

May 1, 2023

The intent of this package is to convey to Brevard County (BC), Town of Malabar (TOM) itemized requests for BC adoption of respective changes to the proposed Environmentally Endangered Lands Program (EEL Pgm) Malabar Scrub Sanctuary (MSS) Restoration Plan. BC acceptance of requests herein, associated with proper BC submission of an appropriate TOM permit application is hereby proposed as a mutually equitable solution to the current court-documented conflict between BC and TOM.

The itemized requests all pertain to the MSS. Most pertain to its periphery. All fall into three categories:

- 1. Preserve vegetation in a specified location of a specified number of acres with a specified number of trees protected from scrub restoration work. Of the total 577-acre MSS, these requests total ZZZ acres and ZZZ trees, impacting about 3% of MSS.
- 2. Restore vegetation in a specified location not to scrub habit but to optimal specifications for woodpecker habitat, at about 40 trees per acre to recognize current avian species now residing in the area.
- 3. Relocate or maintain existing trails as identified in specified locations so that trail users are routed more through forest shadow (corner areas) along sanctuary – resulting in more inhabitable scrub-jay habitat.

The requests are based on research undertaken with recognition of:

- Brevard County need for improved scrub-jay habitat
- Characteristics of **optimal** vs. **suitable** scrub-jay habitat
- Scrub-jay PVA of 2021 (Population Viability Analysis (PVA) as a platform for predicting outcomes of management options for the Florida Scrub-Jay in Brevard County)
- MSS size / shape limitations and multiple sanctuary data behind restoration plan metrics seeking 70% strong scrub-jay habitat
- MSS current habitat areas not "restorable" to scrub-jay habitat
- Projected impact on existing flora and fauna species now inhabiting MSS
- Projected economic impact on local communities
- Importance of MSS as an urban forest and hub of passive recreation

The EEL Pgm Restoration Plan primarily involves the destruction of vegetation within the MSS. Unless otherwise specified, all Town of Malabar requests to "Preserve" are to be interpreted as complying with the criteria identified for a "VPB" – here redefined as: "Vegetative Preservation Buffer" and with the following characteristics.

A **vegetative preservation buffer (VPB)** is defined as being located and maintained within the sanctuary and unless otherwise specified, is situated along property borders, at a minimum 25' width. Within the **VPB**, all oak trees and all native palm trees **may not** be killed, cut, grinded, damaged, treated with herbicides, removed, exposed to excessive heat, or reduced in height. Any Sand Pines (regardless of DBH), and any other Pine trees less than 5" DBH, and any invasive species, may be removed. Any other reduction of vegetation within the **VPB** is limited to a height no lower than 15'. There will be no roller chopping or prescribed burning within the **VPB**.

Defined TOM T&GC_20220324 Adopted TOM RTCM_20220404

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OFFER OF FEE PER TREE WAIVER

As an incentive for Brevard County to adopt the requested changes specified in this package, Town of Malabar hereby offers to waive the \$40.00 per-tree fee otherwise required by statute for the tree / vegetation removal work as had been identified in the original restoration plan.