

CITY OF SATELLITE BEACH, FLORIDA

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INCORPORATED 1957

March 8, 2022

Rita Ventry
Planner IV, Division of State Lands
Florida Communities Trust
Florida Department of Environmental Protection
3800 Commonwealth Boulevard, MS 585
Tallahassee, FL 32399-3000

Dear Ms. Ventry,

I am pleased to submit a Linear Facilities Request for the Hightower Beach Preservation Area to the Florida Communities Trust for approval. This Request is to allow for the installation of a High Frequency Radar (HFR) project on the north FCT funded preservation parcel, which is north of the City's Hightower Beach Park property and includes some recreational boardwalk improvements. The HFR installation would include 16 antennas, each 7 feet tall and 2 inches in diameter, as well as some cabling. As such, the impact to the preserve area would be very minimal.

The benefits of the HFR installation, however, are significant. The HFR would provide valuable data to assist our coastal communities in Resiliency Planning, as well as aid in operational endeavors, such as boating, search and rescue operations, and tracking, management and preservation of coastal resources (e.g., beach erosion and renourishment) and forecasting environmental hazards such as algal blooms and oil spills.

Our partners, the Southeast Coastal Ocean Observing Regional Association (SECOORA) and the Florida Institute of Technology (FIT), worked hard to determine if another site would be compatible with our needs for this endeavor. However, the other sites that fit within the target area for the HFR installation, either had existing vegetation that was too high (Patrick Space Force Base) or was another Florida Communities Trust site (Pelican Beach Park).

Should this HRF project be approved, we would like to start the installation process on November 1, 2022.

The City of Satellite Beach is requesting that this Linear Facilities Request be scheduled for the April 20, 2022, Florida Communities Trust Board Meeting.

We very much appreciate your assistance throughout this Request Submittal process and look forward to meeting with the Board.

Respectfully,

A handwritten signature in blue ink, appearing to read 'CHB', written over a white background.

Courtney H. Barker, AICP
City Manager

Background

WERA High Frequency Radar (HFR) are manufactured by Helzel Messtechnik (<https://helzel.com/>), located in Germany. The WERA HFR proposed for Hightower Beach Park is owned by the Southeast Coastal Ocean Observing Regional Association (SECOORA, secoora.org) and it will be managed and operated by the Florida Institute of Technology (FIT). The WERA HFR proposed for Hightower Beach Park is a phased array system with 4 transmit antennas and 12 receive antennas. HFR provides high frequency and highly accurate surface current mapping for the coastal ocean. HFR data are used in applications such as U.S. Coast Guard Search and Rescue, oil spill and Harmful Algal Bloom tracking, maritime transportation, and in scientific research. HFRs have been installed around the U.S. and Caribbean through funding provided by the National Oceanic and Atmospheric Administration Integrated Ocean Observing System (NOAA IOOS) program office. For more information on NOAA IOOS and HFR, visit: <https://ioos.noaa.gov/project/hf-radar/>. FIT is in the process of installing a WERA HFR at Treasure Shores Park (nearing completion). This site will provide overlapping HFR coverage of the coastal zone with the proposed Hightower Beach Park HFR. This overlapping coverage between the HFR installations ensures excellent current speed and direction measurements, adding to the accuracy of the systems.

The WERA HFR proposed for Hightower Beach Park will consist of 4 transmit antennas, 12 receive antennas, and cables connecting the HFR antenna to the computer and integrated radar system. Each of the antenna are 7 ft. tall with a diameter of 2 inches. The 12 receive antennas will be evenly spaced in a line approximately 10 meters apart and they will be placed parallel to the shore. The transmit antenna array is separated from the receive antenna by 110 meters. The 4 antennas for the transmit array will be arranged in a rectangular pattern (10 meters by 4 meters). The Hightower Beach Park High Frequency Radar (HFR) will operate at approximately 13.5 MHz. Installation of the full HFR system will take approximately 2 weeks; however, only 5 days of activity are required to take place along the dune line and near the boardwalk.

All transmit and receive array antennas will be placed behind the shoreward vegetation to reduce interaction with nesting sea turtles and minimize their visual impact (i.e., make them less noticeable to park visitors). Additionally, this will place the antenna in an area of the park that is not used for recreation since visitors are not allowed in the vegetated areas of the dunes. All antennas will be painted a flat green color (or other color chosen by the City of Satellite Beach staff), so they blend in with vegetation. Painting the antennae also assures that moonlight does not reflect off them and potentially cause a visual disturbance for newly hatched sea turtles. Cables will run from the antennas, across the vegetated dune, to the existing boardwalk. The cables are similar in diameter to coaxial television cables, and they will be placed inside of a flexible PVC corrugated pipe and laid atop the surface of the dune. Placing the cables inside of the corrugated pipe will protect the cables from beach mice and other wildlife that may chew on them. Additionally, placing the cables on the surface of the dunes will minimize impacts to dune vegetation since the cables will not be buried (Note: burial would require trenching and could damage plant root structures). Over a period of time, sand will cover the corrugated pipe and it will not be visible.

Once the cables reach the boardwalk, they will be attached to the underside (with J hooks or clamps), so they are off the ground, not visible to park visitors, and mitigate impacts to dune flora and fauna. The cables will run the length of the boardwalk to the park facilities (restrooms). The boardwalk already has utility and electrical cables run above ground, under the boardwalk. This pre-existing cableway configuration is similar to what is being proposed by FIT for running the HFR cables under the boardwalk.

FIT will install shelves along with the WERA® HFR transmitter/receiver chassis, computer equipment, and other electronics (e.g., wireless router) inside of the shed which will sit on top of a towable trailer. The trailer will be placed near the restroom facility, as electricity is available at this location. By placing the shed (with HFR equipment inside) on a trailer, FIT will be able to tow the WERA equipment out of Hightower Beach Park facilities in the event of a hurricane. The trailer/shed can be moved back to FIT and placed in a secure location until after the storm when it can then be reinstalled at the park.

Please see the survey map for the locations of the antenna, cables, and the trailer/shed adjacent to the parking lot.

Maintenance activities:

HFR maintenance includes monthly downloads of back-up data from the HFR computer (housed in the shed) and visual inspection of antennas from the park boardwalk or by walking along the beach. General maintenance and operation-related activities will not disturb the dunes, vegetation, or wildlife.

It is anticipated that individual antennas may be damaged over time—from storms or potentially vandalism. If this occurs, FIT personnel will make repairs to or replace an antenna. Based on other HFR operations within SECOORA, most repairs require less than 1 day (e.g., to replace an antenna). This will have minimal impact on dunes, vegetation, and wildlife.

HFR are built to withstand storms; however, if the City of Satellite Beach determines that they would like the HFR equipment removed prior to a landfalling hurricane, this request can be accommodated by FIT personnel. The trailer shed can be towed back to FIT campus and the antennae can be removed. The cables will remain in place as they can withstand seawater over-wash. The trailer shed and the antennas would then be replaced after the park has reopened.

*a.) No reasonable alternative to the proposed modification land use on the Trust Project Site;
and,*

HFRs are typically installed in pairs so that there is overlapping coverage between the systems (two HFR stations are required at least to resolve the two-dimensional current field from radial velocity data). FIT is installing an HFR at the Treasure Shores Park (almost completed). The two sites must be adequately spaced and overlook at the same ocean area from two different angles. The separation distance is controlled by the operational range of each HFR system, which in turn depends mainly on its operating frequency. Separation also controls the shape and the size of the HFR domain where currents can be resolved. For the best overlapping coverage, the radar beams should exhibit crossing angles between 60 and 150 degrees (i.e., at right angles or $90^\circ \pm 60^\circ$). We are limited by the maximum radar range as well as the coastal geometry. As a result, we cannot move north of Patrick AFB (our original location) and if we move south of Hightower (i.e., closer to the radar at Treasure shores) the coverage east of Canaveral will diminish which will impact the utility of the system with respect to booster rocket recovery. Additionally, the HFR installation requires about 1000-linear feet for the antennas to be properly spaced. Hightower Beach Park meets this requirement. Additionally, the boardwalk provides easy access to the HFR equipment and being able to attach the cables to the underside of the boardwalk will help protect the cables from vandalism.

Other municipal and state parks within the minimum distance from Treasure Shores Park have been evaluated as alternatives to Hightower Beach Park. Only one of these locations, which include Patrick Air Force Base, Canova Beach Park, and Pelican Beach Park are viable as discussed below.

Patrick Air Force Base

Patrick Air Force Base was the first proposed location for the HFR installation; however, there were two related issues with the site. First, the Air Force would not allow the antennas to be placed on the shoreward side of the dunes due to extensive sea grape. Second, the antennas would have to be elevated approximately 15 ft. off the ground in order to “see” over the dunes. As a result, the elevated antenna would be subjected to more wind interference (sway and vibration), causing too much noise (i.e., reducing accuracy) in the surface current data.

Canova Beach Park

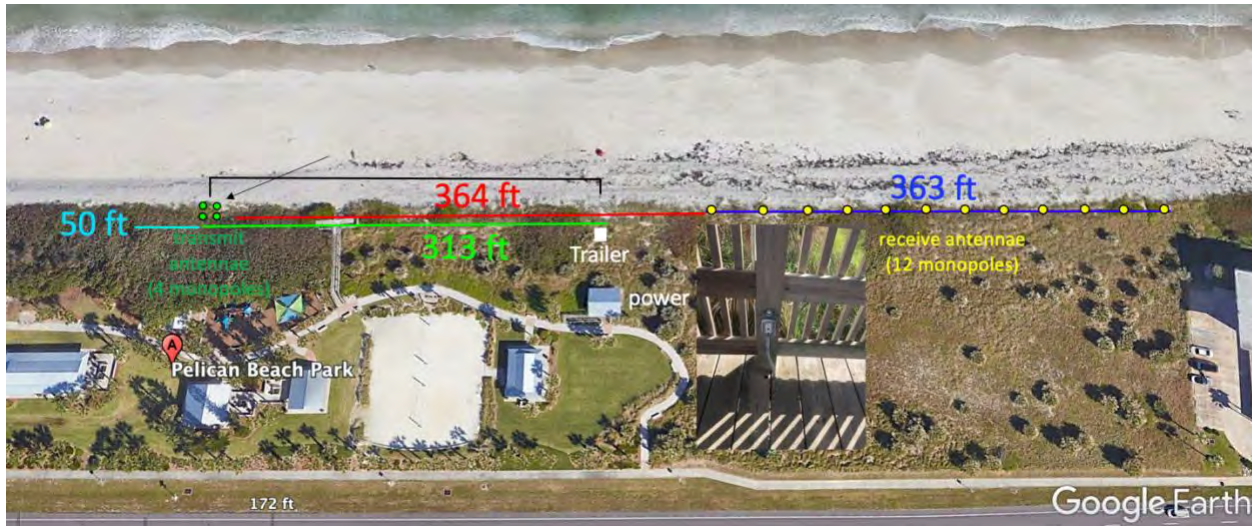
Canova Beach Park was identified as a possible alternative location however it is 4 miles south of Hightower Beach Park. This puts the radar too close to the southern site (i.e., Treasure Shores, Indian River County) and thus further shrinks the HFR coverage footprint for retrieving current data. In addition, the functional linear footage along Canova beach is not sufficient as far as the layout of the radar is concerned (the 13.5 MHz radar requires approximately 1000 ft. of linear space) due to the ubiquitous sea grape (below left). There is about 315 ft at the south end of the park (below right) – but we would have to place the 12 receive antenna in two separate rows which is far from ideal in terms of the radar configuration. On the north side of the park there is a sequence of condos which is problematic. Finally, Canova Beach is a very populated beach (a portion of which is partitioned for dogs) compared to Hightower Beach Park thus raising security issues.



Pelican Beach Park

Pelican Beach Park is located 1.9 miles to the south of Hightower Beach Park. This site was considered as a potential alternative to Hightower Beach Park (the PI visited the park in October 2021, see figure below). However, Pelican Beach Park is also an FCT site, thus a linear facilities request is needed for this site as well. The space is tight in terms of linear footage with the receive antenna extending to the southernmost portion of the park and the transmit limited due to sea grape coverage. A protected dune species, the sea grape can grow as tall as the antenna and impede the radar operation. While there are guidelines for trimming sea grapes, FIT nor SECOORA want to impact a protected species; therefore, it was determined

that this location was not ideal. Hightower Park also has sea grapes on the north end of the park, but that area is not part of the HFR deployment area.



b.) *That the land use is designed to have a minimal impact to the site; and,*

Potential impacts to geological, cultural, biological resources have been assessed by the NOAA IOOS environmental compliance manager as part of the National Environmental Policy Act requirements. Consultations with the U.S. Fish and Wildlife Service and the Florida Division of Historical Resources have been conducted (provided upon request).

Previous installation of HFR stations throughout the U.S. indicates that there would be negligible impacts to terrestrial geological resources during the installation of the HFR. Installation will only require 2 weeks and no heavy equipment will be necessary. Placing the cables on the surface of the dunes will minimize impacts to geology and soils since the cables will not be buried. Over a period, sand will cover the corrugated pipe and it will not be visible. There are no impacts from the operation of the HFR. Maintenance includes monthly downloads of back-up data from the HFR computer (housed in the shed) and visual inspection of antennas from the park boardwalk or by walking along the beach. General maintenance and operation-related activities will not disturb the dunes, vegetation, or wildlife.

Land Use

Substantial improvements have been made recently to Hightower Beach Park including the construction of dune crossovers for beach access. Amenities at this location include: 1) boardwalk and observation pavilion, 2) restrooms, 3) outdoor shower, 4) one non-reserve pavilion, and 5) parking (Satellite Beach.org). It should be noted that the HFR installation is not occurring in areas where the public conduct recreational activities. The antennas are being placed behind the first line of vegetation and the cables will run from the dune to the boardwalk. The areas encompassed by these activities are not open to the public for recreational purposes.

Minimal disturbance to existing land use is expected. All transmit and receive array antennas will be placed behind the first line of vegetation to minimize their visual impact (i.e., make them less noticeable to park visitors). Cable laying will be conducted so as to minimize any impacts to the dunes and beach

mice. Cables will run from the antennas, across the vegetated dune, to the boardwalk. The cables are similar in diameter to coaxial television cables, and they will be placed inside of a flexible PVC corrugated pipe and laid atop the surface of the dune. Placing the cables inside flexible PVC reduces the risk of beach mice or other native wildlife chewing on the cable. Although there are sea grape in the park, the HFR installation will not occur within these areas.

Once the cables reach the boardwalk, they will be attached to the underside (with J hooks or clamps), so they are off the ground, not visible to park visitors, and mitigate impacts to dune flora and fauna. The cables will run the length of the boardwalk and over to the trailer/shed. The boardwalk already has utility and electrical cables run above ground, under the boardwalk. This pre-existing cableway configuration is similar to what is being proposed by FIT for running the HFR cables under the boardwalk.

Mitigation Measures

1. No HFR installation will occur during turtle nesting season (April 1 – October 31). FIT proposes to install the HFR at Hightower Beach Park in November/December 2022.
2. Cable laying will be conducted to minimize any impacts to the dunes and beach mice (i.e., the cable will be placed inside of a flexible corrugated pipe that can be routed around any obstructions or sensitive areas so that **NO trenching or digging is necessary for the cable at Hightower Park**).
3. There are sea grapes near the main dune crossover (the boardwalk section that crosses over to the beach allowing public access); however, the HFR installation will not occur in the sea grape area.
4. After a storm or natural disaster, when the area has been cleared as safe to enter by the local government, the university will conduct a site visit to ensure no cables have fallen from underneath the boardwalk. This measure will prevent future entanglement of wildlife within the project vicinity. However, the cables will remain in place during the storm as they can withstand seawater over-wash.
5. All installation materials will be removed upon completion of installation; all instruments/installations must be removed when no longer in use to avoid the creation of marine debris.

c.) *A copy of an alternative analysis assessment of other off-site alternatives or options considered by the Recipient.*

See above. Full Power Point slides can be provided.

Natural Communities

Vegetated sand dunes are found along most of the beach's length and provide the major defense against storm events. Native plant species found on the dunes include sea oats, Sabal palmetto, sea grape, railroad vine, dollar weed, coral bean, Spanish bayonet, wax myrtle, yaupon holly, and several grass species. More salt-tolerant and wind-tolerant species, such as sea oats and railroad vine, are found predominantly on the ocean side of the dune, while other dune vegetation species do not generally show such zonation. These plants assist in building the dune by trapping windblown sand and in stabilizing the dune with extensive lateral root systems. The HFR would be located behind the first line of vegetation.

The goal is for the antenna to blend in with the natural environment and for the cables, placed inside of PVC, to slowly be covered by wind driven sand over time.

The HFR antennae, cables, and all other associated equipment are placed on land. No part of the HFR system extends to the beach or penetrates the water surface. Therefore, there would be no impacts to marine biological resources with the use of HFR. Additionally, no effects on essential fish habitat (EFH) would be expected from the installation of additional HFR stations.

Cultural Features

As indicated by the Florida Bureau of Historic Preservation, there are no cultural resources found in the proposed HFR site at Hightower Beach Park.

Compatibility Statement

This coastal radar supports coastal resiliency, planning and safe participation in outdoor recreation, including boating, and the maintenance and preservation of public lands. The sea surface area mapped by the two antenna sites, Treasure Shores and Hightower Beach, extends from the coast eastward to the Gulf Stream and covers the Oculina Bank which is a habitat of particular concern in the region.

Compatible research and operational activities supported by HFR and include:

- Tracking and trajectory forecasts for environmental hazards (e.g., oil spills, pollution events, harmful algal blooms)
- Management and preservation of coastal resources (e.g., erosion, beach re-nourishment).
- Marine biology research (e.g., larval transport)

There is no impact to the Hightower Beach Park's recreational amenities. The HFR installation will occur on park property in a location where no recreational uses exist (e.g., top of the dunes and under the boardwalk).

There will be no digging and thus minimal impact on vegetation.

The antenna poles will be painted so that they blend in with the native flora.

Mitigation Measures

No HFR installation will occur during turtle nesting season (April 1 – October 31). FIT proposes to install the HFR at Hightower Beach Park in November/December 2022.

Cable laying will be conducted to minimize any impacts to the dunes and beach mice (i.e., the cable will be placed inside of a flexible corrugated pipe that can be routed around any obstructions or sensitive areas so that **NO trenching is required for the cable at Hightower Park**).

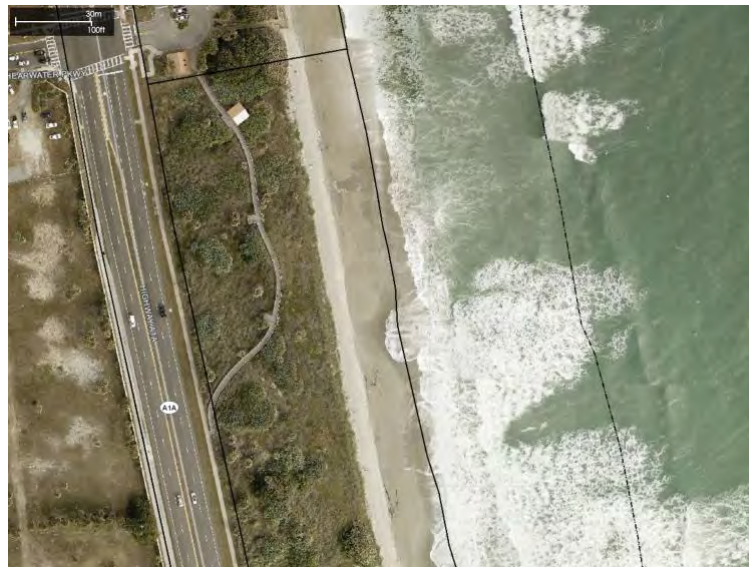
There are sea grapes near the main dune crossover (the boardwalk section that crosses over to the beach allowing public access); however, the HFR installation will not occur in the sea grape area.

After a storm or natural disaster, when the area has been cleared as safe to enter by the local government, the university will conduct a site visit to ensure no cables have fallen from underneath the boardwalk. This measure will prevent future entanglement of wildlife within the project vicinity. However, the cables will remain in place during the storm as they can withstand seawater over-wash.

All installation materials will be removed upon completion of installation; all instruments/installations must be removed when no longer in use to avoid the creation of marine debris.

Modified Master Site Plan

There will be *no digging or trenching* – the cable will be laid on top of the ground and thus there will only be a superficial impact on the vegetation. Antenna will be placed above the dune line (see last figure below). Because the facilities will be used to house the radar rack, two parcels will be minimally impacted.



LEFT: Proposed locations for the transmit antenna (green), receive antenna (yellow) and cables (cyan). RIGHT: Land parcel boundaries obtained from the Brevard Co. Property Appraiser (<https://www.bcpao.us/PropertySearch/#/nav/Search>).



Proposed HFR location (annotated on the left) and parcel boundaries (from <https://www.bcpao.us/PropertySearch/#/nav/Search>)



View looking south at Hightower Beach with a sketch of the dimensions of the monopole receive antenna (12).

Opposition Correspondence

From: [Matthew Fleming](#)
To: [Wood, Rebecca](#); [Reeves, Linda](#)
Cc: [jlopez@biologicaldiversity.org](#); [gwen_smith@nps.gov](#); [Mike.caldwell@nps.gov](#); [Stan.Austin@nps.gov](#); [Jeremy_edwardson@fws.gov](#); [robert_tawes@fws.gov](#); [karen_frutche@fws.gov](#); [Martha.William@doi.gov](#); [Shannon.Estenez@doi.gov](#); [Lois.laseur@dep.state.fl.gov](#); [Mingo, Frank](#); [Jones, Greg](#); [DeHaven, Callie](#); [Denys, Deborah](#); [Gambineri, Mara](#); [Noah.Valenstein@floridadep.gov](#); [gregiones@wci.communities.com](#)
Subject: 4/20 FCT Board Meeting Item #6
Date: Monday, April 18, 2022 11:54:48 PM

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Attn: FCT Governing Board Members

Re: 4/20/2022 regular meeting, agenda item #6.

Objections to Satellite Beach request for "linear facilities" approval for Project #98-044-PBA, specifically the installation of a High Frequency Radar array in the "Hightower Beach" FCT preserve.

1. Availability of other sites.

The administrators and elected officials of City of Satellite Beach notoriously claim that they have preserved 40% of the beach front within city limits for public use. In addition to this, the county has established "beach nourishment" easements along the whole of the beachfront within the city limits and beyond, both north and south of the city. Contrary to county administrator Mike McGarry's assertion, there is nothing preventing the use of suitable parts of the dunes inside of that easement for this project. Other suitable locations include private ocean front property, which no owners of have been contacted to request/eliminate as potential sites. Furthermore, there are several miles of federally owned beachfront less than 1.5 miles north of this site which would likely be ideal for the placement of such equipment. I am unfamiliar with the difficulties encountered by the proponents of this project in utilizing beachfront owned by Patrick Space Force Base, however it is highly unlikely that anything prohibits this project on their land. It is not requisite that this Florida Institute of Technology HRF site be located within the city limits, at this location, or that it be placed on public land. Placing this infrastructure within a nature preserve directly contravenes the stated purposes of both the preserve and the FIT project, which is the "protection" of wildlife habitat.

2. The management plan submitted by the city includes the use of herbicides and controlled burns which are wholly inconsistent with updated coastal strand management best practices.

3. The creation of a "Sea Turtle Lighting District" would create an undue barrier between residents and state regulatory authority governing lighting restrictions protecting those endangered species. There is no need for such a provision in the management plan as of today. The reason they are seeking this remedy to the state prohibitions against lighting next to a beach/preserve is so that it can permit the construction of 3 large condominium buildings and a large hotel directly across the street.

As has been stated publicly and repeatedly by the City Manager of Satellite Beach, the municipality is currently facing a legal jeopardy, which, according to her own statements on the record in advising city council votes related to the adjacent commercial development, requires the city to allow construction within the "Planned Unit Development" site.

This commercial development site is adjacent(directly across the street) to the Preserve.

In 2018, the City of Satellite Beach got rid of it's code enforcement board, and retained Vose Law as a "special magistrate" for code enforcement. I am not sure if that contractual arrangement is current, however the ordinance creating a "special magistrate" for code enforcement is current.

These actions, combined with the FCT covenant requirements which make the city directly responsible for maintenance of the preserve, create an undeniable conflict of interest in establishing a municipally controlled "turtle lighting district". The creation of such a district in this management plan would create a new de-facto allowance for this development to proceed with construction, despite the fact that "high density", "high intensity commercial", or "transient housing" have been expressly prohibited as adjacent land uses.

4. The non-profit groups assisting with monitoring the affects of lighting within the preserve have direct financial connections to the city, and/or other governing bodies. These organizations also receive funding and assistance from institutions which receive funding from the city, thereby creating further conflicts of interest. Conflicts which will be exacerbated in creating this new authority. Those conflicts of interest are in reference to direct public payments and grant applications which are public record, and do not include other monies which may be attached to various board members' or employees' personal financial interests, for which there has not been public disclosure.

Specifically:

Sea Turtle Preservation Society

Stella Maris Marine Research

5. Conclusively: The City is attempting to update/modify it's management plan, not for the protection of the preserve, nor for the installation of HRF towers consistent with FCT provisions for "linear facilities", but for the purpose of modifying it's management plan to advance/approve a large scale and high intensity residential and commercial development adjacent to the site, which includes transient housing/short term rentals. This is expressly prohibited by both the letter and spirit of laws and regulations governing Florida Communities Trust grants.

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As such, I'd like to request that this board reject the City's application for approval of it's modified management plan, and use any and all authority at it's disposal to investigate and require the city to disclose any financial conflicts of interest it's administrators and elected officials have related to compliance with FCT rules, and require the city to adhere to both the spirit and letter of the FCT agreements and covenants which provided our town with one of the last naturally preserved coastal strands in Central Brevard County. The site is notably significant for it's high rate of sea turtle nesting. It doesn't matter what the Ballard lawyers or their friends told you, they probably didn't mention any of THEIR legal jeopardy stemming from numerous individuals' violations of state and federal law either.

The City's decision to move forward with such a problematic development strategy is

something that the City is responsible for, and it is not this board or the state's job to protect the municipality for any liabilities it has potentially incurred in it's erroneous and, frankly illegal, attempts to satisfy the demands of private development interests.

Please disregard any previous objections you may have received from me, and include this written objection in the official agenda packet in it's entirety.

Thank you,

Matt Fleming
Satellite Beach Resident

From: [Reeves, Linda](#)
To: [Wood, Rebecca](#); [Bibby, Bill](#); [LaSeur, Lois](#)
Subject: FW: Violation of Oceanside Wildlife and Habitat Preserve Agreement
Date: Tuesday, April 19, 2022 1:08:57 PM
Attachments: [image.png](#)
[image.png](#)
[image002.png](#)
[image003.png](#)
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fyi

Linda D. Reeves, FCCM
Florida Department of Environmental Protection
OMC Manager, Land and Recreation Grants
Mailing: 3900 Commonwealth Boulevard, MS# 585
Tallahassee, FL 32399
Physical: Carr Building, Room
Linda.Reeves@FloridaDEP.gov
Office: 850.245.2702

From: Sandra Sullivan <s2sully@gmail.com>
Sent: Monday, April 18, 2022 6:26 PM
To: Bright, Angie <Angie.Bright@dep.state.fl.us>; Reeves, Linda <Linda.Reeves@FloridaDEP.gov>; LaSeur, Lois <Lois.LaSeur@FloridaDEP.gov>; Dziergowski, Annie <annie_dziergowski@fws.gov>; Frutchet, Karen P <karen_frutchet@fws.gov>; Tawes, Robert <robert_tawes@fws.gov>; DeHaven, Callie <Callie.Dehaven@FloridaDEP.gov>; GovernorRon.DeSantis@eog.myflorida.com; Trindell, Robbin <robbin.trindell@MyFWC.com>; Ashley Chelberg <ashley@stellamarisresearch.org>; blairwitherington@gmail.com; Mingo, Frank <Frank.Mingo@FloridaDEP.gov>; Jones, Greg <Greg.Jones@FloridaDEP.gov>; Denys, Deborah <Deborah.Denys@FloridaDEP.gov>; frankmingo@gmail.com; Ddenys@cfl.rr.com
Subject: Re: Violation of Oceanside Wildlife and Habitat Preserve Agreement

EXTERNAL MESSAGE

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BE CLEAR UNDER THE CLOAK OF DECEPTION THE HIGHTOWER AGENDA ITEM FOR ADOPTING NEW MANAGEMENT PLAN FOR HR RADAR - THIS MANAGEMENT PLAN HAS MANY OTHER CHANGES THAT FACILIATES THE MONETIZATION OF THE SITE AS A INTENSITY HOTEL SITE.

Why protecting Hightower Preserve for future generations is so important as a dark and undisturbed beach. Satellite Beach new proposed management plan to be reviewed by FCT Governing Board 20 April 22 seeks to take away all the protections of this site that essentially turns it into a regular park to be monetized with lights and intensity use and not conservation lands.

https://floridadep.gov/sites/default/files/BoardRegularAgenda_Apr20.2022.pdf

The email below seeks to explain why this site is so important to protect.

But first this from the Federal CW541 agreement:

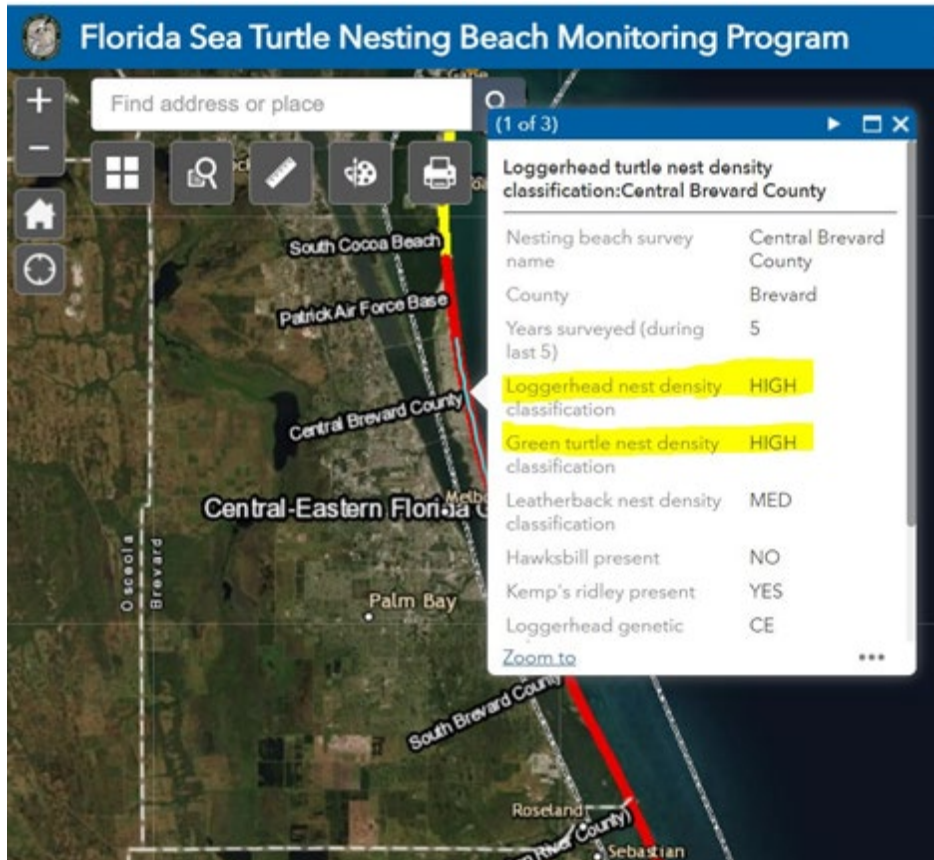
3. Project Location: Street Address: 815 Highway A1A
 City Satellite Beach County Brevard Zip Code: 32937
If the project is not located in a city, list the city nearest to the project site.
4. Legislative Districts in which the Project Site is located: *These should be the districts in which the proposed project site is located. If you are not sure of the districts, contact your local office of the Supervisor of Elections.*
 State Senator Mike Haridopolis Senate District Number 18
 State Representative Thad Altman House District Number 30
5. Congressional District in which the project is located:
 U.S. Congressman Dave Weldon Congressional District Number 15
6. Briefly describe the physical characteristics of the project site. Include:
- **Land Resources:** 18.5 acres containing an 18-car parking area, outdoor shower head, non-handicapped-accessible dune crossover with access walkway, short mulched nature trail, and picnic facility.
 - **Water Resources:** 2,800 feet of Atlantic Ocean shoreline, with rare and valuable coquina hardbottom along the low-water line.
 - **Vegetation, Fish and Wildlife:** The park's shoreline has the highest nesting density for threatened and endangered sea turtles in North America outside the Archie Carr National Wildlife Refuge several miles to the south. The park also contains two endangered and one threatened plant species.
- Historical/Archaeological Resources: None (based on FL Division of Historical Resources survey).
- **Previous Land Usage:** Except as natural habitat, 16.9 acres of the park have never been used. The County-owned portion (see "other pertinent information") has been used as a passive recreation area providing beach access (dune crossover) with limited parking.
 - **Transportation Access:** Transportation access is very easy, since the park borders SR A1A (designated a State and Federal scenic highway, known as the Indian River Lagoon Scenic Highway), and abuts the recently-installed Brevard County Coastal Corridor Multi-Use Trail.
 - **Other Pertinent Information:** The entirety of Hightower Beach Park consists of 18.5 acres of oceanfront public conservation land. Of this acreage, Brevard County owns the 1.6-acre central portion of the park in the vicinity of which are located the modest improvements cited above; Satellite Beach acquired 15.3 acres bracketing the County portion with Preservation 2000 grant funds; and the State of Florida TITF owns 1.6 acres on the north and south ends of these public conservation lands. In 2001 the City negotiated an agreement with the County (automatically renewed annually to extend 25 years into the future) to manage the County's portion of the park; this agreement also incorporates the County's management agreement with the State. As a condition of the Preservation 2000 grant award, Hightower Beach Park is restricted to public open space, limited recreation, and conservation use in perpetuity. The proposed project will fulfill these conditions. The boardwalk will enhance public access to the conservation lands without disturbing them, providing greater public access and better resource protection than the mulched nature trail now affords. Importantly, the restrooms included in the project will be the only such facilities accessible to the public within 0.5 mile of the beach access.

On Wed, Mar 17, 2021 at 11:12 AM Sandra Sullivan <s2ully@gmail.com> wrote:

Dear Officials,

I request that FWS and the FCT/FDEP (and county because Park is also under County Public Use Covenants) meet to determine action needed to protect Hightower Beach Park Preserve. This complaint for Hightower Beach Park (Oceanside Wildlife and Habitat Preserve) is under FCT and [Land and Water Conservation Fund \(LWCF\)](#) agreements which involves a fundamental change of use from public to commercial use by city's

approval of change in zoning by the adjacent property in 2017.



Both the FCT and the LW grant agreements specify "Public Use" only. Putting an intensity hotel with 85 feet of lights (exceeds comp plan FAR by 30%)- is contrary to why the preserve was created to be a dark and undisturbed beach for the preservation of green sea turtles - according to the FCT management Agreement. We are requesting that the state take action now to protect the preserve by taking all remedies available for the betrayal of the city of Satellite Beach to honor the FCT agreement by moving "phantom" density to the adjacent property - moving density on the adjacent property to put the greatest density opposite the most intact portion of the preserve - approving 4 85 foot buildings. Requesting the same under the federal and county agreements.

7. **Adjacent development activities shall be monitored through the development review and approval process to ensure that such activities do not negatively affect the resources on the Project Site. Vegetated buffers and height limitations shall be implemented as necessary to ensure that resources and planned outdoor recreation activities on the project site are sufficiently protected from the adverse impacts of adjacent land uses.**

The FDEP website highlights the importance of Brevard in green nesting numbers - with Brevard having approximately having half of the green sea turtle nesting in Florida. As well, while Archie Carr Refuge is the most important nesting in Brevard - Hightower was designated second highest according to Dr. Ehrhart, UCF for greens. With a current green sea turtle mortality event (there was a lot of plastic coming in from Bahamas with high east winds); and loss of sea grass in Indian River Lagoon we CANNOT assume the positive trend will continue - given the manatee mortality event presently as well. As the Federal Recovery Plan of 1991 highlights - the need to protect beaches from lights is important - which is why funds were prioritized for the preservation of Archie Carr Refuge and Hightower. For comparison: For perspective: "The number of egg clutches deposited by green turtles in Florida was 736 in 1985, 350 in 1986, 866 in 1987, 466 in 1988, 559 in 1989, and 2288 in 1990 (Conley and Hoffman, 1986; FDNR, unpubl. data)." https://ecos.fws.gov/docs/recovery_plan/911126c.pdf

FWC Fish and Wildlife Research Institute
Statewide Nesting Beach Survey Program
Green Turtle Nesting Data, 2016-2020
 Source: FWC/FWRI Statewide Nesting Beach Survey Program Database as of 9 February 2021

County	2016	2017	2018	2019	2020
Nassau	1	9	1	7	4
Duval	2	6	1	4	3
St. Johns	26	52	16	74	47
Flagler	23	218	16	251	124
Volusia	157	2,310	143	2,467	1,459
Brevard	1,987	25,891	1,598	25,609	12,203
Indian River	263	2,510	240	2,389	1,219
St. Lucie	247	991	201	1,257	586
Martin	749	5,854	765	5,720	3,899
Palm Beach	1,582	13,263	1,277	12,612	6,125
Broward	138	665	136	787	277
Miami-Dade	0	35	10	47	8
Monroe	145	665	71	793	217
Collier	2	3	0	16	6
Lee	6	59	9	91	43
Charlotte	16	147	21	233	76
Sarasota	39	305	37	484	227
Matee	1	8	0	17	1
Hillsborough	0	0	0	0	0
Pinellas	0	0	0	0	3
Franklin	0	26	0	46	34
Gulf	0	24	0	44	36
Bay	1	17	4	26	20
Walton	7	22	0	17	31
Okaloosa	1	8	0	10	4
Santa Rosa	0	5	0	2	0
Escambia	0	9	0	8	4
Yearly Statewide Totals	5,393	53,102	4,546	53,011	26,656

Ironically, that report also had PAFB put into place lighting plan - and unfortunately PAFB/AF failed our community when they privatized with not fulfilling the federal requirement for the USFWS Section 7 Consult BO providing lightening restrictions in perpetuity. FOIA in place for 2000 BO. Covenants:

C. Threatened or Endangered Species. The Grantee acknowledges that The United States Fish and Wildlife Service (the "USFWS") and the State of Florida Fish and Wildlife Commission (the "Florida FWC") have listed certain species as threatened or endangered or Species of Concern and have identified potential habitat for certain of such species, as those terms are defined in the Federal Endangered Species Act of 1973, the Florida Endangered Species Act, and Chapter 68 of the Florida Administrative Code, as each may be amended or superceded from time to time, and which are either present or transient on certain portions of the Property. In furtherance of the use of the Property and for the protection of the threatened or endangered species and potential habitat on the Property, the Grantee covenants and agrees to comply with all applicable Federal and State laws, regulations, rules, orders and programs relating to threatened or endangered species or species of concern, or their potential habitat, on the Property, including, without limitation, the obligation to consult with the USFWS or the Florida FWC as necessary and appropriate in connection with the construction and development of new improvements on the Property; and to promptly develop and comply with any threatened or endangered species or potential habitat conservation, mitigation, or recovery plan for the Property as may be required and approved by the USFWS or the Florida FWC.

Leased property BO:

PAFB. The South Housing/Pelican Coast Area is located south of PAFB (off-base). The housing areas are located along the Atlantic Ocean coastline in Brevard County, Florida.

Prior to January 2001, the 45th Space Wing (SW) managed exterior lighting in accordance with a Biological Opinion (BO) dated May 2, 2000. The design and use of exterior lighting was addressed in this BO. On January 12, 2001, the Service received a letter requesting re-initiation of consultation from the Air Force. The Air Force proposed to privatize the South Patrick Housing Project. It was determined that this action "may affect" nesting and hatching sea turtles that may be disoriented from artificial lighting visible from the beach. The Service provided deed restriction text on July 3, 2001, and June 3 and 24, 2003, in response to the consultation letter.

On July 31, 2008, the Service received an email from Keitha Dattilo-Bain, a representative of the 45th SW. The email contained the draft EA for the proposed U.S. Air Force Military Family Housing Privatization Initiative at PAFB.

The proposed privatization "may affect" the loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*) and Kemp's ridley (*Lepidochelys kempi*) sea turtles. We submit the following comments in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*).

The following requirements must be included in the deed restrictions in perpetuity. Lighting on this property will be available for inspection and enforced throughout the housing units.

1. Street lighting associated with the housing units will be replaced with full-cut-off fixtures with low-pressure sodium lighting and a pole height no higher than 20 feet.
2. Porch lighting and floodlights will be replaced with low-pressure sodium lighting that is shielded and directed downward.
3. From March 1 through October 31 each year, exterior lights at all ball fields will be turned off by 9pm each night and may not be turned on again until after sunrise.
4. At no time should metal halide or mercury vapor lamps be installed on this property. No up-lighting is permitted anywhere on the property.
5. Exterior fixtures mounted to homes will be replaced with "downward-directed lights only" to direct lights where needed for safety and security and to ensure no up-lighting and unnecessary lateral light spread.
6. Interior lights will be minimized with light-blocking blinds or curtains.
7. A lighting survey will be conducted each year prior to March 1. Any lighting source or reflected lighting source visible from anywhere on the beach must be

This video snip of the Ordinance 1135 - <https://www.facebook.com/WavesAction/posts/2422506374631829> highlights that the city manager misrepresented this ordinance as a clerical change - not giving the developer additional rights. What the city did in actuality was to insert the word "commercial" into the zoning giving the developer right to hotel or mall - FCT was not notified as required by agreement. This change puts intensity use on the preserve. The city was quiet for 2 years about the actual ordinance change until 2019 which corresponds to the state laws for period of time an ordinance can be rescinded for malfeasance. In 2019, city introduced ordinance 1177 to approve a large 85 foot hotel which exceeds comp plan FAR by 30%. Additionally, the FCT grant has language protecting the preserve from adjacent property height and uses. The comp plan approved for the FCT grant limited height to 25 feet 2 stories. I can see no way for the city to resolve the matter under the preserve agreement - however - at this time we are requesting that the State, Federal (CW) (and County) give notice of violation of agreement.

Given the criminal background of developer - which appears has been federally prosecuted and served time for fraud - we also feel an investigation may be appropriate to determine if there were unethical financial influences for the city's actions. (google Jimmy Winemiller + scandal). Here is most recent case: <https://katv.com/news/local/little-rock-man-sentenced-to-5-years-in-prison>

the southern boundary of the town of Melbourne Beach. Inspection of the table and graph will show that loggerhead and green turtle nesting in the half kilometer immediately south of the steps at Hightower Beach Park exceeded that in the surrounding area in eight of the nine years since the inception of the surveys.

It is true that the densities of nests of both species are not as great as those at the Archie Carr National Wildlife Refuge, located south of Melbourne Beach, but it should be remembered that the Carr Refuge is the most densely nested loggerhead beach in the Western Hemisphere. The numbers of nests of both species of turtles allow one to rank Hightower Beach with all but the very best nesting beaches in this country. It is worth pointing out that the green turtle is an especially wary, easily frightened species. It requires dark, undisturbed stretches of beach such as that which now exists at Hightower. The data on the attached graph show clearly that green turtles have been seeking out that stretch of beach for years and it is clear that its acquisition and the preservation of its natural attributes would make a significant contribution to the recovery of both species.

I trust you will honor your agreements and put this right for the protection of Loggerhead and Green sea turtles in the county with the most nesting! I hope and trust none of your entities will agree to modify the agreements with the City which serve to protect the endangered and threatened sea turtles.

Sincerely,
Sandra Sullivan

----- Forwarded message -----

From: **Sandra Sullivan** <s2sully@gmail.com>

Date: Tue, Mar 2, 2021 at 1:48 PM

Subject: Re: Violation of Oceanside Wildlife and Habitat Preserve Agreement

To: Debbie <mayfield.debbie@flsenate.gov>, <thad.altman@myfloridahouse.gov>, Rita <Rita.Ventry@dep.state.fl.us>, Rebecca <Rebecca.Wood@floridadep.gov>, <GovernorRon.DeSantis@eog.myflorida.com>, Jackson, David <David.Jackson@mail.house.gov>, <James.Stansbury@deo.myflorida.com>, Trindell, Robbin <robbin.trindell@myfwc.com>, Valenta, Valentina <valentina.valenta@mail.house.gov>, <Richard.Flamm@myfwc.com>, Kate Mansfield <Kate.Mansfield@ucf.edu>, Erin Seney <erin.seney@ucf.edu>, Bentley, Eden <Eden.Bentley@brevardfl.gov>, <bill.posey@mail.house.gov>, SMOLINSKY, FRANK T GS-15 USAF HAF SAF/BLDG PENTAGON, 4B941 <frank.smolinsky.1@us.af.mil>, Aaron Watkins <aaron.watkins@dep.state.fl.us>, Ayn Samuelson <aynsamuelson@cfl.rr.com>, Dziergowski, Annie <annie_dziergowski@fws.gov>, Frutchey, Karen P <karen_frutchey@fws.gov>, Tawes, Robert <robert_tawes@fws.gov>, Reeves, Linda <linda.reeves@dep.state.fl.us>, <Angie.Bright@dep.state.fl.us>, <ombudsman@floridadep.gov>, <Marjorie.Karter@dep.state.fl.us>, <blm_es_inquiries@blm.gov>, Elise Bennett <EBennett@biologicaldiversity.org>, STPS Chair <stpschair@seaturtlespacecoast.org>, Alec Buchness <chair@sebastianinlet.surfrider.org>, Gary Appelson <gary@conserveturtles.org>, Paul Owens <powens@1000fof.org>, <Maggie.Thompson@doi.gov>, <Martha.William@doi.gov>, <Shannon.Estenez@doi.gov>, <Mike.caldwell@nps.gov>, <Stan.Austin@nps.gov>, Doc Ehrhart <lmehrhart@att.net>

Ms. Karter et al,

I am writing to request action to enforce state and federal covenants on Hightower Park Preserv in Satellite Beach, Florida in order to prevent the monetization of conservation lands as funded by the State and Federal

government. We have about 25,000 state signatures and 60,000 federal signatures on a petition: <https://www.thepetitionsite.com/608/023/582/stop-high-rises-on-satellite-beach/>

The federal agreement is here: https://drive.google.com/file/d/1RVRomuBrk70_JIlfZcwKHdqoA11-VvQR/view?usp=sharing;

The state agreements are here: <https://drive.google.com/drive/folders/1nrGZGjF34xUjhej1imyhe4DYJFJlr1A?usp=sharing>

The below proposed skytower from commercial use development intends to use the preserve.



In addition, the city approved a HF Radar system which is also non-public use as it is private university application. There has not been a plant survey done in 20 years (supposed to be done) and we are concerned of impact to the endangered and threatened plant species which are not allowed to be disturbed. The county had offered an alternative site be considered which is Canova Beach.

<https://www.facebook.com/groups/WavesAction32937/permalink/2769166606747206/> and More information: <https://drive.google.com/file/d/1EOM-ecnXbH38wEoKiWr4-6Du2St7O2Lc/view?usp=sharing> Petition is: <https://www.change.org/ProtectPreserve>



I am requesting the county, state and federal action under the agreements for the protected State FCT/Federal LW funded Hightower Park Preserve in Satellite Beach, Brevard County, Florida (<https://drive.google.com/drive/folders/1nrGZGjF34xUjhej1imyhe4DYJlrx1A?usp=sharing>).

We request that both the FCT preserves in Satellite Beach become either a State Preserve or Federal Refuge in order to protect these important "Exceptional Environmental Value" lands as an intact coastal strand with endangered and threatened plant species, threatened southern mouse, and **highest endangered green sea turtle nesting** north of Archie Carr Refuge as well as **endangered and threatened sea birds**. The State and Federal Hightower agreements are for limited recreation, public use, education and conservation of Hightower Park

We also request that the Air Force Secretary fix mistakes in privatization of "adjacent" property (selling to bankrupt company that resulted in lack of ensuring legally compliance: https://archive.org/embed/podcast_bill-moyers-journal-video-expose-a-private-war_1000047733944) as the "adjacent" property which is referenced in the FCT covenants. Air Force needs to be required to acquire back the PCN3 property and an equal area south of their former South Base Housing that is adjacent to the Preserve. I would suggest that as goodwill to the harm they have done that these additional lands be considered as permanent buffer the preserve (and protect from impact) for the nesting of least terns and other nesting sea birds that were identified to inhabit the south base housing. (Satellite Beach is a bird sanctuary in Comprehensive Plan but as built out has loss of habitat). In this way, I suggest that the "adjacent" former Air Force lands become part of the park for **migrating birds and sea birds**. The endangered least terns like flat roof applicable to pavillions.



With respect to former Air Force lands, Satellite Beach has approved intensity hotel and condos - 85 feet - with skybridge into the Preserve from commercial property in an attempt to monetize the preserve. Both the approval of intensity hotel use of the Hightower preserve (with skybridge into preserve) and HF Radar which are both non-public use and a change of use. Requesting the County, State of Florida and Federal entities responsible, give notice to the city of Satellite Beach to correct their deficiencies of the FCT and LW agreements with respect to the Hightower Park Preserve.

The State's FCT management agreement specifies minimizing human activity, public use, height limitations and land use restrictions on adjacent property (former PAFB Housing); The LW agreement specifies "public," "limited recreation" - with both specifying "conservation". Neither hotel/condos on adjacent property with skybridge into the park; nor radar tower use meet these terms. FCT is designed to incentivize comprehensive plan changes which are detailed in the Management Plan. The former County park is part of the FCT "Project Site" per the State management agreement and planning accordingly; and is also under County deed covenants restrictions and interlocal agreement between County and City for public use only and no differential in fees.

I am requesting FDEP and LW to give notice to Satellite Beach for violating the FCT & LW Agreements and give them the allotted time to correct the deficiencies and as needed followup per agreements.

<https://drive.google.com/drive/folders/1nrGZGjF34xUjhej1imyhe4DYJfJlrx1A?usp=sharing>

Federal agreement pertaining to Hightower

(https://drive.google.com/file/d/1RVRomuBrk70_JlIfZcwKHdqoAl1-VvQR/view?usp=sharing) Here are two brief snippets from the agreement:

- Other Pertinent Information:** The entirety of Hightower Beach Park consists of 18.5 acres of oceanfront public conservation land. Of this acreage, Brevard County owns the 1.6-acre central portion of the park in the vicinity of which are located the modest improvements cited above; Satellite Beach acquired 15.3 acres bracketing the County portion with Preservation 2000 grant funds; and the State of Florida TITF owns 1.6 acres on the north and south ends of these public conservation lands. In 2001 the City negotiated an agreement with the County (automatically renewed annually to extend 25 years into the future) to manage the County's portion of the park; this agreement also incorporates the County's management agreement with the State. As a condition of the Preservation 2000 grant award, Hightower Beach Park is restricted to public open space, limited recreation, and conservation use in perpetuity. The proposed project will fulfill these conditions. The boardwalk will enhance public access to the conservation lands without disturbing them, providing greater public access and better resource protection than the mulched nature trail now affords. Importantly, the restrooms included in the project will be the only such facilities accessible to the public within 0.5 mile of the beach access.

As is made clear in this land survey - the intent of the LW agreement pertains to both the former County Park and the FCT acquired lands - referred in the FCT management agreement as "project site" and in the LW agreement as the area of the agreements:



Permission for change of use:

**NOTICE OF LIMITATION OF USE/
SITE DEDICATION**

This Notice of Limitation of Use/Site Dedication gives notice that the Real Property identified in the project agreement and the boundary map, attached hereto as Exhibits "A" and "B," respectively (the "Property"), has been acquired by or developed with Federal financial assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended. Pursuant to requirements of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the Secretary of the Interior. By law, the Secretary shall approve such conversion only if he finds it to be in accord with the existing Statewide Comprehensive Outdoor Recreation Plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

Here is a clip from the FCT Covenants: The Covenants protect the sea birds and the sea turtles. Listed species also included endangered and threatened plants and an threatened mouse.

6. The Project Site shall be managed in a manner that protects and enhances habitat for listed wildlife species that utilize or could potentially utilize the Project Site, including marine sea turtles and shore birds. The FCT Recipient shall coordinate with the Department of Environmental Protection's Office of Protected Species Management on the management of the Project Site for the protection of listed species and listed species habitat. The FCT Recipient shall also conduct periodic surveys of listed species using the Project Site and develop informational signs relating to the protection of listed animal species and their habitat.

GAA\98-044-P8A
August 30, 1999

8



7. Adjacent development activities shall be monitored through the development review and approval process to ensure that such activities do not negatively affect the resources on the Project Site. Vegetated buffers and height limitations shall be implemented as necessary to ensure that resources and planned outdoor recreation activities on the project site are sufficiently protected from the adverse impacts of adjacent land uses.

The intended high intensity hotel is on the site of the former South Base housing is "adjacent" property - which is a legal term in planning. The Air Force neglected to include the existence of the Hightower Preserve in their Environmental Phase 1 reports (<https://drive.google.com/drive/folders/18D2GAak2pnqd8Irl6OPUBaVJK-XQJlje?usp=sharing>) - nor ensuring the federal regulation of USFWS Section 7 consult referenced in these reports: <https://drive.google.com/drive/folders/1kHre0am7UWDCxtgqJZgr4APHImplWTgl?usp=sharing> Therefore, Air Force is also responsible.

The land use restrictions and height limitations on the adjacent property that are defined by the comprehensive plan approved at that time. <https://www.linkedin.com/pulse/adjoining-v-adjacent-brett-hayward/> FCT gives grants to incentivize making comprehensive plan changes that are optional. Height limitations predating the City Charter - specify height at 25 feet. City also has not done periodic surveys of listed species in management agreement. Nor required signage requirements (including their website as advertising). From the Comprehensive plan, which also included capping density on CHHA and no moving density on CHHA. This property was capped in 1999 at 999 units. When city requested State to approve density increase, the County wrote formal objection to DEO: <https://drive.google.com/drive/folders/1-Yq3ZGpcVI3nbg2Qm1j1n8khUllba6zS?usp=sharing>

The area west of SR A1A has a zoning height limit of 25 feet for all structures and an orderly development pattern consisting of low-density residential uses, low-intensity commercial uses, institutional uses, and public facilities giving the area an open and uncongested character. There is no evidence of physical obsolescence or deterioration of structures and current codes adopted by the City and policies included in this comprehensive plan should help assure prevention of such conditions.

If the city is not able to correct the deficiencies (which we see no way to do so), then the Hightower Park Preserve lands need to be moved into the trust per the agreement. I would urge the state to consider the opportunity to either turn this into a State Park or as a Federal Refuge. One option is part of the Archie Carr National Refuge, since they were never able to get all the lands to complete that project as suggested by

Congressional Posey's staff, David Jackson.

As I am also encouraging the Pentagon to do condemnation on the PCN3 as well as other "adjacent" former DOD lands bordering the Preserve - alternatively consider a new refuge called Space Force Refuge. The federal government bears responsibility in addition to the city, as the "adjacent" lands are former PAFB South Base housing and DOD failed to include the preserve in the Phase 1, nor ensure the appropriate federally required USFWS Section 7 consult was done. However, the city is responsible for pushing the plans to put a hotel and skybridge to put commercial high intensity use on "limited recreation" and "conservation" lands for public use only.

It is very concerning and an investigation is warranted that, FCT's Ms. Wood allegedly said that the city was in compliance - according to City Manager who has read Ms. Wood's emails to the public on several occasions including last week. In the original application, the city was to acquire commercial track for access to park but when that fell through Hightower Park park became the access and according to management agreement part of the "Project Site." <https://drive.google.com/drive/folders/1nrGZGjF34xUjhej1imyhe4DYJfJlrX1A?usp=sharing>

I will presume from the lack of response to my records request to FCT (to show that City of Satellite Beach was not in compliance with agreement) further supports claim. I presume therefore, that we have instances of violations:

- 1) The commercial skybridge into the preserve access is the most egregious putting intensity use directly on the preserve.
- 2) Vue hotel exceeding the "height limitations and land use restrictions" as specified as 25 feet 2 stories in comp plan and public use only.
- 3) parking lot exceeding the ~20 additional spaces for Hightower specifically (50 for both parks)
- 4) HF Radar which is not public use and would disturb the endangered and threatened plant species (not allowed to be disturbed under management agreement)
- 5) In addition, there are numerous other deficiencies from the management agreement and covenants.

When the city approved the development permits, no mention is made of state FCT approval ahead of taking action that will impact the preserve. I was the one who contacted FCT. No mention is made of the required approval and modification of LW agreement - with state and federal entities. There is no mention of the federally required FWS Section 7 consult for endangered species for former federally properties being developed. In fact, the PAFB consult restricts lights being seen on the beach - which 85 foot buildings and hotel with rooftop restaurant/bar/pool would certainly be seen. In the developer's application for hotel and possible impact on Preserve, just said no anticipated impact: <https://drive.google.com/file/d/14cm-7Gwqy0kJDakR-OwPu-8szelmSZXI/view?usp=sharing> Even though we had communicated with City, the UCF data comparing an intensity usage to the preserve on the mid-reach and this showed would impact. <https://drive.google.com/drive/folders/1xVxw5K4qetYLX8DCSyhon06beh3k3ZE?usp=sharing> City Manager had committed to an impact study from UCF from City Council meeting but then went ahead and approved project without same. We have also communicated to the city about the lack of regulatory Section 7 consults. The Air Force cannot release their obligation for the federal consult nor CERCLA issues - which they may have tried to do but the covenants don't say what they released.



Environmental Impact Statement:

The existing site was previously developed as a military housing site and therefore the site contains no wetlands, watercourses or environmentally sensitive lands. The site lies outside of the limits of the FEMA 100 year flood plain. No environmental impacts related to wetlands or endangered species are anticipated.

We have been documenting how poorly the preserve is being maintained. The lack of trash pickup resulted in a loss of nearly all the sea turtle nests on the Project site this season; with the city in council meeting saying visitors should take their trash home if it is overflowing. The consequence was the attractive nuisance of racoons and documenting the loss of preserve's nests. FWC stepped in with oversight - but it remains the racoons have not been trapped as required under the agreement. The educational signs are 2 which are old and faded and largely lacking; no education on the preserve even before Covid; stay off the dune signs not on the beach side on the posts that are there; up to a couple weeks ago faded - unreadable on the parking side; FCT required signs missing or in poor condition; no acknowledgement of funding on website and other advertising material. The homeless trash remains in the preserve for months, saw palmettos regularly picked and damaging preserve, security cameras broken, invasive species not addressed in manner specified, no periodic species surveys, no periodic burning, paths through preserve not addressed etc...the list goes on. <https://drive.google.com/drive/folders/1iLN2fiF9e0XmAkVN7P5HYhybnfzH2rlc?usp=sharing>
<https://www.facebook.com/groups/WavesAction32937/permalink/2586092895054579/>



However, these issues pale in comparison to the commercialization and monetization of conservation lands if the state and federal government do not step in to save Hightower Park Preserve. We are running out of time to act; as you know once it is built there is no going back...

Sincerely,

Sandra Sullivan

954.224.8624

Repository of documents:

<https://drive.google.com/drive/folders/1BBYCrK5Rdf-uNWCqg59kherW0UiAr662?usp=sharing>

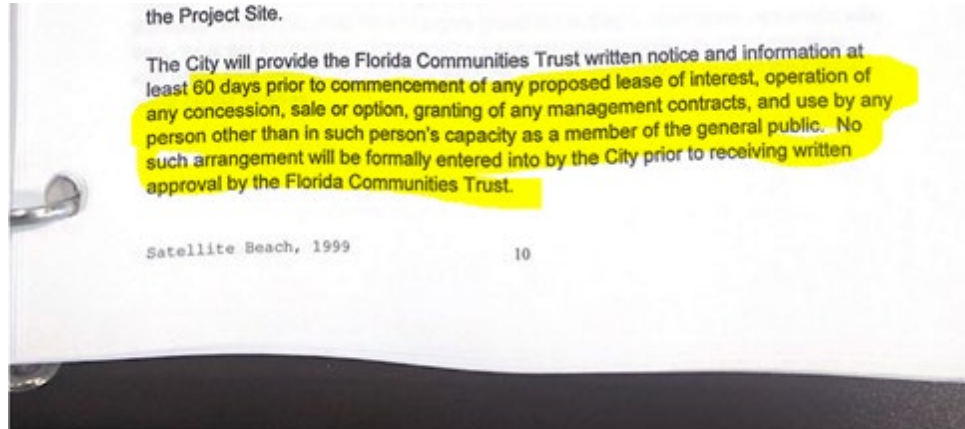
On Sun, Sep 20, 2020 at 8:43 PM Sandra Sullivan <s2sully@gmail.com> wrote:

Dear Ms. Rita Ventry,

In response to Satellite Beach's intent to put a hotel opposite Hightower Preserve: **This is a public records request for a copy of the notification and documentation to your office that the city of Satellite Beach's provided your office for intent to have a commercial hotel have use of the FCT Hightower Preserve site for skyway.**

The city approved these plans and we are requesting a public records request that the city of Satellite beach provided your office written notice and information at least 60 days prior to granting and approving

development plan for a skybridge into the preserve. Thank you for your cooperation in this matter.



Also as part of this Records Request, please also provide a copy of the last two Annual Reports submitted by the City of Satellite Beach:

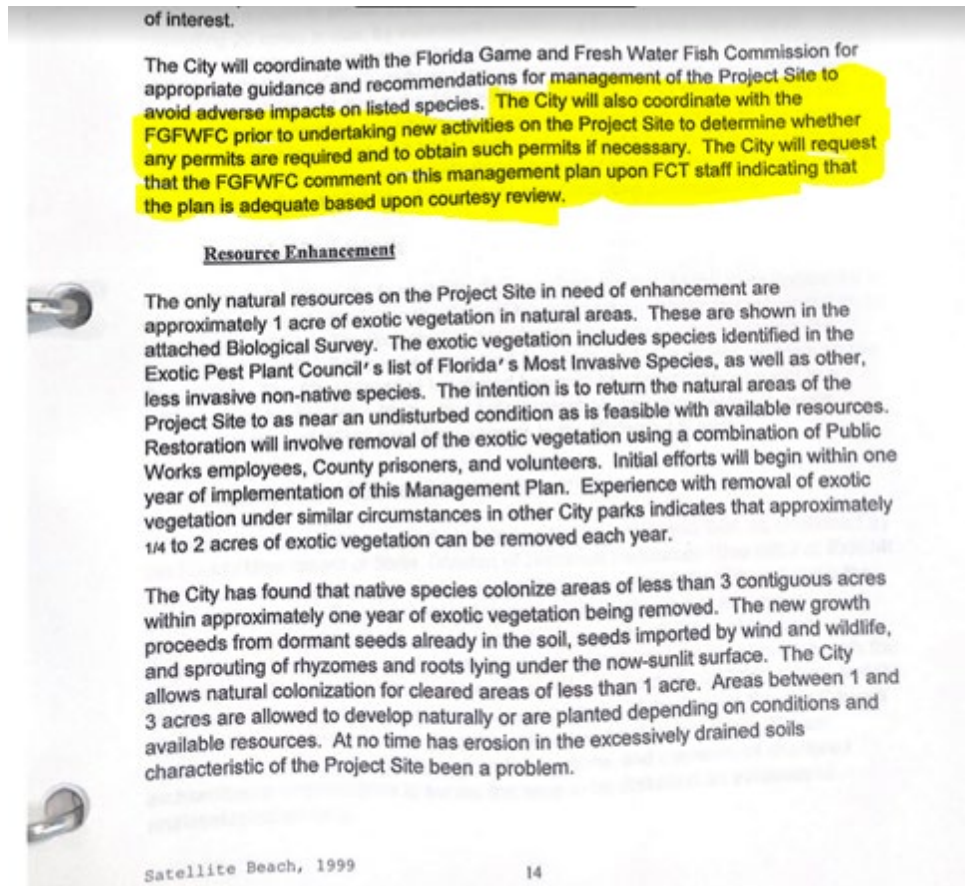
7) Monitoring and Reporting:

The City will prepare and forward to the Florida Communities Trust prior to the anniversary date of Project Plan approval an Annual Report evaluating implementation of the Management Plan. The Report will include an evaluation of the degree of success in implementing the Management Plan. The Priority Schedule will form the basic criterion for evaluating the degree of success in implementing the Management Plan. In the event that the City determines that it is necessary to update the Management Plan, they will notify the Florida Communities Trust in writing of the proposed changes. Changes will be implemented only with the prior written approval of the Florida Communities Trust.

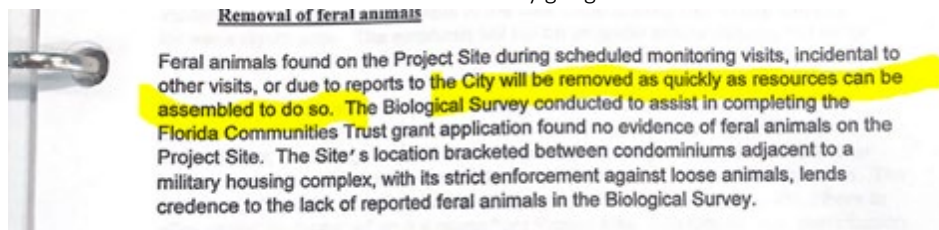
Also as part of this Records Request, please provide me a copy of all FCT correspondence from and to the City of Satellite Beach for the duration of 1 January 2019 to present.

The Hightower Preserve is more important today than it was 20 years ago when it was identified as having turtle nesting numbers second only to Archie Carr - no doubt because of the relatively rare reef inshore that is habitat to sea turtles for food and protection. It is even more important today because there is 1) loss of 46% of sea grasses in lagoon (their food) in the lagoon according to Dr. Duane Defreese; and 2) 60% more PV disease due to contamination in lagoon according to Dr. Erin Seney, UCF. So this area of beach is even more important for the State to protect as vital for the survival of the endangered green sea turtle.

I would like to bring your attention to the Project Plan's Management Agreement which indicated FGFWFC input on any chance of activities on this site. The concern is the city will have to apply both for the skyway and change from public use only - to allow commercial use of a hotel. We DO NOT WANT TO SEE THIS CHANGE OF USE AS FEEL THE EVIDENCE IS IT WILL HARM THE PRESERVE. <https://drive.google.com/drive/folders/1nrGZGjF34xUjhej1imyhe4DYJFJlrX1A?usp=sharing> (See



Just with a small increase in intensity use since Covid 19 - we lost most if not all of the sea turtle nesting this summer as a result of trash overflowing which is an attractive nuisance to raccoons. While the FWC's intervention helped the City fix the trash issue, it remains the raccoons have not been trapped and the eating of the nests continued - which I documented in my google drive.



Your office has communicated with the City of Satellite Beach that they have not violated the Preserve Agreement, **however approval of the Vue development Plan does in several regards - IN PARTICULAR THE SKYBRIDGE WHICH VIOLATES THE PUBLIC USE ONLY - THIS IS A COMMERCIAL USE.** (Our concern is once sold the new developer will push for more density)

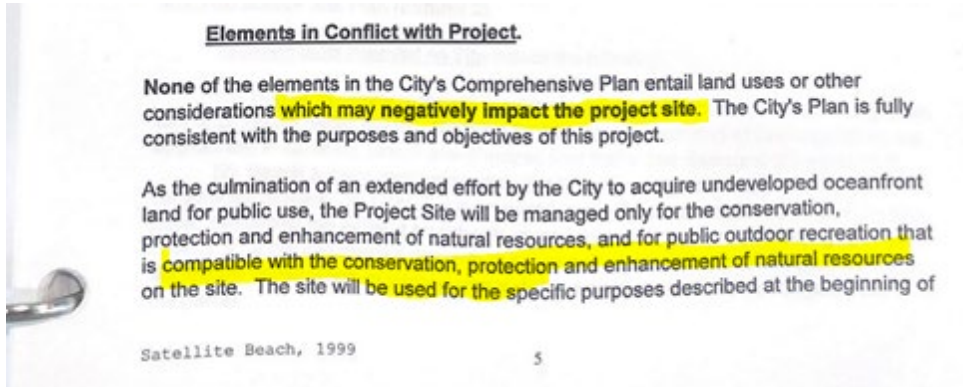
<https://carpenterkessel.com/homes-for-sale-details/1568-HIGHWAY-A1A-SATELLITE-BEACH-FL-32937/864206/83/>



Listing #885292

This offering is for The Vue Satellite Beach consisting of 72 platted and approved single family lots. Current infrastructure and amenities are under construction with deliverability scheduled for March 2021. Each lot is priced at \$220,000. The Vue will be anchored by three condominium buildings, and most notable a four-star hotel that would have a skybridge connecting the hotel lobby with Hightower Beach Park across A1A. See attached survey for details and legal: The Vue At Satellite Beach, Block A lots 1-8, Block B lots 1-36, Block C lots 1-7, Block D lots 1-21

According to the Project Plan (<https://drive.google.com/drive/folders/1LPwnmsZgk1kWKwM-gh0l38kWfTPUkU5B?usp=sharing>) - which outlined the comprehensive plan amendments that needed to be satisfied before any disbursement of grant -



And also in this document:

6. The Project Site shall be managed in a manner that protects and enhances habitat for listed wildlife species that utilize or could potentially utilize the Project Site, including marine sea turtles and shore birds. The FCT Recipient shall coordinate with the Department of Environmental Protection's Office of Protected Species Management on the management of the Project Site for the protection of listed species and listed species habitat. The FCT Recipient shall also conduct periodic surveys of listed species using the Project Site and develop informational signs relating to the protection of listed animal species and their habitat.

Funded/Joint Acquisition/98-044-P8A
11/6/98
FINAL

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The UCF Monitoring report shows that intensity use by a hotel will negatively impact the project - as in this report they compared a hotel used area to the Preserve area: <https://drive.google.com/drive/folders/1xVxw5K4qetYLX8DCSyhon06beh3k3ZE?usp=sharing> A hotel is not compatible with conservation. The city is trying to get the county to release covenants that restrict the park to "public use"; and FCT will be next. Our community wants to be clear that this is unacceptable use for a preserve. Our community wants this preserve protected.

I have also documented that the preserve is not being maintained by the city of Satellite Beach - AND THE IMPACT OF A MODERATE INCREASE IN HUMAN ACTIVITY. **We lost all of our sea turtle nests this season to racoon predation** (and extensive dune damage)- and still it remains the city has not trapped the racoon. **What will an order of magnitude more people on the beach do to harm preserve?**

FWC Dr. Trindell is well aware of this issue and worked with the city to pick up the trash in trash cans more frequently. Over the past few months there has been increasing damage to the dunes throughout the preserve - as folks were harvesting the saw palmettos - had the city been there to service they would have noticed - although illegal to pick when I called the police they came gave the guy a warning - did not take the berries and he continued picking for another 20 minutes. He made \$80 he told me the day before. There were several paths from A1A as well through the dunes for this activities - the entire preserve picked over. There remains extensive damage. The signs are faded for keeping off the dunes with paths worn on the north side of the parking lot. Other environmental signs are worn and faded as well. There is no thinning of trees, or periodic burning -

Periodic reduction of biomass through controlled burns or mechanical thinning will entail assembly of substantial resources and their application in accordance with well-established best management practices. The first step will be to develop a draft burn/biomass management plan for natural areas on the Project Site. This plan will

And they are using herbicides to kill invasive plants. They are not cutting 10 foot trees - like carrot wood they are simply spraying with herbicides.

Foot traffic will be controlled by posting with signs and planting native species which obstruct foot traffic (such as cacti). Exotic vegetation will be removed using hand tools, chain saws, and a backhoe. Cut exotic trunks will be treated with a herbicide to kill them and prevent their sprouting with new growth. These two tasks can be initiated as soon as the property is accessible and the modest resources needed can be mustered.

Satellite Beach, 1999

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The irrigation is long gone - trees died are left dead indefinitely, and there is garbage on the ground throughout the preserve. It is a disgrace.

Maintenance

The Project Site contains facilities and natural features which require periodic, recurring, or occasional maintenance. **Trash containers on the site will need to be serviced on a regular basis.** The existing commercial building will need periodic painting. It will also need servicing for air conditioning, plumbing, electrical, and structural components to prevent deterioration or to correct defects which develop over time. The existing parking lot will need to be relined and resurfaced periodically. The existing dune crossover and the proposed new boardwalk will need to be repaired, and eventually replaced, as the structures age. **Signs on the project site will need to be repaired and replaced as they age.** The landscaping on the commercial tract will need to be mowed and trimmed on a periodic basis. Exotic vegetation which is present or becomes established within the natural vegetative communities on the Project Site will need to be removed. **Natural vegetation on the site will need to be reduced on a recurring basis** (over periods of 5 to 10 or more years) by fire or mechanical means to preserve the natural functioning of these pyrogenic regimes.

The City's Public Works Department will be responsible for all aspects of property maintenance for the Project Site. This will entail Public Works employees accomplishing the tasks themselves, using the services of county prisoners or commercial contractors, or coordinating volunteer efforts. All these means of accomplishing necessary maintenance are routinely used for the City's other parks.

This is an idea of the lack of maintenance:



2. A permanent recognition sign shall be maintained in the entrance area of the Project Site. The sign shall acknowledge that the Project Site is open to the public and was purchased with funds from the Florida Communities Trust Preservation 2000 Program and the Recipient. Such recognition shall also be included in all printed literature and advertising associated with the Project Site.

While there is one of these signs to the north and south of the project, there is none giving credit to the FCT at the entrance to the park. **In fact, hardly anyone knows locally this is a preserve. Maybe the park should be renamed Hightower Preserve! Or better yet Green Turtle Preserve.**

The homeless were living in the preserve doing a lot of damage off of the boardwalk. I called the police a few

times. They came when called but the homeless continued living under the boardwalk and in the palmettos - as you can see their stuff stashed in bushes and the damage through the plants. The police would have known they were living on the pavilions during the day if they were doing regular patrols - the transients with stealing bikes and changing them about had the security cameras been working too. Two cameras on larger pavillion; one on smaller pavillion and one in the parking lot - NONE working.

Security

The City's Police Department will be responsible for security at the Project Site, as they are for all other public sites within the City. The same means for providing security will be employed at all sites. These include regular patrols by uniformed officers and by Citizens On Patrol (a volunteer organization operated by the Police Department). As the need arises, volunteer Park Rangers (used at the City's other parks) will assist with security at the Project Site. Patrols will be augmented as needed by other available and necessary means, including surveillance and video recording, used at the City's other public facilities.

I asked the city about periodical surveys and they said are not doing them. The forms are in the Project Plan Binder but have not been used. Did you know the site no longer has any scrub jays and there used to be quite a few there.

The City will conduct a scheduled biological monitoring visit of the natural areas of the Project Site twice annually, once during the growing spring and summer seasons and once during the dormant autumn and winter seasons. The visit will entail a walk throughout the area looking for the presence of listed plant and animal species, invasive exotic plant species, feral animals, and evidence of inappropriate human

In conclusion, I look forward to hearing back from your office regarding the records requests requested.

Sincerely,
Sandra Sullivan
954.224.8624

preserve for HF radar and hotel intensity use.
<https://www.thepetitionsite.com/608/023/582/stop-high-rises-on-satellite-beach/>

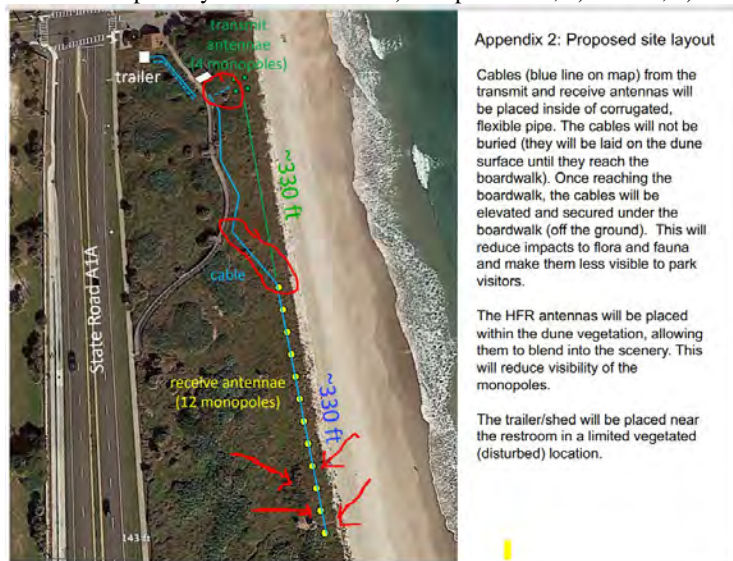
Sincerely,
Sandra Sullivan
WAVESaction LLC

----- Forwarded message -----

From: **Sandra Sullivan** <s2sully@gmail.com>
Date: Sun, Jul 25, 2021 at 9:26 PM
Subject: FCT Hightower in Satellite Beach, FL: HF Radar
To: Rebecca <Rebecca.Wood@floridadep.gov>, LaSeur, Lois <Lois.LaSeur@dep.state.fl.us>, Rita <Rita.Ventry@dep.state.fl.us>, Commissioner, D1 <D1.Commissioner@brevardfl.gov>, Lober, Bryan <Bryan.Lober@brevardfl.gov>, Commissioner, D3 <D3.Commissioner@brevardfl.gov>, Commissioner, D5 <D5.Commissioner@brevardfl.gov>, <randy.fine@myfloridahouse.gov>, <thad.altman@myfloridahouse.gov>, Debbie <mayfield.debbie@flsenate.gov>, <abigail.jorandby@brevardfl.gov>, Bentley, Eden <Eden.Bentley@brevardfl.gov>, <bill.posey@mail.house.gov>, <GovernorRon.DeSantis@eog.myflorida.com>, Abbate, Frank B <frank.abbate@brevardfl.gov>, Elise Bennett <EBennett@biologicaldiversity.org>, <ombudsman@floridadep.gov>, Jacki Lopez <jlopez@biologicaldiversity.org>, Sarah Rhodes-Ondi <sarah@conserveturtles.org>, Trindell, Robbin <robbin.trindell@myfwc.com>, Dziergowski, Annie <annie_dziergowski@fws.gov>, Sirois, Tyler <Tyler.Sirois@myfloridahouse.gov>, Rinaldi, Angelique <Angelique.Rinaldi@myfloridahouse.gov>, <Ashley.Holton@myfloridahouse.gov>, Dimond, Jacob <Dimond.Jacob@flsenate.gov>, <gwen_smith@nps.gov>, <Stan.Austin@nps.gov>, <Mike.caldwell@nps.gov>, <Jeremy.edwardson@fws.gov>, <blm_es_inquiries@blm.gov>, Tawes, Robert <robert_tawes@fws.gov>, Frutchey, Karen P <karen_frutchey@fws.gov>, <Martha.William@doj.gov>, <Shannon.Estenez@doj.gov>, <Maggie.Thompson@doj.gov>, Commissioner, D2 <D2.Commissioner@brevardfl.gov>, Gavin, Patrick <Patrick.Gavin@mail.house.gov>, Valenta, Valentina <valentina.valenta@mail.house.gov>, Jackson, David <David.Jackson@mail.house.gov>, <david@conserveturtles.org>

Dear Ms. LaSeur and Ms. Dziergowski and Dr. Trindell,

I am following up with regard to the HR Radar system which Florida Institute of Technology (FIT), a private university wishes to install on the preserve, not for research but for community. Our community does not want it! I am writing to request that FCT, FWC and FWS reject the HF installation on the Hightower preserve. Because this is a controversial change it is required to go to the FCT Governing Board per your workshop guidance. Our petition is here: <https://www.change.org/p/fdep-stop-hf-radar-system-on-hightower-park-preserve-satellite-beach-florida> From that workshop, it was communicated that it takes about a year for a linear facility application. Here are the primary areas of issues: 1) saw palmettos; 2) bushes; 3) sea grapes where monopoles



At the bottom of this paragraph you will find a document with the latest document regarding the proposed High Frequency Radar system to be installed on FCT conservation lands by **PRIVATE ENTITY**. Previously, Mitch Roffer was the PA for SECOORA - and he then had a private company where he used this system to sell fishing reports for profit mostly to recreational fishermen - he was also on the board for SECOORA. This system is largely for profit purposes by SECOORAs partners, hence the "for community" per Dr. Lazarus, so do not be fooled. **As this is a utility it**

comes under special process by FCT to approve. Very least because the FCT grant requirement is that alternatives be considered (not address in report as required) and the County offered via email to FIT for the HF Radar to go at Canova Beach, which is not considered in the FIT report. My report below addresses the shortcomings of FIT's compliance report with this project as a linear facility.

Below is a summary of objections per the report and the requirements by FDEP's FCT agreement and regulations:

[Hightower_Park_OMB_Environmental_Compliance.pdf](#)

The file is almost 25 MB so it had to be attached as a google drive link.

in every picture that FIT has shown of HF radar antennas they are always out in the open clear of bush - **BUT HIGHTOWER SITE has protected DENSE SEA GRAPES** in the south end of monopoles - WHICH MEANS HEAVY CUTTING, REMOVAL OF TREES AND DISTURBANCE OF THE HIGHTOWER FCT CONSERVATION LANDS.



With a site visit you would know this is not open like the above photo. The southern end of the monopoles would have to go through two large clusters of sea grapes. The reason the system could not go to PAFB according to Dr. Lazorus at the city council meeting was because they could not cut the sea grapes. Here is pix of sea grapes where the monopoles would have to go at Hightower. You can see the problem:

In section 7 of the report, FIT misrepresents the facts:

required to bury the cable). There are sea grapes near the main dune crossover (the boardwalk section that crosses over to the beach allowing public access; however, the HFR installation will not occur in the sea grape area.

THE RED ARROWS ARE SEA GRAPES!





As you see from the FCT Workshop: this proposal doesn't address the Linear Facility Requirements.

1. a) Brevard County provided an alternative of Canova Beach for the HF Radar for FIT - as emailed by Mike McGarry in National Resources.

b) It is not minimal impact as the monopoles cannot be installed in the dense sea grapes along the coast without extensive cutting; the 6 inch conduit still has to run through (and on top of or cut plants which are bushes); and potentially on top of endangered and threatened species of plants are in the preserve (which are not allowed to be disturbed. The conduit from the transmit towers goes through saw palmettos. Saw Palmettos will have to be cut to make room for the trailer and the ground is sloped there which will have to disturb tall grasses. And there is dense foliage between the transmit towers and the lines to the go to the trailer. In order to install workers will be walking on conservation lands which are not supposed to be disturbed. The boardwalk is to enjoy the preserve and not to have to

look at a utility with 4" conduit across the preserve diagonally and the transmission poles and the monopoles as you look out across the preserve vista and ocean. The FCT lands are for conservation - and not a utility. They are to inspire people to love nature not see more human imprint on conservation lands!

c) The document does not include an alternative analysis.

2. **There is a reasonable alternative at Canova WHICH THE COUNTY SUGGESTED VIA EMAIL so this #2 conversation should not even be occurring.** The only reason I believe city is considering this proposal is FIT has offered to pay the power bill for the park, replace security cameras in park which are inoperative.

a) City approved HF Radar plan without giving FCT 60 days notice - **THIS IS A SERIOUS VIOLATION OF THE FCT DEED COVENANTS JUST AS THE LACK OF NOTIFICATION OF THE CHANGE IN ADJACENT ZONING AND INCREASE OF BUILDING HEIGHT THAN 25 FEET.**

b) plan keeps changing by FIT

c) no plant survey has been done in 20 years to insure not disturbed

d) Radar not compatible with recreational use.

e) no mitigation of impacted areas.

Linear Facilities

Multi-Step Process

- 1. Determination that:**
 - a) No reasonable alternative
 - b) Minimal impact
 - c) Alternative analysis
- 2. If No Reasonable Alternatives**
 - a) Written Statement – Local Government approval
 - b) Description and Dimensions
 - c) Natural Communities
 - d) Compatibility with Recreational Use
 - e) Mitigation
 - f) Modified Master Site Plan

Most often requires Board approval

There is no mention of payment by FIT or anyone else for the use of the square footage of the lands. For example, the County lift station required to purchase those lands and pay back FCT. FIT has offered to pay for the electricity costs, new security cameras and electrical repairs for the HF Radar - which would be an income for the city for the use of lands.

Linear Facilities

Recipient (the party taking the land for a linear facility) Must Pay for Land Taken:

1. Provide an Appraisal/Other Valuation Method
2. Provide a Legal Description
3. Sign an amendment to the DRC
4. Record the Amended DRC

No Payment if Land is NOT Taken.

If FCT Approves the Request

As P2000 grant under Florida Community Trust, Hightower FCT is funded by public bonds. Therefore, 60 days notice was required by City of Satellite beach because this is a private entity (non-governmental) intending to use a public use only property. HOWEVER, CITY DID NOT PROVIDE 60 DAYS NOTICE OR ANY NOTICE UNTIL AFTER THE HF RADAR WAS APPROVED BY THE CITY.

IV. OBLIGATIONS INCURRED BY FCT RECIPIENT AS A RESULT OF BOND PROCEEDS BEING UTILIZED TO PURCHASE THE PROJECT SITE.

1. If the Project Site is to remain subject, after its acquisition by the State and the FCT Recipient, to any of the below listed activities or interests, the FCT Recipient shall provide at least 60 days written notice of any such activity or interest to FCT prior to the activity taking place, and shall provide to FCT such information with respect thereto as FCT reasonably requests in order to evaluate the legal and tax consequences of such activity or interest:

d. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;

Issues with the Compliance Document:

1. In the attached document, **statements** are made that **directly contradict** with statements made by Dr. Larzarus in the City Council meeting. - **Dr. Lazarus said explicitly the system was not for research but for community purposes.** In fact the former SECOORA PI who Lazarus replaced, Mr. Roffer was was also on the SECOORA board. Mr. Roffer had a company who was also a partner for SECOORA. His company used the HF Radar data from South Florida to produce fishing maps for recreational and commercial fishermen. Therefore as a board member, Mr. Roffer was profiting from the system. When he sold his company, shortly thereafter resigned as board member of SECOORA.

The statement that the HF Radar is not for research is contradicted with the sales pitch, " SECOORA's research partner at FIT, Dr. Steven Lazarus, will be able to monitor and track the Gulf Stream and provide near real time data to the U.S. Coast Guard, NOAA, state and local emergency managers, as well as researchers that study oceanography and meteorology. Surface current data provided by FIT will also be used to validate ocean circulation models and satellite derived ocean products."

2. Contrary to Dr. Lazarus' statement, the southern end is NOT disturbed. The northern end was intact coastal strand while the southern end had a picnic area which was changed to a boardwalk to prevent the public from walking on the conservation lands.
"All HFR activities are planned for the southern, disturbed section of the park (see Appendix 1, Images C, D, and E)."
3. Installation of the monopoles inward of the dune puts them in dense sea grapes. These are bunches of trees with a lot of low lying, dense branches - think of it like a tree with many trees coming out of the ground. How do they put a pole into this with cutting the trees extensively or even running the wires because there would be no way to run it along the ground. FIT was not able to put the HF Radar at PAFB because of the sea grapes. This is no different.
"The Hightower Park HFR will operate at 13.5 MHz. The 12 transmit and 4 receive antennas are 7 ft tall with a diameter of 2 inches. All transmit and receive array antenna will be placed behind the shoreward vegetation to reduce interaction with nesting sea turtles and minimize visual impact of the HFR antenna (i.e., make them less noticeable to park visitors)."
4. Placing cables in 4 inch corrugated pipe on the surface of the dune places them on top of the plants. Some plants are smaller and not tree size.
"Additionally, placing the cables on the surface of the dunes will minimize impacts to dune vegetations since the cables will not be buried (Note: burial would require trenching and could damage plant root structure)."
5. Black 4 inch corrugated pipe to the board walk will be placed on top of existing plants on a long diagonal across and ON TOP of existing plants on the preserve. There has not been an endangered and threatened plant survey done in 20 years. **THIS IS CONSERVATION LANDS - NOT A UTILITY SITE.** Visitors will see this conduit stretching across the preserve from the boardwalk.
" Cables will run from the antennas, across the vegetated dune, to the boardwalk (see Appendix 2). The cables are similar in diameter to telephone cables and they will be placed inside of flexible PVC corrugated pipe and laid on the surface of the dunes (Appendix 4, Image B)."



University of Miami students and technicians placing WERA HFR cables inside of 4" corrugated pipe. The conduit with the HFR cables inside was placed within the vegetation at the HFR site at Crandon Park, Miami, FL.

6. It is highly doubtful that 4 inch pipe is covered by sand going across the park diagonally. **This is flat out ridiculous.** If the sand built this fast in the park, it's increases in elevation would be a problem. There is no sand accumulating in the park - the dune yes as caught in the sea grapes for instance - that is why there is more elevation there.

"Over a period of time, sand will cover the corrugated pipe and it will not be visible."

7. The board walk has electrical cables running along but they do not have power. Nor do the camera work. The park is in poor state of maintenance. City wants the HF Radar because FIT will pay to fix this as well as will pay the electrical operating costs for the park.

"The boardwalk has electricity and electrical cables run above ground, under the boardwalk (Appendix 4, Image A)."

8. To make room for the shed, saw palmetto plants and other plants will have to be removed. It will have to be offset from the bathroom in order for there to be easement into the janitorial room. There is also a steep slope in this area which would have to be leveled.

"FIT will install shelves and WERA radar, computer equipment, and other electronics (e.g., wireless router) inside of shed which will sit on top of a towable trailer. See Appendix 2 for the proposed location of the trailer/shed adjacent to the parking lot."

9. **THE ENTIRE PARK IS PROTECTED UNDER STATE (FCT AND STATE LANDS) AND FEDERAL AGREEMENTS (LW541)!**

"There are no Federal, State, Tribal, or local protected areas within the proposed HFR footprint; however, the proposed location is within the boundaries of Hightower Park, owned and operated by the City of Satellite Beach, FL."

10. The former County Park lands comprises the "access" to the FCT conservation lands. The former County park comprises the amenities of a bathroom, outside shower, outlook/ beach access and parking lot. There are NO dune crossovers that traverse the dune vegetation. On the FCT conservation lands there is a boardwalk to protect the conservation lands from human activity as well as provides a pavillion to view the preserve with seating area. **IT IS IMPORTANT TO NOTE THAT THE AREA TO THE SOUTH - THE CONSERVATION LANDS ARE UNDISTURBED AND PROTECTED FROM HUMAN ACTIVITY LIMITED TO THE BOARDWALK ONLY. THE PROPOSED AREA FOR THE HF RADAR IS ON THE CONSERVATION LANDS SPECIFICALLY.**

5. Is the location of the proposed activity in a previously undisturbed area? If yes, then explain if the proposed activity would degrade or disturb the previously undisturbed area.

Hightower Beach Park is a municipal park operated by the City of Satellite Beach, FL. The southern portion of the park area has been disturbed in order to construct, maintain, and operate park amenities. These amenities include a parking lot behind the dunes, picnic shelters, a boardwalk, and dune crossovers that traverse the dune vegetation, an observation pavilion along the beach, and restrooms and shower facilities (<https://www.visitspacecoast.com/satellite-beach/things-to-do/hightower-beach-park>).

11. **Hightower is a "neighbourhood park" according to the FCT application and documents.** THERE ARE NO ONGOING USES AT THE LOCATION OF THE PROPOSED ACTIVITY! This is the area of conservation lands. Human activity is not allowed in this area. The area proposed for the HF Radar is conservation use only. There is no way to walk to the beach in the southern area of the FCT conservation lands. There is no access for people!

6. Are there pre-existing or ongoing uses at the location of the proposed activity? If yes, then describe and explain the pre-existing or ongoing uses at the location of the proposed activity or, if not known, describe how pre-existing/ongoing uses will be determined.

Hightower Beach Park is a municipal park operated by the City of Satellite Beach. As such, the park has a high number of visitors annually. The city maintains the boardwalk and dune crossovers so that beachgoers can easily access the beach. Park amenities include a parking lot behind the dunes, picnic shelters, a boardwalk and dune crossovers that traverse the dune vegetation, an observation pavilion along the beach, and restrooms and shower facilities (<https://www.visitspacecoast.com/satellite-beach/things-to-do/hightower-beach-park>).

12. **Ecological Importance: Notice FIT does not mention the ecological importance of the conservation lands.**

The rating given by FCT in 1999 was these were exceptional value ecological lands which is a primary reason they were prioritized for acquisition. They are intended primarily for conservation which FIT also doesn't mention. And the lands are also intended for educational purposes so that there is an aesthetic importance to engage people to be invested in the environment. Putting utilities on a conservation site detracts from that importance in engaging the public. There is also a scientific importance to the site - as a number of scientific studies have been done on Hightower, i.e. scrub jay population.

7. Describe the characteristics of the location of the proposed activity by:

- indicating whether it includes unique geographic areas of notable recreational, ecological, scientific, cultural, historical, scenic, economic, or aesthetic importance;

There are no cultural or historical areas of significance within the park. As noted above, this is a municipal park and is open to the public for recreation. No HFR installation or maintenance activities occur in water; therefore, there will be no impacts to water quality, submerged vegetation, nearshore reefs, or other aquatic habitats.

Section 7 also reuest to "listing any critical habitat areas for Endangered Species Act-listed species" - but the conservation lands include both endangered and threatened plant species AND THIS 4" PIPE WILL LAY ON TOP OF PLANTS IN ITS PATH. **The plants are not flat but bushed so how does this go on top of bushes? And FIT goes further to misrepresent the facts - their poles go right through Sea Grape area on the dune at the south end of the poles:**

Hightower Beach Park is a sea turtle nesting area. No HFR installation will occur during turtle nesting season (April 1 - October 31). Florida beach mice may be present within the park. Cable laying will be conducted to minimize any impacts to the dunes and beach mice (i.e., the cable will be placed inside of corrugated pipe so that no trenching is required to bury the cable). There are sea grapes near the main dune crossover (the boardwalk section that crosses over to the beach allowing public access; however, the HFR installation will not occur in the sea grape area.

This is wire that 4" pipe will go across diagonally from the boardwalk to the dune through that Sabal. As you can see it is bush not grass that the pipe will lay on top of.



- describing any anticipated changes over time to the natural landscape and/or viewshed that would result from the proposed activity;



13. The only viewshed disturbances are the 12 transmit and 4 receive antennas (7 ft tall with a diameter of 2 inches) that will be installed along the disturbed southern portion of the park. The antennas will be painted a flat green color so that they blend in with the dune vegetation. Painting the antenna will also mitigate light reflection at night. An example of painted antennas is in Appendix 3.

The park is not disturbed! There is a boardwalk to prevent disturbances to the Conservation areas to the south; only the access (former County Park is disturbed). While the 4 receive antennas have been moved to a relatively open area, the diagram clearly shows the cables having to go through thick saw palmettos to go to the boardwalk.



Not ddisturbed



14. Proposed Start Date and Activity

8. Specify the proposed start date and duration of the proposed activity for all distinct phases of the project.

The proposed start date is this summer and the installation in fall of 2021. The FCT Governing Board does not meet at the earliest date is August but the paperwork and approval for the typical utility is a year according to the FCT Workshop.

HFR installation will take approximately 2 weeks total. A breakdown of the activities are as follows:

- Electrical service installation (and possible meter box installation if required) – 1 day (will occur prior to beach front work)
- Cable laying – 4 days
- Antenna assembly, installation, and connecting cables - 2-3 days
- Moving trailered shed to Hightower Park and connecting to power – 1 day
- Connecting cables to radar inside of the shed; Powering on and testing system (and any required calibration and/or troubleshooting) – 2-3 days

Notice the activities do not include the cutting of the brush to lay cable on the ground unless they plan to span them across the bush several feet high. Notice the activities do not include cutting sea grapes for the monopoles. Or the cutting of saw palmettos to install conduit from transmit tower to the boardwalk. Not does it include leveling the ground (and plants so trailer is level and not on a steep slope/ and removing some palmettos to make room for the trailer. Notice it does not include how many people are on the conservation lands disturbing the area and how they will minimize and protect the endangered and threatened plants.

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11. List all other interested or affected Federal, state, and local agencies, Native American tribes or Native Hawaiian organizations, non-governmental organizations, and private individuals which may potentially be interested and/or affected by the action.

There is no mention of these FCT conservation lands being under a federal LW541 agreement as well. https://drive.google.com/file/d/1RVRomuBrk70_JIIfZcwKHdqoAI1-VvQR/view?usp=sharing

16. State and Federal authorizations

13. Are Federal, state, or local permits, authorizations, waivers, determinations, or consultations required for the proposed activity to comply with all applicable environmental laws and regulations? If yes, then:

The FCT was required to be notified prior to the city taking any action to approve this HF Radar system according to the terms of the deed covenants.

IV. OBLIGATIONS INCURRED BY FCT RECIPIENT AS A RESULT OF BOND PROCEEDS BEING UTILIZED TO PURCHASE THE PROJECT SITE.

1. If the Project Site is to remain subject, after its acquisition by the State and the FCT Recipient, to any of the below listed activities or interests, the FCT Recipient shall provide at least 60 days written notice of any such activity or interest to FCT prior to the activity taking place, and shall provide to FCT such information with respect thereto as FCT reasonably requests in order to evaluate the legal and tax consequences of such activity or interest:

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August 30, 1999

6


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d. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;

This is simply wrong to put this on conservation lands when other locations have been offered to FIT by the County. These systems are often installed on top of buildings as well as there is the large Oceana condos that might also be suitable.

Our community is against the installation of HF Radar system because it will disrupt the conservation lands during installation and no property survey has been done; and it will be looking at utility when people go there to see nature and relax. And it has to seriously disturb the sea grapes which are protected - that run along the dune at the southern end of the monopolies. This is wrong on so many levels.

It is shameful that this preserve has been mismanaged by Satellite Beach as documented by me in numerous emails and you have yet to enforce your P8A deed covenants and P8A/P9A FCT Management Plan. Instead, since they are clearly out of compliance (including still no FCT sign at P9A track) you have yet to enforce the more serious violations of violating the adjacent property clause with height limitations and land use restrictions which now threatened to further decline the conservation lands with intensity use (when limited human activity is specified) and lights at 85 feet shining on preserve. **Nesting on this FCT site has declined 36% of loggerheads under the Satellite Beach management of the site which is not "enhancing" the species as required in the deed covenants.** But then again based on my question asked, FCT has NEVER enforced a single violation of an FCT agreement. Instead, you are encouraging the city to rewrite the management plan and remove lands that are part of the Project Site and were required as part of the agreement for **access** to the project site.

FCT Please do the right thing. We have well documented issues for more than 2 years! Take appropriate action as requested. Better yet work with FWS and turn this into a **new federal Refuge** so the site can recover like Archie Carr Refuge. **THIS WAS THE 2ND HIGHEST SEA TURTLE NESTING SITE IN NORTH AMERICA!** It desires your protection.

Sincerely,
Sandra Sullivan
WAVESaction LLC
954.224.8624

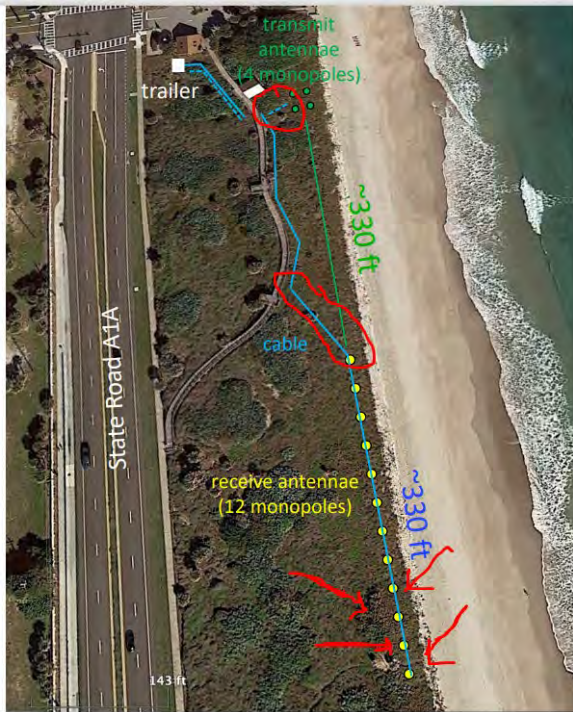
Subject: FCT Hightower in Satellite Beach, FL: HF Radar

To: Rebecca <Rebecca.Wood@floridadep.gov>, LaSeur, Lois <Lois.LaSeur@dep.state.fl.us>, Rita <Rita.Ventry@dep.state.fl.us>, Commissioner, D1 <D1.Commissioner@brevardfl.gov>, Lober, Bryan <Bryan.Lober@brevardfl.gov>, Commissioner, D3 <D3.Commissioner@brevardfl.gov>, Commissioner, D5 <D5.Commissioner@brevardfl.gov>, <randy.fine@myfloridahouse.gov>, <thad.altman@myfloridahouse.gov>, Debbie <mayfield.debbie@flsenate.gov>, <abigail.jorandby@brevardfl.gov>, Bentley, Eden <Eden.Bentley@brevardfl.gov>, <bill.posey@mail.house.gov>, <GovernorRon.DeSantis@eog.myflorida.com>, Abbate, Frank B <frank.abbate@brevardfl.gov>, Elise Bennett <EBennett@biologicaldiversity.org>, <ombudsman@floridadep.gov>, Jacki Lopez <jlopez@biologicaldiversity.org>, Sarah Rhodes-Ondi <sarah@conserveturtles.org>, Trindell, Robbin <robbin.trindell@myfwc.com>, Dziergowski, Annie <annie_dziergowski@fws.gov>, Sirois, Tyler <Tyler.Sirois@myfloridahouse.gov>, Rinaldi, Angelique <Angelique.Rinaldi@myfloridahouse.gov>, <Ashley.Holton@myfloridahouse.gov>, Dimond, Jacob <Dimond.Jacob@flsenate.gov>, <gwen_smith@nps.gov>, <Stan.Austin@nps.gov>, <Mike.caldwell@nps.gov>, <Jeremy_edwardson@fws.gov>, <blm_es_inquiries@blm.gov>, Tawes, Robert <robert_tawes@fws.gov>, Frutchey, Karen P <karen_frutchey@fws.gov>, <Martha.William@doi.gov>, <Shannon.Estenoz@doi.gov>, <Maggie.Thompson@doi.gov>, Commissioner, D2 <D2.Commissioner@brevardfl.gov>, Gavin, Patrick <Patrick.Gavin@mail.house.gov>, Valenta, Valentina <valentina.valenta@mail.house.gov>, Jackson, David <David.Jackson@mail.house.gov>, <david@conserveturtles.org>

Dear Ms. LaSeur and Ms. Dziergowski and Dr. Trindell,

I am following up with regard to the HR Radar system which Florida Institute of Technology (FIT), a private university wishes to install on the preserve, not for research but for community. Our community does not want it! I am writing to request that FCT, FWC and FWS reject the HF installation on the Hightower preserve. Because this is a controversial change it is required to go to the FCT Governing Board per your workshop guidance. Our petition is here: <https://www.change.org/p/fdep-stop-hf-radar-system-on-hightower-park-preserve-satellite-beach-florida> From that workshop, it was communicated that it takes about a year for a linear facility application.

Here are the primary areas of issues: 1) saw palmettos; 2) bushes; 3) sea grapes where monopoles



Appendix 2: Proposed site layout

Cables (blue line on map) from the transmit and receive antennas will be placed inside of corrugated, flexible pipe. The cables will not be buried (they will be laid on the dune surface until they reach the boardwalk). Once reaching the boardwalk, the cables will be elevated and secured under the boardwalk (off the ground). This will reduce impacts to flora and fauna and make them less visible to park visitors.

The HFR antennas will be placed within the dune vegetation, allowing them to blend into the scenery. This will reduce visibility of the monopoles.

The trailer/shed will be placed near the restroom in a limited vegetated (disturbed) location.

At the bottom of this paragraph you will find a document with the latest document regarding the proposed High Frequency Radar system to be installed on FCT conservation lands by **PRIVATE ENTITY**. Previously, Mitch Roffer was the PA for SECOORA - and he then had a private company where he used this system to sell fishing reports for profit mostly to recreational fishermen - he was also on the board for SECOORA. This system is largely for profit purposes by SECOORAs partners, hence the "for community" per Dr. Lazarus, so do not be fooled. **As this is a utility it comes under special process by FCT to approve.** Very least because the FCT grant requirement is that alternatives be considered (not address in report as required) and the County offered via email to FIT for the HF Radar to go at Canova Beach, which is not considered in the FIT report. My report below addresses the shortcomings of FIT's compliance report with this project as a linear facility.

Below is a summary of objections per the report and the requirements by FDEP's FCT agreement and regulations:

[Hightower_Park_OMB_Environmental_Compliance.pdf](#)

The file is almost 25 MB so it had to be attached as a google drive link.

in every picture that FIT has shown of HF radar antennas they are always out in the open clear of bush - BUT HIGHTOWER SITE has protected DENSE SEA GRAPES in the south end of monopoles - WHICH MEANS HEAVY CUTTING, REMOVAL OF TREES AND DISTURBANCE OF THE HIGHTOWER FCT CONSERVATION LANDS.



With a site visit you would know this is not open like the above photo. The southern end of the monopoles would have to go through two large clusters of sea grapes. The reason the system could not go to PAFB according to Dr. Lazorus at the city council meeting was because they could not cut the sea grapes. Here is pix of sea grapes where the monopoles would have to go at Hightower. You can see the problem:

In section 7 of the report, FIT misrepresents the facts:

required to bury the cable). There are sea grapes near the main dune crossover (the boardwalk section that crosses over to the beach allowing public access; however, the HFR installation will not occur in the sea grape area.

THE RED ARROWS ARE SEA GRAPES!







As you see from the FCT Workshop: this proposal doesn't address the Linear Facility Requirements.

1. a) Brevard County provided an alternative of Canova Beach for the HF Radar for FIT - as emailed by Mike McGarry in National Resources.

b) It is not minimal impact as the monopoles cannot be installed in the dense sea grapes along the coast without extensive cutting; the 6 inch conduit still has to run through (and on top of or cut plants which are bushes); and potentially on top of endangered and threatened species of plants are in the preserve (which are not allowed to be disturbed. The conduit from the transmit towers goes through saw palmettos. Saw Palmettos will have to be cut to make room for the trailer and the ground is sloped there which will have to disturb tall grasses. And there is dense foliage between the transmit towers and the lines to the go to the trailer. In order to install workers will be walking on conservation lands which are not supposed to be disturbed. The boardwalk is to enjoy the preserve and not to have to look at a utility with 4" conduit across the preserve diagonally and the transmission poles and the monopoles as you look out across the preserve vista and ocean. The FCT lands are for conservation - and not a utility. They are to inspire people to love nature not see more human imprint on conservation lands!

c) The document does not include an alternative analysis.

2. **There is a reasonable alternative at Canova WHICH THE COUNTY SUGGESTED VIA EMAIL so this #2 conversation should not even be occurring.** The only reason I believe city is considering this proposal is FIT has offered to pay the power bill for the park, replace security

cameras in park which are inoperative.

a) City approved HF Radar plan without giving FCT 60 days notice - **THIS IS A SERIOUS VIOLATION OF THE FCT DEED COVENANTS JUST AS THE LACK OF NOTIFICATION OF THE CHANGE IN ADJACENT ZONING AND INCREASE OF BUILDING HEIGHT THAN 25 FEET.**

b) plan keeps changing by FIT

c) no plant survey has been done in 20 years to insure not disturbed

d) Radar not compatible with recreational use.

e) no mitigation of impacted areas.

Linear Facilities

Multi-Step Process

- 1. Determination that:**
 - a) No reasonable alternative
 - b) Minimal impact
 - c) Alternative analysis
- 2. If No Reasonable Alternatives**
 - a) Written Statement – Local Government approval
 - b) Description and Dimensions
 - c) Natural Communities
 - d) Compatibility with Recreational Use
 - e) Mitigation
 - f) Modified Master Site Plan

Most often requires Board approval

There is no mention of payment by FIT or anyone else for the use of the square footage of the lands. For example, the County lift station required to purchase those lands and pay back FCT. FIT has offered to pay for the electricity costs, new security cameras and electrical repairs for the HF Radar - which would be an income for the city for the use of lands.

Linear Facilities

Recipient (the party taking the land for a linear facility) Must Pay for Land Taken:

1. Provide an Appraisal/Other Valuation Method
2. Provide a Legal Description
3. Sign an amendment to the DRC
4. Record the Amended DRC

No Payment if Land is NOT Taken.

If FCT Approves the Request

As P2000 grant under Florida Community Trust, Hightower FCT is funded by public bonds. Therefore, 60 days notice was required by City of Satellite beach because this is a private entity (non-governmental) intending to use a public use only property. HOWEVER, CITY DID NOT PROVIDE 60 DAYS NOTICE OR ANY NOTICE UNTIL AFTER THE HF RADAR WAS APPROVED BY THE CITY.

IV. OBLIGATIONS INCURRED BY FCT RECIPIENT AS A RESULT OF BOND PROCEEDS BEING UTILIZED TO PURCHASE THE PROJECT SITE.

1. If the Project Site is to remain subject, after its acquisition by the State and the FCT Recipient, to any of the below listed activities or interests, the FCT Recipient shall provide at least 60 days written notice of any such activity or interest to FCT prior to the activity taking place, and shall provide to FCT such information with respect thereto as FCT reasonably requests in order to evaluate the legal and tax consequences of such activity or interest:

d. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;

Issues with the Compliance Document:

1. In the attached document, **statements** are made that **directly contradict** with statements made by Dr. Lazarus in the City Council meeting. - **Dr. Lazarus said explicitly the system was not for research but for community purposes.** In fact the former SECOORA PI who Lazarus replaced, Mr. Roffer was also on the SECOORA board. Mr. Roffer had a company who was also a partner for SECOORA. His company used the HF Radar data from South Florida to produce fishing maps for recreational and commercial fishermen. Therefore as a board member, Mr. Roffer was profiting from the system. When he sold his company, shortly thereafter resigned as board member of SECOORA.

The statement that the HF Radar is not for research is contradicted with the sales pitch, "SECOORA's research partner at FIT, Dr. Steven Lazarus, will be able to monitor and track the Gulf Stream and provide near real time data to the U.S. Coast Guard, NOAA, state and local emergency managers, as well as researchers that study oceanography and meteorology. Surface current data provided by FIT will also be used to validate ocean circulation models and satellite derived ocean products."

2. Contrary to Dr. Lazarus' statement, the southern end is NOT disturbed. The northern end was intact coastal strand while the southern end had a picnic area which was changed to a boardwalk to prevent the public from walking on the conservation lands. "All HFR activities are planned for the southern, disturbed section of the park (see Appendix 1, Images C, D, and E)."
3. Installation of the monopoles inward of the dune puts them in dense sea grapes. These are bunches of trees with a lot of low lying, dense branches - think of it like a tree with many trees coming out of the ground. How do they put a pole into this with cutting the trees extensively or even running the wires because there would be no way to run it along the ground. FIT was not able to put the HF Radar at PAFB because of the sea grapes. This is no different.

"The Hightower Park HFR will operate at 13.5 MHz. The 12 transmit and 4 receive antennas are 7 ft tall with a diameter of 2 inches. All transmit and receive array antenna will be placed behind the shoreward vegetation to reduce interaction with nesting sea turtles and minimize visual impact of the HFR antenna (i.e., make them less noticeable to park visitors)."

4. Placing cables in 4 inch corrugated pipe on the surface of the dune places them on top of the plants. Some plants are smaller and not tree size.

"Additionally, placing the cables on the surface of the dunes will minimize impacts to dune vegetations since the cables will not be buried (Note: burial would require trenching and could damage plant root structure)."

5. Black 4 inch corrugated pipe to the board walk will be placed on top of existing plants on a long diagonal across and ON TOP of existing plants on the preserve. There has not been an endangered and threatened plant survey done in 20 years. **THIS IS CONSERVATION LANDS - NOT A UTILITY SITE.** Visitors will see this conduit stretching across the preserve from the boardwalk.

"Cables will run from the antennas, across the vegetated dune, to the boardwalk (see Appendix 2). The cables are similar in diameter to telephone cables and they will be placed inside of flexible PVC corrugated pipe and laid on the surface of the dunes (Appendix 4, Image B)."



University of Miami students and technicians placing WERA HFR cables inside of 4" corrugated pipe. The conduit with the HFR cables inside was placed within the vegetation at the HFR site at Crandon Park, Miami, FL.

6. It is highly doubtful that 4 inch pipe is covered by sand going across the park diagonally. **This is flat out ridiculous.** If the sand built this fast in the park, it's increases in elevation would be a problem. There is no sand accumulating in the park - the dune yes as caught in the sea grapes for instance - that is why there is more elevation there.

"Over a period of time, sand will cover the corrugated pipe and it will not be visible."

7. The board walk has electrical cables running along but they do not have power. Nor do the camera work. The park is in poor state of maintenance. City wants the HF Radar because FIT will pay to fix this as well as will pay the electrical operating costs for the park.

"The boardwalk has electricity and electrical cables run above ground, under the boardwalk (Appendix 4, Image A)."

8. To make room for the shed, saw palmetto plants and other plants will have to be removed. It will have to be offset from the bathroom in order for there to be easement into the janitorial room. There is also a steep slope in this area which would have to be

leveled.

" FIT will install shelves and WERA radar, computer equipment, and other electronics (e.g., wireless router) inside of shed which will sit on top of a towable trailer. See Appendix 2 for the proposed location of the trailer/shed adjacent to the parking lot. "

9. **THE ENTIRE PARK IS PROTECTED UNDER STATE (FCT AND STATE LANDS) AND FEDERAL AGREEMENTS (LW541)!**

"There are no Federal, State, Tribal, or local protected areas within the proposed HFR footprint; however, the proposed location is within the boundaries of Hightower Park, owned and operated by the City of Satellite Beach, FL."

10. The former County Park lands comprises the "access" to the FCT conservaton lands. The former County park comprises the amenities of a bathroom, outside shower, outlook/ beach access and parking lot. There are NO dune crossovers that traverse the dune vegetation. On the FCT conservation lands there is a boardwalk to protect the conservation lands from human activity as well as provides a pavillion to view the preserve with seating area. **IT IS IMPORTANT TO NOTE THAT THE AREA TO THE SOUTH - THE CONSERVATION LANDS ARE UNDISTURBED AND PROTECTED FROM HUMAN ACTIVITY LIMITED TO THE BOARDWALK ONLY. THE PROPOSED AREA FOR THE HF RADAR IS ON THE CONSERVATION LANDS SPECIFICALLY.**

5. Is the location of the proposed activity in a previously undisturbed area? If yes, then explain if the proposed activity would degrade or disturb the previously undisturbed area.

Hightower Beach Park is a municipal park operated by the City of Satellite Beach, FL. The southern portion of the park area has been disturbed in order to construct, maintain, an operate park amenities. These amenities include a parking lot behind the dunes, picnic shelters, a boardwalk, and dune crossovers that traverse the dune vegetation, an observation pavillion along the beach, and restrooms and shower facilities (<https://www.visitspacecoast.com/satellite-beach/things-to-do/hightower-beach-park>).

11. **Hightower is a "neighbourhood park" according to the FCT application and documents.** THERE ARE NO ONGOING USES AT THE LOCATION OF THE PROPOSED ACTIVITY! This is the area of conservation lands. Human activity is not allowed in this area. The area proposed for the HF Radar is conservation use only. There is no way to walk to the beach in the southern area of the FCT conservation lands. There is no access for people!

6. Are there pre-existing or ongoing uses at the location of the proposed activity? If yes, then describe and explain the pre-existing or ongoing uses at the location of the proposed activity or, if not known, describe how pre-existing/ongoing uses will be determined.

Hightower Beach Park is a municipal park operated by the City of Satellite Beach. As such, the park has a high number of visitors annually. The city maintains the boardwalk and dune crossovers so that beachgoers can easily access the beach. Park amenities include a parking lot behind the dunes, picnic shelters, a boardwalk and dune crossovers that traverse the dune vegetation, an observation pavillion along the beach, and restrooms and shower facilities (<https://www.visitspacecoast.com/satellite-beach/things-to-do/hightower-beach-park>).

12. **Ecological Importance: Notice FIT does not mention the ecological importance of the conservation lands.** The rating given by FCT in 1999 was these were exceptional value ecological lands which is a primary reason they were prioritized for acquisition. They are intended primarily for conservation which FIT also doesn't mention. And the lands are also intended for educational purposes so that there is a aesthetic importance to engage people to be invested in the environment. Putting utilities on a conservation site

detracts from that importance in engaging the public. There is also a scientific importance to the site - as a number of scientific studies have been done on Hightower, i.e. scrub jay population.

7. Describe the characteristics of the location of the proposed activity by:

- indicating whether it includes unique geographic areas of notable recreational, ecological, scientific, cultural, historical, scenic, economic, or aesthetic importance;

There are no cultural or historical areas of significance within the park. As noted above, this is a municipal park and is open to the public for recreation. No HFR installation or maintenance activities occur in water; therefore, there will be no impacts to water quality, submerged vegetation, nearshore reefs, or other aquatic habitats.

Section 7 also reuest to "listing any critical habitat areas for Endangered Species Act-listed species" - but the conservation lands include both endangered and threatened plant species AND THIS 4" PIPE WILL LAY ON TOP OF PLANTS IN ITS PATH. **The plants are not flat but bushed so how does this go on top of bushes? And FIT goes further to misrepresent the facts - their poles go right through Sea Grape area on the dune at the south end of the poles:**

Hightower Beach Park is a sea turtle nesting area. No HFR installation will occur during turtle nesting season (April 1 – October 31). Florida beach mice may be present within the park. Cable laying will be conducted to minimize any impacts to the dunes and beach mice (i.e., the cable will be placed inside of corrugated pipe so that no trenching is required to bury the cable). There are sea grapes near the main dune crossover (the boardwalk section that crosses over to the beach allowing public access; however, the HFR installation will not occur in the sea grape area.

This is wire that 4" pipe will go across diagonally from the boardwalk to the dune through that Sabal. As you can see it is bush not grass that the pipe will lay on top of.



- describing any anticipated changes over time to the natural landscape and/or viewshed that would result from the proposed activity;

4

-
13. The only viewshed disturbances are the 12 transmit and 4 receive antennas (7 ft tall with a diameter of 2 inches) that will be installed along the disturbed southern portion of the park. The antennas will be painted a flat green color so that they blend in with the dune vegetation. Painting the antenna will also mitigate light reflection at night. An example of painted antennas is in Appendix 3.

The park is not disturbed! There is a boardwalk to prevent disturbances to the Conservation areas to the south; only the access (former County Park) is disturbed). While the 4 receive antennas have been moved to a relatively open area, the diagram clearly shows the cables having to go through thick saw palmettos to go to the boardwalk.



Not disturbed



14. Proposed Start Date and Activity

8. Specify the proposed start date and duration of the proposed activity for all distinct phases of the project.

The proposed start date is this summer and the installation in fall of 2021. The FCT Governing Board does not meet at the earliest date is August but the paperwork and approval for the typical utility is a year according to the FCT Workshop.

HFR installation will take approximately 2 weeks total. A breakdown of the activities are as follows:

- Electrical service installation (and possible meter box installation if required) – 1 day (will occur prior to beach front work)
- Cable laying – 4 days
- Antenna assembly, installation, and connecting cables - 2-3 days
- Moving trailered shed to Hightower Park and connecting to power – 1 day
- Connecting cables to radar inside of the shed; Powering on and testing system (and any required calibration and/or troubleshooting) – 2-3 days

Notice the activities do not include the cutting of the brush to lay cable on the ground unless they plan to span them across the bush several feet high. Notice the activities do not include cutting sea grapes for the monopoles. Or the cutting of saw palmettos to install conduit from transmit tower to the boardwalk. Not does it include leveling the ground (and plants so trailer is level and not on a steep slope/ and removing some palmettos to make room for the trailer. Notice it does not include how many people are on the conservation lands disturbing the area and how they will minimize and protect the endangered and threatened plants.

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August 30, 1999

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d. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;

This is simply wrong to put this on conservation lands when other locations have been offered to FIT by the County. These systems are often installed on top of buildings as well as there is the large Oceana condos that might also be suitable.

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FCT Please do the right thing. We have well documented issues for more than 2 years! Take appropriate action as requested. Better yet work with FWS and turn this into a **new federal Refuge** so the site can recover like Archie Carr Refuge. **THIS WAS THE 2ND HIGHEST SEA TURTLE NESTING SITE IN NORTH AMERICA!** It desires your protection.

Sincerely,
Sandra Sullivan
WAVESaction LLC
954.224.8624

From: [David Jones](#)
To: Heather@rondesantis.com; powens@1000fof.org; valentina.valenta@mail.house.gov; Patrick.Gavin@mail.house.gov; Maggie.Thompson@doj.gov; Shannon.Estenez@doj.gov; Martha.William@doj.gov; karen_frutchey@fws.gov; robert_tawes@fws.gov; Jeremy_edwardson@fws.gov; Mike.caldwell@nps.gov; Stan.Austin@nps.gov; gwen_smith@nps.gov; annie_dziergowski@fws.gov; jlopez@biologicaldiversity.org; Lois.laseur@dep.state.fl.gov; Mingo.Frank; randy.fine@myfloridahouse.gov; mayfield.debbie@flsenate.gov; Tyler.Sirois@myfloridahouse.gov; Jones.Greg; Wood.Rebecca; DeHaven.Callie; Denys.Deborah; bill.posey@mail.house.gov; GovernorRon.DeSantis@eog.myflorida.com; frank.abbate@brevardfl.gov; D4.Commissioner@brevardfl.gov; abigail.jorandy@brevardfl.gov; Emily.norton@myfwc.gov; thad.altman@myfloridahouse.gov; Eric.sutton@myfwc.com; Thomas.eason@myfwc.com; Trindell.Robbin; frankmingo@gmail.com; noahvalenstein@gmail.com; Ddenys@cfl.rr.com; gregjones@wcicommunities.com; Gambineri.Mara
Subject: High tower Beach Preserve
Date: Saturday, April 16, 2022 11:00:13 AM

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

The Hightower Beach preserve has been a staple of our small Florida community since it's inception. Our local city government has corruptly decided to subvert the will of the voters, whom the entire city voted for a height referendum that would have made this building illegal, but then the city council decided to override every single citizen in the city with a back room vote that nobody in the city knew about?

This is corruption pure and simple, the city government has rewritten the laws to make their illegal actions legal, if you believe that government organizations and politicians should be able to rewrite laws so that they can do illegal actions then feel free to approve this change to monetize a beach that is legally protected and loved by our citizens.... that currently increases my property value, to a cutthroat hotel who will destroy it, and lower my property values.

Tell the city of Satellite Beach that if they want more money to spend, they need to figure out how to save some money, instead of selling the city's beach access to the lowest bidder, in a pathetic attempt to expand their tax base while kneecapping the property values in their City (which will in turn destroy their tax base).

Stand up against this blatant corruption from a city council government, protect Florida and its citizens, from this illegal project, designed only to enrich politicians and out of staters.

From: Sandra Sullivan
 To: Dziergowski, Annie; DeHaven, Callie; Ventry, Rita; thad.altman@myfloridahouse.gov; Smith, Curt; Jorandby, Abigail F.; LaSeur, Lois; Trindell, Robbin; bill.posey@mail.house.gov; DeHaven, Callie; Wood, Rebecca; Ombudsman; Eina, Randy; Debbie; Siros, Tyler; Mingo, Frank; Jones, Greg; Denys, Deborah; GovernorRonDeSantis@eog.myflorida.com; melissa.powers@brevardfl.gov; ralfbrookes@gmail.com; Paul Owens; appointments@eog.myflorida.com; Smith, Karl; Ashley Holtan; Rinaldi, Angelique; Abbate, Frank B.; Wayment, Jim; Valeria, Valentina; Chris.Szowis@myfloridahouse.gov; Elise.Bennett; Jacki Lopez; Sarah Rhodes; Oadi; Dimond, Jacob; queen.smith@nps.gov; Stan.Austin@nps.gov; Mike.Caldwell@nps.gov; Jeremy.edwardson@fys.gov; blm_es_inquiries@blm.gov; Tawes, Robert; Frutchey, Karen P.; MarthaWilliam@doj.gov; Shannon.Estenoza@dol.gov; Maggie.Thompson@dol.gov; jsparvero@swkmg.com; Duane De Freese; Michael J. frankmingo@gmail.com; Ddenys@flr.com; sbkitelady@gmail.com; Amy.Reaume; Rogers, Eric; lseals@ufl.edu; mbaily@ufl.edu; Erin.Senev; sea; Nikki@nikkifried.com; Heather@rondesantis.com; Chapoco, Ralph; Berman, David; Jackson, David; Valerie; david@conserveturtles.org; mara.gambinieri@floridadep.gov; Reeves, Linda; Ayn Samuelson; wright.tom@fsenate.gov; Todd J. Pokrywa; Richard Kyle Heffelfinger; Sandoval, Erik; Filina Shirazi@foxnews.com
 Subject: Re: [EXTERNAL] Fwd: High Tower Park Public Notice of Environmental Assessment for Satellite Beach
 Date: Tuesday, April 12, 2022 10:26:35 PM
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EXTERNAL MESSAGE

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Make no mistake, the HF Radar is for profit fishing reports. **That said this new management plan changes is NOT for the HF Radar but for monetizing the preserve so that the new hotel city approved final plat for can use this beach and turn it into a tourist destination.** In fact when the city of Satellite Beach changed the zoning in 2017, they violated the covenants on the P8A which has an adjacent property clause limiting height and land uses so not to harm the preserve.

Brevard is the world's largest Loggerhead nesting in the world and 50% of green sea turtles in Florida - and is key to both species. The original FCT application indicated that Hightower had the highest sea turtle nesting per 1/2 km north of Archie Carr (probably due to near-shore reef) and hence was prioritized for funding.

While this proposed new management plan is under the auspices of a so-call HF Radar system, what the new management does in actuality is to allow the city to monetize the FCT conservation lands by the new hotel that the city of Satellite Beach approved Plat last week. Satellite Beach is using the radar system as an excuse to pass their new "Management Plan" which city approved 16 Feb 22 - their new management plan writes out all the FCT protections for Hightower, removes the conditions for funding, removes the limited human activity, limited additional parking to 50 vehicles, removes purpose of being dark and undisturbed beach for green sea turtles; even removes FCT lands from the larger "Project Site."

It even removed the purpose of the site to be a dark and undisturbed beach for the preservation of green sea turtles. Here is the new management plan the city approved on 16 Feb 22: <https://drive.google.com/file/d/1hsaT4895rG4ZY2tDRu4THvMfvk6ZU64/view?usp=sharing>

The FCT agenda came out this evening - 7 days before the meeting next week - no more than legal minimum time for the two most controversial projects in Florida - one with over 15,000 petitions and the other with over 40,000 petition signatures. Interesting that city manager, Courtney Barker stated on public records on Feb 16th at city council meeting that she used to work at DCA - how many employees of FCT does she have influence?

Shameful that both these sites were involved in controversy with emails from CFX and other entities including our local commissioner (CFX board member) to try to put influence on the FCT Governing Board to approve these sites. These two FCT sites should not even be on an FCT agenda with that controversy. The assistant city manager was the legislative aid to the person Curt Smith was trying to appoint; and her husband works for Curt Smith as his legislative aid.

FDEP tried to give us only 2 days notice for the 16 February meeting. It is disturbing that FCT Governing Board, whose purpose according to the FCT Workshop is to consider changes to controversial - would not give us the same notice that they give the city of Satellite Beach. Last Wednesday, City manager indicated she was going to Tally for a FCT meeting.

From the FCT Workshop in 2021: Linear Facilities consider a determination list which you will see FCT P8A/P9A proposal does not meet these conditions - especially that there is a reasonable alternative in the forwarded email below. <http://publicfiles.dep.state.fl.us/dsl/LRGWeb/FCT/Florida%20Communities%20Trust%20Program%20E2%80%9380%93%20Post%20Completion%20Webinar%20mp4>

Linear Facilities

Multi-Step Process

1. Determination that:
 - a) No reasonable alternative
 - b) Minimal impact
 - c) Alternative analysis
2. If No Reasonable Alternatives
 - a) Written Statement - Local Government approval
 - b) Description and Dimensions
 - c) Natural Communities
 - d) Compatibility with Recreational Use
 - e) Mitigation
 - f) Modified Master Site Plan

Most often requires Board approval

In the case of the proposed change to Management Plan for P8A/P9A, the FCT Workshop stated that a linear facility be considered when:

- there is no reasonable alternative. **Brevard County offered Canova Park as an alternative** (see below emails).
- when there is minimal impact. **The impact is significant** because they will have to"
 1. remove extensive seagrapes (protected species) along the dune in order to install antennae at the south end; and
 2. the 4" conduit will have to sit onto of 2.5 foot high plants unless they remove these plants; and
 3. transmission line in area of dense trees.
- compatibility with Recreation Use - so now education tours (if any actually took place LOL) and people going to walk the boardwalk for peace and scenery will see 4 inch conduit running across the coastal strand and 12 radar things taking away from the beauty as they look at the view out to sea.



Appendix 2: Proposed site layout

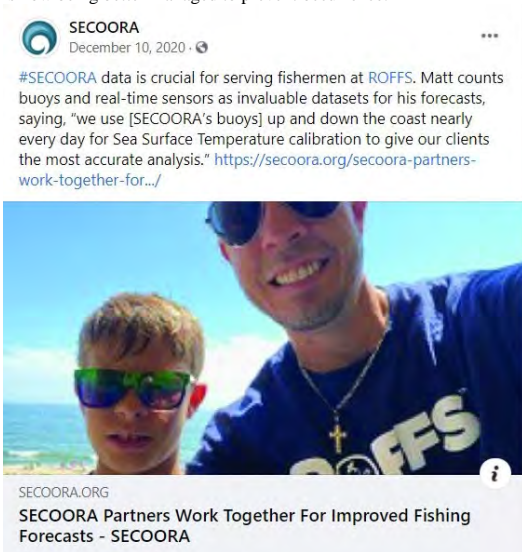
Cables (blue line on map) from the transmit and receive antennas will be placed inside of corrugated, flexible pipe. The cables will not be buried (they will be laid on the dune surface until they reach the boardwalk). Once reaching the boardwalk, the cables will be elevated and secured under the boardwalk (off the ground). This will reduce impacts to flora and fauna and make them less visible to park visitors.

The HFR antennas will be placed within the dune vegetation, allowing them to blend into the scenery. This will reduce visibility of the monopoles.

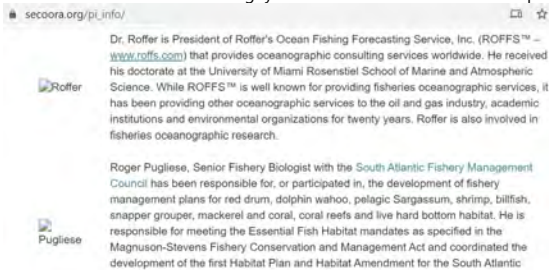
The trailer/shed will be placed near the restroom in a limited vegetated (disturbed) location.

Here is the details of the federal request to USFWS <https://drive.google.com/file/d/1TJTOA6EuWmU9o2bs9HutyelpV3mk6Qzz/view?usp=sharing> We also have a petition: <https://www.change.org/p/fdep-stop-hf-radar-system-on-hightower-park-preserve-satellite-beach-florida> with over 800 signatures.

The HF Radar system being installed is used by SECOORA with their private partnerships for profit selling fishing reports to where the fish are. It was stated the NOAA system is not for academic use and we don't have algae blooms on the ocean here. Once time I can think of for red tide in 2018 due to Lake O disaster that is now being better managed to prevent occurrence.



WHAT??? This is for profit: What is a "Principal Investigator" with SECOORA? https://secoora.org/pi_info/. Mitchell Roffer is listed here as a Principal Investigator as well as several other researchers. but not Lazarus (probably not updated). Lazarus replaced Roffer. Roffer was working on getting this system beachside too "We tried to get approval for Patrick for two years at least. I have no idea what goes on regarding decision making at Patrick. I'm sure it involves Homeland Security and possibly interference with communications at the base." And obviously communicating with Lazarus by his comments here. Larzarus is not doing this for research. He is weather guy not marine currents. It all adds up to being about for profit.



Dr. Lazarus stated on public record at the City Council meeting that this is not a classic research project but community based project. Community based meaning for profit. Dr. Lazarus, is "Principal Investigator" for this project with Florida Institute of Technology, a private university. Interesting that the project has partners for commercial interests... <https://secoora.org/secoora-partners-work-together-for-improved-fishing-forecasts/> "Upton has used his 14 years of employment at [ROFFS™](<https://www.roffs.com/>) to expand near real-time spatial and temporal coverage of oceanographic data. ROFFS™ was previously owned by Dr. Mitchell Roffer, a past SECOORA Board member. Through partnerships with SECOORA and the marine modeling group [Fathom Science](<http://fathomsience.com/>), Matt secures the data ROFFS™ needs to strengthen their analyses and inform their clients." (Roffer sold in 2018 but had been on SECOORA board years) "Recreational fishermen make up 95% of all [ROFFS™](<https://www.roffs.com/>) clients and are what Upton calls "the bread and butter for our business....SECOORA data is crucial for serving fishermen at [ROFFS™](<https://www.roffs.com/>). Matt counts buoys and real-time sensors as invaluable datasets for his forecasts, saying, "we use [SECOORA's] buoys] up and down the coast nearly every day for Sea Surface Temperature calibration to give our clients the most accurate analysis." ROFFS™ also uses the SECOORA buoys for offshore and near-shore wind measurements. When clouds interfere with their satellite imagery, SECOORA's High Frequency Radars, land-based observational instruments that measure the velocity of ocean surface currents in near real-time, play a special confirmatory role. Matt says, "If we can't see ocean conditions through the clouds, we will from time to time look at HF radar data to confirm, say, where the edge of the Gulf Stream is." And when reports of an algal bloom arise, [ROFFS™](<https://www.roffs.com/>) joins recreationalists in using SECOORA's Harmful Algal Bloom data "to monitor the coastal and offshore conditions."

Below is the emails showing that alternative sites are available under the Linear Facility requirements:

Sandra Sullivan
WAVESaction LLC
954.224.8624

On Thu, Jun 10, 2021 at 3:35 PM Sandra Sullivan <s2sully@gmail.com> wrote:

I disagree with this summary. Brevard County has required an increased setback from the dune - the problem is the sea grapes are dense to the edge of the dune in serious places. According to Dr. Lazaris one reason they could not put it at PAFB is because of the protected sea grapes. We have the same issue on Hightower - so how do they put the poles (and run wires) into the ground in dense sea grapes? There has not been an endangered and species (a few recorded) survey since the FCT grant 20 ago and the FCT agreement says these plants are not allowed to be disturbed. While the cables can be run on the sand potentially and along the boardwalk, the location of the transmission tower is in an area of dense trees. The only way would be to cut down the trees and foliage. Their location of a trailer is in the plants as well, and while the bathroom closet is an area they discussed using - the County agreement for Public use prohibits use there at this time.

The Public use only for the LW541 and the FCT is also an issue. The FCT P2000 are publically funded bonds - the process for the HF Radar as a utility is 1-2 years according to FCT because the DDRC have to be changed.

I don't understand why they won't consider Canova instead of disturbance to the preserve. Installation is a disturbance with workers trooping through conservation lands installing system.

original emails: <https://drive.google.com/file/d/1EOM-ecNxbH38wEoKiWr4-6Du2St7O2Lc/view?usp=sharing>

From: Mcqarry, Michael J <Mike.Mcqarry@brevardfl.gov>
Sent: Tuesday, January 26, 2021 9:07 AM
To: Steven Lazarus
Subject: RE: HF Radar in Brevard Hightower

Steven,
I was happy to see that the City Council approved moving forward with your project at Hightower. With luck things will continue to go smoothly. To avoid any confusion, I wanted to provide my thoughts on the seaward limit of your equipment. I know you have said the intent is to keep it out of sea turtle nesting habitat, which should mirror my goal of keeping it away from the reach of likely erosion. HighTower looks pretty good now after we've been feeding it dune sand for 15 years, but storms will cut deep into the bluff as you know.

Our shore protection project with the Army Corps has an easement (or equivalent) in place preventing installation of this system seaward of the seaward most plus 14 foot elevation contour, as measured vertically from the National Geodetic Vertical Datum (NGVD). This is a hard limit. This contour was chosen to roughly match the limit of erosion in the last couple decades, and is also near the crest of dune. More practically speaking I have drawn a yellow line below, that my judgement says would be a relatively safe seaward limit of your placement (further back is always better). Keep in mind that after hurricanes all of the north/south components of the handicap ramp shown have had the sand washed out from under them, leaving the ramp that is now imbedded in sand hanging many feet in the air.

Forgive me if all of this stating what you already know, but I thought it would be easier to provide guidance here than to wish I had. To be clear, exact placement is up to the City not me (as long as the 14 foot NGVD contour limit is not violated) but I just wanted to share my thoughts.

Good luck with the project!

Mike



Thanks Mike...
Very nice synopsis btw. I hope this works. It really is unobtrusive - esp. since the park has a buffer/scrub that we can set the receive antennae on off the sand and away from nesting sea turtles (and paint them!). Fingers crossed. Yeah if push comes to shove Canova might work as well. Haven't done the calculations for that location.
Steven

Dr. Steven Lazarus (Faculty Profile)

Professor and Program Chair
Ocean Engineering and Marine Sciences
Florida Tech
(O) 321-394-2160, email: slazarus@fl.edu



From: "McGarry, Michael J" <Mike.McGarry@brevardfl.gov>
Date: Monday, November 23, 2020 at 12:57 PM
To: Steven Lazarus <slazarus@flr.edu>
Subject: RE: HF Radar in Brevard

I just sent something and copied you. As I said on phone I think the County may be agreeable to use Canova Beach four miles further south (avoiding any beach construction ramps). Hightower does not work. We can see what sort of response you get from Satellite.



From: Steven Lazarus <slazarus@flr.edu>
Date: Friday, November 6, 2020 at 9:57 AM
To: "McGarry, Michael J" <Mike.McGarry@brevardfl.gov>
Cc: James Gray <jgray@atfd.us>, Jennifer Dorton <jdorton@seccoia.org>
Subject: Re: HF Radar in Brevard

Mike -
I am including a short summary below and have attached a PPT with a few slides that show one "proposed" layout of the radar at Hightower, what the monopoles look like and a schematic of the coverage for the two radars. The poles are unobtrusive and can be painted green to be less visible. I was up there a few weeks ago and it is a great location. The poles could also be located on the north side of the park. We do need power to operate the radar and housing for the components (a shelf in a cleaning closet perhaps at the restroom facility - if not we can purchase a small trailer). It would pick up the costs of the park power bill in entirety. I am in the process of signing an agreement with the IRC Parks and Rec for that site. Thanks for your help!
Steven

On Thu, Jun 10, 2021 at 3:10 PM Dziergowski, Annie <annie_dziergowski@fws.gov> wrote:

Ms. Sullivan,

Although I am not aware of the a HFR station planned at Hightower Park, the Service has consulted on past HFR Stations (see attached letter) along the coast, and did not find that they impacted any federal listed species. The potential impact from installation and routine maintenance are minimal because HFR stations are installed with no heavy machinery and minimal ground disturbance. Additionally, there will be no associated impacts from the operation of the HFR station, which just passively transmits a radio wave and senses its reflection off the sea surface to measure ocean surface current speed and direction. As noted in the letter they will be implementing minimization measure to avoid any impacts.

Please let me know if you have any further questions.

Annie

From: Sandra Sullivan <s2sully@gmail.com>
Sent: Thursday, June 10, 2021 2:46 PM
To: Trindell, Robbin <robbin.trindell@myfwc.com>; Dziergowski, Annie <annie_dziergowski@fws.gov>
Subject: [EXTERNAL] Fwd: High Tower Park Public Notice of Environmental Assessment for Satellite Beach

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Why is the HF Radar moving forward to potentially impact a preserve?... second highest nesting in North America according to LW541 agreement and endangered and threatened plants. The county offered Canova Beach as an alternative location. We also have a petition: <https://www.change.org/p/fdep-stop-hf-radar-system-on-hightower-park-preserve-satellite-beach-florida>

3. Project Location: Street Address: 815 Highway A1A
City Satellite Beach County Brevard Zip Code: 32937
If the project is not located in a city, list the city nearest to the project site.

4. Legislative Districts in which the Project Site is located: *These should be the districts in which the proposed project site is located. If you are not sure of the districts, contact your local office of the Supervisor of Elections.*
State Senator Mike Haridopolis Senate District Number 18
State Representative Thad Altman House District Number 30

5. Congressional District in which the project is located:
U.S. Congressman Dave Weldon Congressional District Number 15

6. Briefly describe the physical characteristics of the project site. Include:

- **Land Resources:** 18.5 acres containing an 18-car parking area, outdoor shower head, non-handicapped-accessible dune crossover with access walkway, short mulched nature trail, and picnic facility.
- **Water Resources:** 2,800 feet of Atlantic Ocean shoreline, with rare and valuable coquina hardbottom along the low-water line.
- **Vegetation, Fish and Wildlife:** The park's shoreline has the highest nesting density for threatened and endangered sea turtles in North America outside the Archie Carr National Wildlife Refuge several miles to the south. The park also contains two endangered and one threatened plant species.
- **Historical/Archaeological Resources:** None (based on FL Division of Historical Resources survey).
- **Previous Land Usage:** Except as natural habitat, 16.9 acres of the park have never been used. The County-owned portion (see "other pertinent information") has been used as a passive recreation area providing beach access (dune crossover) with limited parking.
- **Transportation Access:** Transportation access is very easy, since the park borders SR A1A (designated a State and Federal scenic highway, known as the Indian River Lagoon Scenic Highway), and abuts the recently-installed Brevard County Coastal Corridor Multi-Use Trail.
- **Other Pertinent Information:** The entirety of Hightower Beach Park consists of 18.5 acres of oceanfront public conservation land. Of this acreage, Brevard County owns the 1.6-acre central portion of the park in the vicinity of which are located the modest improvements cited above. Satellite Beach acquired 15.3 acres bracketing the County portion with Preservation 2000 grant funds, and the State of Florida THIF owns 1.6 acres on the north and south ends of these public conservation lands. In 2001 the City negotiated an agreement with the County (automatically renewed annually to extend 25 years into the future) to manage the County's portion of the park; this agreement also incorporates the County's management agreement with the State. As a condition of the Preservation 2000 grant award, Hightower Beach Park is restricted to public open space, limited recreation, and conservation use in perpetuity. The proposed project will fulfill these conditions. The boardwalk will enhance public access to the conservation lands without disturbing them, providing greater public access and better resource protection than the mulched nature trail now affords. Importantly, the restrooms included in the project will be the only such facilities accessible to the public within 0.5 mile of the beach access.

FPS - A047

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----- Forwarded message -----

From: **Krisa Arzayus - NOAA Federal** <krisa.arzayus@noaa.gov>

Date: Thu, Jun 10, 2021 at 2:31 PM

Subject: High Tower Park Public Notice of Environmental Assessment for Satellite Beach

To: <hightowerbeachpark@noaa.gov>

Cc: Mequela Thomas - NOAA Federal <mequela.thomas@noaa.gov>, Laura Gewain - NOAA Affiliate <laura.gewain@noaa.gov>

Thank you for your interest in the High Frequency Radar (HFR) Installation at Satellite Beach Florida. The NOAA's U.S. Integrated Ocean Observing System (IOOS) Office proposes to allocate the federal funds needed for this project to the Southeast Coastal Ocean Observing Regional Association (SECOORA), one of 11 regional coastal observing systems that comprise the U.S. IOOS.

The [National Environmental Policy Act](#) requires the U.S. IOOS Office to take into account the environmental impacts that could result from a proposed action. The U.S. IOOS Office will prepare an Environmental Assessment that will discuss the environmental impacts of the installation of the HFR station proposed by SECOORA & Florida Institute of Technology.

To learn more about the project please visit <https://ioos.noaa.gov/hightower-beach-park>.

If you have comments or questions about the project at this time, you can submit them to the U.S. IOOS Office via email at hightowerbeachpark@noaa.gov.

--

Krisa M. Arzayus, Ph.D.
Deputy Director
U.S. IOOS Office



1315 East-West Hwy
Silver Spring, MD 20910
phone: 240-533-9455
cell: 240-429-8455
<http://www.ioos.noaa.gov/>

Every storm runs out of rain - Maya Angelou

From: [Matthew Fleming](#)
To: [Wood, Rebecca](#); [Reeves, Linda](#); nvalenstein@fgcu.edu; frank@assist2sell.com; deb.denys@premiersir.com
Cc: [Maureen Rupe](#); [Waymer, Jim](#); [Sandra Sullivan](#); [Leesa Souto](#)
Subject: Re: FCT Board Meeting Agenda Item
Date: Sunday, April 17, 2022 12:45:58 PM

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Please forward this email to your lists, and to the FCT Governing Board staff at rebecca.wood@floridadep.gov, and linda.reeves@dep.state.fl.us.

Attn: FCT Governing Board Members
Re: 4/20/2022 regular meeting, agenda item #6.

Objections to Satellite Beach request for "linear facilities" approval for Project #98-044-PBA, specifically the installation of a High Frequency Radar array in the "Hightower Beach" FCT preserve.

1. Availability of other sites.

The administrators and elected officials of City of Satellite Beach notoriously claim that they have preserved 40% of the beach front within city limits for public use. In addition to this, the county has established "beach nourishment" easements along the whole of the beachfront within the city limits and beyond, both north and south of the city. Contrary to county administrator Mike McGarry's assertion, there is nothing preventing the use of suitable parts of the dunes inside of that easement for this project. Other suitable locations include private ocean front property, which no owners of have been contacted to request/eliminate as potential sites. Furthermore, there are several miles of federally owned beachfront less than 1.5 miles north of this site which would likely be ideal for the placement of such equipment. I am unfamiliar with the difficulties encountered by the proponents of this project in utilizing beachfront owned by Patrick Space Force Base, however it is highly unlikely that anything prohibits this project on their land. It is not requisite that this Florida Institute of Technology HRF site be located within the city limits, at this location, or that it be placed on public land. Placing this infrastructure within a nature preserve directly contravenes the stated purposes of both the preserve and the FIT project, which is the "protection" of wildlife habitat.

2. The management plan submitted by the city includes the use of herbicides and controlled burns which are wholly inconsistent with updated coastal strand management best practices.

3. The creation of a "Sea Turtle Lighting District" would create an undue barrier between residents and state regulatory authority governing lighting restrictions protecting those endangered species. It would also create new authority with a municipality board.

As has been stated publicly and repeatedly by the City Manager of Satellite Beach, the municipality is currently facing a legal jeopardy, which, according to her own statements on the record in advising city council votes related to the adjacent commercial development, requires the city to allow construction within the "Planned Unit Development" site.

This commercial development site is adjacent(directly across the street) to the Preserve.

These actions, combined with the FCT covenant requirements which make the city directly responsible for maintenance of the preserve, create an undeniable conflict of interest in establishing a municipally controlled "turtle lighting district". The creation of such a district in this management plan would create a new de-facto allowance for this development to proceed with construction, despite the fact that "high density", "high intensity commercial", or "transient housing" have been expressly prohibited as adjacent land uses.

4. The non-profit groups assisting with monitoring the affects of lighting within the preserve have direct financial connections to the city, and/or other governing bodies. These organizations also receive funding and assistance from institutions which receive funding from the city, thereby creating further conflicts of interest. Conflicts which will be exacerbated in creating this new authority. Those conflicts of interest are in reference to direct public payments and grant applications which are public record, and do not include other monies which may be attached to various board members' or employees' personal financial interests, for which there has not been public disclosure.

Specifically:

Sea Turtle Preservation Society

Stella Maris Marine Research

5. Conclusively: The City is attempting to update/modify it's management plan, not for the protection of the preserve, nor for the installation of HRF towers consistent with FCT provisions for "linear facilities", but for the purpose of modifying it's management plan to advance/approve a large scale and high intensity residential and commercial development adjacent to the site, which includes transient housing/short term rentals. This is expressly prohibited by both the letter and spirit of laws and regulations governing Florida Communities Trust grants.

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As such, I'd like to request that this board reject the City's application for approval of it's modified management plan, and use any and all authority at it's disposal to investigate and require the city to disclose any financial conflicts of interest it's administrators and elected officials have related to compliance with FCT rules, and require the city to adhere to both the spirit and letter of the FCT agreements and covenants which provided our town with one of the last naturally preserved coastal strands in Central Brevard County. The site is notably significant for it's high rate of sea turtle nesting. It doesn't matter what the Ballard lawyers or their friends told you, they probably didn't mention any of THEIR legal jeopardy stemming from numerous individuals' violations of state and federal law either.

The City's decision to move forward with such a problematic development strategy is something that the City is responsible for, and it is not this board or the state's job to protect the municipality for any liabilities it has potentially incurred in it's erroneous and, frankly illegal, attempts to satisfy the demands of private development interests.

Lastly, it is my belief that Deborah Denys should recuse herself from voting on this board, and/or this vote in particular. Her tenure as a County Commissioner terminated over 1 year ago, potentially disqualifying her to cast a legal vote on this board. Her current employer,

Sotheby's International, represents significant and numerous realty interests in Satellite Beach and surrounding areas.

Thank you,

Matt Fleming
Satellite Beach Resident