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Managing fish and wildlife resources for their long-term well-being and the benefit of people.

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November 3, 2010

Mr. D. Ray Eubanks, Administrator
Plan Review and Processing
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
DCPexternalagencycomments@dca.state.fl.us

RE: Transmittal of Proposed Comprehensive Plan Amendments, Brevard County 10-2

Dear Mr. Eubanks:

The Florida Fish and Wildlife Conservation Commission (FWC), Division of Habitat and Species Conservation's Habitat Conservation Scientific Services Section, has coordinated our agency's review of the above-referenced comprehensive plan transmittal package and is submitting comments and recommendations in accordance with Chapter 163, Florida Statutes, and Chapter 9J-5, Florida Administrative Code.

Description of Proposed Amendments

Brevard County has submitted two proposed changes to the County's Comprehensive Growth Management Plan.

Request 2010.2.1: Text amendment to the Conservation Element to adopt recommendations of the 2010 Flood Hazard Working Group and Board of County Commissioners

This proposal would amend the text of the Conservation Element Objective 4, which provides for protection of the 100-year, 25-year, and 10-year riverine floodplains throughout the county, to allow the transfer of intensities as well as densities in the floodplains. This amendment was developed by a stakeholder Working Group composed of representatives from 12 organizations that included agricultural, development, and environmental interests, as well as representatives from each of the five Brevard County districts. The policies require compensatory storage for fill in the floodplain areas "in order to protect infrastructure and human life, conserve flood storage capacities, and to improve, where feasible the quality of water within watershed" (proposed revision to Policy 4.1).

Because this amendment appears to focus on accommodating intensities in addition to an existing program of allowing densities, we do not foresee that it would pose significant impacts on fish and wildlife resources. Accordingly, we do not offer comments on this amendment.

Request 2010-2.2: Text amendment to include a FLU [Future Land Use] map amendment to allow for a Mixed Use Development

The second proposal is to amend the Future Land Use Map and text of the Future Land Use Element to establish the Farmton Local Plan for approximately 11,500 acres in the northwestern corner of the county. The current proposal is a revision of the amendment for the same project that Brevard County submitted in their 09-2 amendment cycle as a new Objective 17, except that: (1) the proposed mixed-use

development would be limited to the footprint of a single area originally proposed for the north-central portion of the property; and (2) the text offers additional clarification to the policies that would support Objective 17. The Future Land Use Map would establish one mixed-use area no larger than 2,800 acres and the rest of the property would remain designated as Agricultural, except that the agricultural lands would be preserved as such, with no future residential development, under a conservation easement to the county and management plan. The mixed-use area would be restricted to a footprint no greater than 1,500 acres of uplands and would be a combination of:

- a “workplace” for residential, commercial, office and industrial uses and travelers’ accommodations (hotel);
- a rural village no larger than 900 acres; and
- Environmental Areas, which would also be subject to a conservation easement to the county and a management plan.

The management plan for the agricultural area would be developed in consultation with several state resource agencies (including the FWC), Brevard County’s Natural Resources Management Office, and “at least one tax-exempt conservation group” (proposed Policy 17.2C). The proposal specifies that the management plan for the Environmental Area(s) would be developed with the FWC and be consistent with our Black Bear Management Guidelines.

It is our understanding that this amendment:

- would not result in an increase in development “under roof” for the property as a whole relative to what would occur under the current agricultural designation,
- would result in roughly 800 to 900 acres of actual development within the mixed-use area, leaving a total of 80 percent of the property under conservation easements, and
- would provide for the specific plans for the mixed-use area to be planned as a Development of Regional Impact and then be zoned as “mixed use.”

In addition to the proposed amendment, we have received a draft version of the conservation easement that would be placed over much of the property. We understand that the conservation easement for the agricultural area would prohibit activities detrimental to fish and wildlife habitat preservation, while allowing hunting to continue in this area.

Finally, it appears that the proposed route of State Route 5A through the property is largely confined to the area proposed for the mixed-use area, and would cross only one of the areas that would be in a conservation easement for agricultural uses.

Potentially Affected Fish and Wildlife Resources under 2010-2.2: The state-listed species potentially using the property for nesting, denning, foraging, and loafing and the habitats on the property remain as we described in our October 16, 2009, letter (enclosed). We note, however, that the Ecological Evaluation Methods Report in Volume 2 of the Farnton Local Plan, Comprehensive Plan Amendment, package also

includes the limpkin (state-listed as a Species of Special Concern) as potentially occurring on the property.

According to our Geographic Information System (GIS) records, the entire property, as is most of the area within a 0.5-mile buffer around the property boundary, is within the

secondary (non-breeding) range of the southernmost part of the St. Johns subpopulation of the Florida black bear (state-listed as Threatened). Our GIS analysis also indicates the potential presence of a bald eagle nest (VO042) within or near the buffer area; therefore, it would be reasonable to assume that the property may be used by foraging eagles. While the bald eagle has been delisted by both the federal government and the state, they nonetheless receive protection through the federal Bald and Golden Eagle Protection Act and the state bald eagle rule.

Comments on 2010-2.2: Overall, we find this version of the proposed amendment an improvement over the previously submitted version. The developable footprint would be smaller and limited to one area, thereby reducing habitat fragmentation. We also are pleased to note that it appears that the proposed alignment of State Route 5A is largely confined to the mixed-use area, and traverses only one roughly 0.5-mile portion of the area to be in conservation.

The current version of the amendment also explicitly acknowledges the need to consider black bears in the management plan for the Environmental Area(s). Due to the documented presence of black bears on and around the property, we believe that this is a very prudent measure and are pleased that the county proposes to develop that plan in consultation with the FWC and consistent with our Black Bear Habitat Management Guidelines. Further, we strongly encourage the county to include the entirety of the mixed-use area in any plan for managing bears and their habitat because one of the most effective tools that we have for minimizing negative interactions between humans and bears is to limit the availability of potential food sources (e.g., unprotected garbage cans, pet food left outside, etc.) that humans can introduce when an area is developed.

We look forward to working with the county and the landowner to develop a plan that will allow the limited development that is proposed to be "bear aware," while ensuring that the property under the conservation **easement** continues to provide sustainable bear habitat. If you or your staff has **any questions**, please do not hesitate to contact me at (772)778-6354 or by email at joe.walsh@myfwc.com.

Sincerely,



Joseph Walsh, Ph.D.

Sub-Section Leader, Agency Commenting

Habitat Conservation Scientific Services Section

Mr. D. Ray Eubanks, Administrator

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JW/map

ENV 1-5-2

Brevard County 10-2_3080_110310

Enclosure

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