants Requirements Imposed by Chapter 259 and Chapter 380, Part III, Fla. Statute". The language in the contract is mandated by this statute and this portion of the contract designates the consequences of violating the contract. If the terms of the FCT Grant Contract are not applied by Brevard County then the fee simple title will be conveyed to the FCT Trustees. FCT funds the purchase of properties that are to be used solely for "open space, conservation or outdoor recreational uses" in perpetuity which coincides with the goals of the EEL Program. Use of the property for other than these activities would violate the FCT contract and be in conflict with the mission of the EEL Program. Approval and execution of this contract will allow the EEL Program to receive reimbursement funds from Florida Communities Trust.

Fiscal Impact: FY06/07 – Funds to purchase the Crawford parcel (\$1,200,000-one million two hundred thousand) was used from Business Area 3219, Cost Center 340250. Upon execution of and compliance with FCT Grant Contract reimbursement of 45% of project costs will be applied to the same business area and cost center. Land management costs for the conservation site are underdetermined at this time but will be responsibility of the EEL Program.

Contact: Mike Knight, EEL Program Manager, 255-4466 or mknight@brevardparks.com

Exhibits Attached:

Florida Communities Trust Grant Contract 06-080-FF6 (3 copies with option agreement for sale and purchase of Crawford parcel, and Assignment of Option)

Contract /Agreement (if attached): Reviewed by County Attorney Yes No

County Manager's Office

Department

Peggy Busacca, County Manager

Don Lusk, Interim Director, Parks and Recreation



TAMARA J. RICARD, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-8972

October 24, 2007

MEMORANDUM

TO: Mike Knight, EEL Program Manager

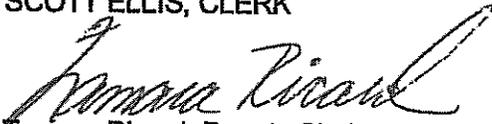
RE: Item VII.A, Purchase of Reynolds Parcel of Thousand Islands

The Board of County Commissioners, in regular session, on October 23, 2007, executed Assignment of Option for Sale and Purchase of the Reynolds property; authorized staff to exercise the Option for Sale and Purchase on or before January 23, 2008; and accepted donations from the City of Cocoa Beach and the Reynolds partners as funding partners. Enclosed are original and fully-executed copies of Assignment of Option to Purchase and Acceptance by Assignee.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Tamara Ricard, Deputy Clerk

/sl

Encls. (4)

cc: Contracts Administration
Finance
Budget

*original w/ attachments - Mike
cc: Agenda file
Clerk file
Larry*

Revised 10/11/07
Laura

Meeting Date
10/23/07



AGENDA	
Section	Unfinished Business
Item No.	III - A

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT: Option Agreement for Sale and Purchase of the Reynolds Parcels of the Thousand Islands, legal sellers are Universal Sales Corporation, Nancy M. Roberts, JWY Martin III, and the Trustees of the J. Louis Reynolds Trust, who are Glen Martin, Nancy Roberts, JWY Martin III, under the will dated Jan. 22, 1982 and through The Conservation Fund and Acceptance of Donation from City of Cocoa Beach and the Legal Sellers, and Acceptance of Funding Partners - District 2

DEPT/OFFICE: Parks & Recreation Department
Environmentally Endangered Lands Program (EEL)

Requested Action:

Request Board approval of the Assignment of Option for Sale and Purchase of the Reynolds Property; authorization for the Chairman to sign the Assignment of Option for Sale and Purchase; and authorize staff to exercise the Option for Sale & Purchase on or before Jan. 23, 2008. Request Board to Accept Donations and Accept Funding Partners.

Summary Explanation & Background:

This acquisition was brought to the Board on Sept. 25, 2007. Following discussion, the motion failed to receive the super majority vote needed for a purchase above appraised value. A motion was passed to "table" this agenda item for reconsideration on Oct. 23, 2007.

On Oct. 4, 2007 the City of Cocoa Beach unanimously voted to contribute \$100,000 toward the purchase of the subject property. The Reynolds partners, owners of the subject property, have offered to match any contribution that the City of Cocoa Beach offered up to \$100,000. This would come in the form of a reimbursement to the County at closing.

The subject property is owned by the Reynolds Trust and consists of islands and wetlands located on the east side of the Banana River, west and south of South 4th Street, within the city limits of Cocoa Beach. The property is part of a larger set of islands commonly referred to as the Thousand Islands. This parcel represents the remaining privately owned portion of the Thousand Islands. The property is 275 ± acres, with 51 ± acres of uplands, 60 ± acres of wetlands and 164 ± acres of privately owned submerged lands. The majority of the property is separated from the mainland and only accessible by boat with the exception of the 3 ± acre parcel on South 4th St. Portions of the property have been built up with spoil that was historically dredged from the canal. Other portions of the property remain in a natural state. Mosquito impoundment operations over the years have also impacted the site, but it is no longer managed as an active impoundment. The majority of the property is currently zoned GU (General Use) by the City of Cocoa Beach and has a land use designation by the City of "Conservation". The exception is the 3 ± acres parcel fronting on South 4th Street which is zoned "Public and Recreational" (B1). This zoning designation corresponds to the "Recreation" land use category. The combined development limitations resulting from the current zoning and the land use designation prohibit any development beyond trails, boardwalks and observation platforms. City officials have indicated that the current City Council would likely not approve a change of zoning or future land use of the property without court direction.

(continued on page 2)

Fiscal Impacts:

FY 07/08 - Proposed acquisition activities will use EEL Program funds from Cost Center 300601 and Business Area 1615. There will be no impact to the General Revenue Funds

FY 08/09 - Cost of management of invasive, exotic plant control may be diminished through state grants and partnerships with the City of Cocoa Beach but is expected to be the significant cost of management of the site.

Name: Mike Knight, EEL Program Manager
Phone: 321.255.4466 or mike.knight@brevardparks.com

Exhibits Attached:

Option Agreement for Sale and Purchase; Assignment of Option to Purchase; SMC Site Visit Report; Property Map; Negotiation Summary; Development Assumptions, Letters of Intent to Donate from City of Cocoa Beach and Legal Sellers.

Contract /Agreement (If attached): Reviewed by Yes No
County Attorney

County Manager's Office
Peggy Busacca, County Manager

Department
Don Lusk, Parks and Recreation Director

The EEL Program Selection and Management Committee (SMC) reviewed the conservation value of the property and completed a site visit on March 3, 2005 that resulted in identifying the property as a priority for acquisition due to fact that the property and surrounding islands are part of a remnant tidal inlet that once connected the Banana River to the Atlantic Ocean at this location. This is a very unique geologic feature that is only found in a few locations along the barrier islands.

The SMC took a first majority vote on March 24, 2005 and a second majority vote on Jan. 12, 2006. On April 6, 2007 the SMC conducted a final review of the Reynolds acquisition. The SMC reaffirmed that the acquisition of the Thousand Islands was a priority for the EEL Program. Although the SMC recognizes that in some cases it may be necessary to pay above appraised value for important environmental land acquisitions, the Committee remains concerned about the negative impacts on other current and future negotiations for land under the EEL Program. The Committee felt that the decision to pay over appraised value should be left to the BoCC as the responsibility of the SMC was to recommend whether or not properties should be purchased. The Land Acquisition Review Committee met and reviewed the Reynolds Property acquisition on July 20, 2007.

On May 17, 2005, the Board of County Commissioners directed the EEL Program to work with the Conservation Fund to facilitate the acquisition of the subject property. The Conservation Fund negotiated on behalf of the County for a total fee of \$47,000. (Forty Seven Thousand Dollars) As part of the negotiation process, the owners indicated that their willingness to sell was contingent upon the County giving consideration in the appraisal process to both the "As is" value and a hypothetical highest and best use value based on a set of limited development assumptions that were developed collectively over several months (see attached development assumptions).

As per County / EEL Program policies, two (2) independent appraisals and a third party appraisal review were completed in December 2005. The appraisal process provided a range of four (4) values that compared scenarios that included and excluded development assumptions and submerged lands. The value range assigned to submerged lands ranged from a full value for use of the submerged lands for mitigation to no value based on the fact that open water submerged lands have never been permitted for mitigation by the SJRWMD. The final appraisal values prepared by Paul Roper, Richard Wagner and reviewed by William Benson are as follows:

- Market value with current zoning / land use and EXCLUDING submerged lands: \$888,000. (Roper), \$1,055,000. (Wagner)
- Market value with current zoning / land use INCLUDING submerged lands: \$2,200,000. (Roper), \$2,600,000. (Wagner)
- Hypothetical value assuming change of zoning / land use EXCLUDING submerged lands: \$2,833,000. (Roper), \$2,455,000. (Wagner)
- Hypothetical value assuming change of zoning / land use INCLUDING submerged lands: \$4,145,000. (Roper), \$4,015,000. (Wagner)

Initial negotiations with the owner based on the appraised Market Value were unsuccessful. As part of the negotiation strategy, in the event the offer was declined by the owner, the Conservation Fund requested the opportunity to have the EEL Program consider any negotiated price between the owner and the Conservation Fund that would be over the "As-is" value. This strategy recognized the fact that there was likely a value assignable to the submerged lands that was not captured in the initial offer; and also recognized the imprecise nature of assigning a value to this property through the standard appraisal process. The Conservation Fund proceeded to negotiate the best price possible and successfully obtained an option agreement with a purchase price of Three Million Two Hundred Thousand and 00/100 Dollars (\$3,200,000.00). This Option Agreement may be exercised during the period beginning with the Brevard County Board of Commissioner's execution and ending 120 days later or January 23, 2008, whichever is earlier.

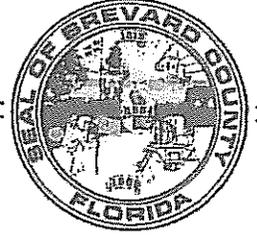
This parcel is being purchased in an "as is" condition, as per the Option Agreement in paragraph #14, "Purchaser acknowledges and agrees that upon closing, seller shall sell and convey to purchaser and purchaser shall accept the property, "as is, where is and with all faults", and there are no oral agreements, warranties or representations collateral to or affecting the property by seller or any third party. The terms and conditions of this paragraph shall expressly survive the closing and not merge therein."

The EEL Program SMC's authorization to negotiate with the owners of the Thousand Islands was contingent upon the availability of partnership funding. Two different funding sources for this acquisition have been identified. Florida Communities Trust (FCT) as a funding partner and the City of Cocoa Beach.

The pending Florida Communities Trust (FCT) grant is contingent on the County's acquisition of both properties in the Project (Crawford and Reynolds properties). Brevard County will not receive FCT Grant money for the Crawford portion of the Thousand Islands if the Reynolds portion of the Project is not acquired. The FCT grant for the Reynolds parcel will be approximately \$474,750. The grant request for the Crawford acquisition is \$193,178.

If approved by the Board, the total purchase price of \$3,200,000 will be off set by FCT reimbursement of approximately \$667,928 and donations from the City of Cocoa Beach for \$100,000 and from the Reynolds Trust for \$100,000.

This site is described as including Category A and Category B habitat according to the Land Acquisition Manual Pg. 3 -24 and 25. The management costs associated with this site will primarily consist of exotic plant control. Due to the fact that the City of Cocoa Beach has requested the EEL Program to remove Australian pine trees using a multi-year, phased approach, the cost associated with exotic plant management will likely be higher than normal by comparison to typical EEL operations. Although management costs are expected to be higher than normal, EEL Program staff expects the costs to be manageable. Until the management plan is developed and approved by the City of Cocoa Beach, the SMC, and BoCC the degree of fiscal impact to the county cannot be determined. Significant public support exists for the protection of the Thousand Islands, which is evidenced by the large amount of public passive recreation that has historically been popular around the islands. The site will offer unique environmental education opportunities and passive recreation opportunities including hiking and canoe/kayaking around the islands.



TAMARA J. RICARD, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 284-6972

February 4, 2009

MEMORANDUM

TO: Don Lusk, Parks and Recreation Director

RE: Item III.B.3., Approval of Thousand Island Conservation Area Management Plan
(Fiscal Impact: Revenue of \$200,000 from Grant Funds, and Expenditures of up to \$200,000 in Budgeted Funds)

The Board of County Commissioners, in regular session on February 3, 2009, approved the Thousand Island Conservation Area Management Plan under the Environmentally Endangered Lands Program.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tamara Ricard
Tamara Ricard, Deputy Clerk

/jj

cc: Finance
Budget

orig memo Mike Knight

*cc: [unclear] file
[unclear] file
Laird*

2009 FEB 4 11 03 AM

Meeting Date
2/3/09



AGENDA	
Section	Consent
Item No.	III B 3

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT: Thousand Island Conservation Area Management Plan – District 2
Fiscal Impact: Revenue of \$200,000 from grant funds. Expenditures of up to \$200,000 in budgeted funds.

DEPT/OFFICE: Parks and Recreation Department
 Environmentally Endangered Lands (EEL) Program

Requested Action:
 Approve the attached Thousand Island Conservation Area Management Plan under the Environmentally Endangered Lands Program

Summary Explanation & Background:
 The Thousand Island Conservation Area is a 336 ± acre site that is comprised of two purchases; Crawford Homes parcel (61 ± acres) in July 2006, and the Reynolds parcel (275 ± acres) in October 2007, under the EEL Program referendum. These parcels were purchased in partnership with the Florida Communities Trust through a grant and with contributions from the City of Cocoa Beach, The Conservation Fund, and the Reynolds Trust.

The site is located in the City of Cocoa Beach and is situated south of the Minuteman Causeway and on the eastern shoreline of the Banana River. This is primarily an aquatic resource and the site is accessible by boat only. The site is designated as a Category 2 site as described in the Sanctuary Management Manual (Chapter 4.2.2 page 23.) The site will offer passive recreation opportunities such as kayaking, hiking, wildlife viewing, and provide a unique environmental education resource.

Management activities will include exotic plant removal, hydrological restoration, shorebird habitat restoration and management, protecting and restoring tidal swamp and maritime hammock plant communities. Due to concerns related to removal of exotic trees, (Australian pines) this management plan was developed jointly by the EEL Program and the city's Land Management Committee. The EEL Program's Recreation and Education Advisory Committee reviewed and passed a motion in support of the plan on May 10, 2007. The plan was unanimously approved by the EEL Program's Selection and Management Committee on December 18, 2008. Cocoa Beach city commission unanimously voted to approve this plan on January 15, 2009.

Bureau of Invasive Plant Management (BIPM) funds are available to support Phase I of the Strategic Plan for exotic removal (page 122 of the Management Plan). Exotic plant removal work must begin soon in order to use available grant funds before the BIPM deadline in June 2009.

Fiscal Impacts:
 FY 08/09 - There are no impacts to General Revenue Funds. The EEL Program will utilize \$200,000 in BIPM grant funds to support exotic plant removal. The EEL Program has also budgeted an additional \$200,000 to augment exotic plant removal and support native plantings. Budgeted funds will be from Fund 3220 and Cost Center 340260.

FY 09/10 – There are no fiscal impacts to General Revenue Funds in the 09/10 budget. There will be minimal fiscal impacts implementing the management plan until Phase 2 begins in approximately 2012.

Exhibits Attached: Thousand Island Conservation Area Management Plan on CD, one hard copy of plan

Contract /Agreement (If attached): Reviewed by County Attorney		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
County Manager's Office Heidi Denis, Assistant County Manager	Department Don Lusk, Parks & Recreation Director	<i>DLusk</i>	PR <input type="checkbox"/>

Considerations Related to Camping in the Thousand Islands Conservation Area

As the issue camping within the Thousand Islands Conservation area is explored, there are a variety of issues that need to be taken into consideration.

1. The Thousand Island Conservation area is first a Nature Sanctuary, and the public use of the islands as a recreational resource, although encouraged, is secondary to the primary goals of ensuring that the natural habitat conditions are maintained for the wildlife species that depend on them for their long-term survival. Any plans for camping will need to be evaluated based on this primary tenant.
2. A primary issue that must be addressed first is the current City ordinance restricting camping on the Thousand Islands. It would not be prudent to have committees explore camping without first knowing that the Cocoa Beach City Commission has a clear interest in changing the current ordinance to allow camping.
3. The primary issue that must be in the forefront of the evaluation of camping is how to address the proper disposal of human waste and trash. Simply developing a camping policy that requires campers to carry out their human waste will not be sufficient because most people simply will not do it. For this reason, any plans for camping must include a composting toilet facility at each campsite or within reasonable walking distance between multiple campsites.
4. A clear agreement will need to be established to formalize the responsibilities of the entity that will manage the camping activity. At a minimum this needs to include procedures for issuance of camping permits, visitation tracking, trash removal, toilet maintenance, post-use patrol / clean up of campsites, installation and maintenance of signage identifying rules of use. The EEL Program does not have adequate resources available to manage camping in the Thousand Islands.
5. The rules of use should at a minimum include the following:
 - Cutting, damaging or removing vegetation is prohibited.
 - Digging of any kind is prohibited.
 - The collection of firewood is prohibited.
 - Campfires are restricted to the designated fire ring.
 - Permits are required for all camping activities.
 - Pets are not permitted.
 - All trash must be removed from the site (Carry In / Carry Out). Trash deposit may be required to counter the costs related to clean up.
6. Consideration will need to be given to whether or not camping will be available to everyone, or only organized youth groups. Managing camping for the general public compared to managing it for only organized youth organizations, is far more time consuming for the entity managing the activity.
7. The boat accessibility of the campsites is also an important consideration. Campsites that are accessible from deep water, that allow access for motorized boats will inherently increase the number of problems due to the fact that the frequency and

Considerations Related to Camping in the Thousand Islands Conservation Area

quantities of alcohol and trash transported to the island will increase. Shallow water access for non-motorized boats helps to keep this to a minimum.

It is the responsibility of the Brevard County Environmentally Endangered Lands Program to ensure any camping within the conservation area is done in a responsible manner that is consistent with the conservation goals for which the islands were acquired.