# Environmentally Endangered Lands ProgramSelection and Management Committee Meeting

## January 11, 2021 Meeting Minutes

## Attendance

### SELECTION AND MANAGEMENT (SMC) MEMBERS

Elizabeth Becker, Tamy Dabu, Lisa Toland, Kim Zarillo (Procedures Committee (PC)), Doug Sphar (Recreation and Education Advisory Committee (REAC)), and Mac McLouth (Tourism and Development Council (TDC)) attended the meeting in-person. Paul Schmalzer, Tammy Foster, David Breininger and Oli Johnson attended this meeting via Zoom. David, due to a scheduling conflict, joined the meeting late.

### ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM STAFF

Mike Knight, Steve McGuffey, Brad Manley, Damien Keene, David DeMeyer, Jenny Warner, Amy Rivera and Ray Mojica.

### GUESTS

None

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

## Meeting Minutes

### CALL TO ORDER AND ROLL CALL

Tamy Dabu called the meeting to order at 1pm.

Mike Knight introduced the Tourism and Development Council SMC appointee, Mac McLouth. He noted Kim Zarillo and Doug Sphar were recommended to the SMC by the Procedures Committee (PC) and Recreation and Education Advisory Committee (REAC) respectively.

### PUBLIC COMMENT

None

## MINUTES

The SMC/PC 6/19/2020 joint meeting minutes were presented for approval.

### MOTION 1

**Paul Schmalzer moved to accept the 6/19/2020** **minutes with corrections as amended.** Provide answers to questions #2 and #4 on page 2, agenda item 2. Mike noted the corrections for each set of minutes have been incorporated.

**Doug Sphar seconded the motion.**

**Motion carried unanimously.**

The SMC 8/3/2020 meeting minutes were presented for approval.

### MOTION 2

**Paul moved to accept the 8/3/2020 minutes as revised**. Corrections to page 4, the correct use of the word inholdings, TICO Airport (Titusville-Cocoa), and language to indicate the consideration of a future referendum. On pages 6 and 7, replace the personal pronouns (us and our) with the US Fish & Wildlife Service.

**Lisa Toland seconded the motion.**

**Motion carried unanimously.**

The SMC 8/19/2020 minutes were presented for approval.

### MOTION 3

**Paul Schmalzer moved to approve the 8/19/2020 minutes as edited.** Capitalize the word program on page 4, item 4. On page 6, replace Public Comment with Other Discussion and add clarification to the action items referencing the Colonial Coastal Crossing Property.

**Oli Johnson seconded the motion.**

**Motion carried unanimously.**

### ADMINISTRATIVE REVIEW

**Management Plan Status Spreadsheet**

Mike provided an overview of the Management Plan spreadsheet and its intended use. He mentioned a public stakeholder meeting is scheduled on January 27, for Challenger Marsh Sanctuary, Indian River Sanctuary, and Dicerandra Scrub Sanctuary. Mike noted the Sykes Creek Management plan was distributed on January 6th for Committee Member two-week individual review. A few SMC Members asked for clarification on plans and the process. Mike explained management plans and the management plan process. He will provide the Management Plan steps to the new SMC members.

**FY 20/21 Millage Update**

Mike discussed millage rates and asked Paul to provide input. Paul provided historical information and noted the Program has not collected at the maximum approved millage as stated in the 1990 or 2004 referendums by the voters. He stated these under collected funds impacted funding for land acquisition, operational expenses, and capital improvements. Mike explained $45,912,000 is the combined total not collected from the 1990 and 2004 referendums. He further stated the bonds were not fully funded which also impacted acquisition. The Committee discussed historical millage rates and how the Program is funded. Lisa Toland asked if funding ends in 2024, when does collecting end? Mike stated his understanding the funding will go through September 1, 2024. Doug Sphar mentioned the Board of County Commission (BOCC) raised the millage rates three consecutive years. Mike noted even with those three increases, the Program is not fully funded but is stable to continue through 2024 if a catastrophic event does not occur.

**SMC Appointments**

Mike explained the BOCC Agenda Item from 12/8/2020 regarding SMC re-appointments, including the in-person meeting requirement and term limits. Lisa Toland asked where the in-person meeting criteria evolved from. Mike stated the in-person requirement has always been in place for a quorum. Prior to COVID Committee Members could participate by phone; however, they could not be part of the quorum. As a result of COVID, the in-person quorum requirement was waived temporarily. The in-person voting quorum for advisory committees has been reinstated as of November 1st. It was noted Paul, Tammy, and David are restricted by their employer to attend in-person meetings. Lisa Toland wanted to state more clearly, the National Aeronautics and Space Administration (NASA) does not permit employees to attend in-person meetings to protect astronauts, launches, and the economy. Paul added this applies to NASA employees and contractors. Lisa asked if the Governor or the County Commission added the in-person requirement. Mike stated this option was added to the agenda by the County Manager’s Office. Lisa asked if the Commissioner’s voted on it. Mike confirmed the BOCC chose to appoint SMC members who are not restricted by their employer to attend in-person meeting. Mike noted Oli Johnson is unable to attend in-person because of health concerns. The question was raised between the employer requirement and an individual health concern. Lisa Toland found this personally offensive and in particular how the SMC was notified. She thought it was disrespectful to Paul, David, and Tammy since they have generously invested their time and she hopes this does not happen to her in the future. She stated her daughter has a compromised immune system and it is risky for her to attend in-person meetings. She further stated she attends in-person meetings because she doesn’t want the Program to suffer. Lisa Toland suggested the SMC send a letter to the BOCC regarding the employer restricted in-person requirement. Tamy Dabu supports this idea and asked if other Committee Members (with health concerns) can attend meetings remotely. Mike responded as long as there is an in-person quorum. Doug Sphar mentioned the specific educational and professional background required to be appointed to the SMC. Lisa inquired about the SMC application process. Mike explained the Volunteer Scientist application process and subsequent BOCC consideration. Doug inquired about the number of PC and REAC members. Mike confirmed the number of members was reduced from ten to eight. Paul added the criteria for SMC membership is laid out in the Land Acquisition Manual (LAM). According to the LAM, PC and SMC action are required to amend the LAM. He noted procedural changes are being made without following what is laid out in the LAM. Mike asked for clarification. Paul stated the term limits are not specifically stated in the LAM. Mike stated the LAM is subject to the BOCC decisions regarding advisory committees. What the BOCC did was change the rules of advisory committees regarding term limits. Mike appreciates Paul’s input. Paul further stated the LAM was created to protect the Program from political manipulation. Lisa added term limits are to limit political power; however, the SMC does not have purchasing power. She feels the NASA requirement is excessive. Mike added the SMC has more power than the typical advisory committee. Lisa added the power is held by the person who hires the appraiser.

**30-Year Report and Operations and Funding Report**

Staff has completed most of the revisions from committee members which included changes to some graphics, general wording and captions for images. Staff is currently researching historical acquisition partner contributions in order to reconcile a discrepancy between overall contract price and partner shares. Both documents will be redistributed for additional input once this issue is resolved.

### COMMITTEE MEMBER REPORTS

Kim Zarillo mentioned the Florida Native Plant Society and Archibald Biological Scientist Station offer interesting, virtual events with topics related to National Sciences. Tamy asked if there is an update from PC or REAC. Kim replied, no. Doug stated the November REAC meeting was organizational.

### Land Acquisition Report

FIND Exchange Report

The FIND Exchange is expected to close in January. Mike stated we have not heard any further concerns from neighbors or attorneys in that area.

### AGENDA ITEM 1

PC and REAC Appointments

Mike explained the new process of the SMC appointing members to PC and REAC. There is currently one opening on each committee. The vacancy for the REAC Committee is a TDC appointment and their new chair will be appointed on January 20th. The TDC will provide the name and SMC will appoint.

### MOTION 4

The staff recommends the SMC reappoint the seven PC members (Bo Platt, Diane Stees, Kim Zarillo, Leesa Souto, Linda Behret, Richard Follett, and Sil Crespo) for a two-year term.

**Doug Sphar moved to reappoint the seven PC members.**

**Liz seconded.**

**Motion carried.**

**Kim Zarillo abstained.**

### MOTION 5

The staff recommends the SMC reappoint the seven REAC members (Bob Champaigne, Rachel Sadoff, Doug Sphar, Karen McArthur, Murray Hann, Suzanne Valencia, and Richard Follet) for a two-year term. Richard serves both the PC and REAC.

Doug asked if Rachel Sadoff has a conflict or if she may continue to serve. Mike stated it is not a significant conflict, she is willing to continue, and she may abstain as needed.

**Lisa Toland moved to reappoint the seven REAC members.**

**Kim Zarillo seconded.**

**Motion carried.**

**Doug Sphar abstained.**

### MOTION 6

Mike shared David B. (Monty) Montgomery’s interest and qualifications.

The staff recommendation is to appoint Monty to the Procedures Committee.

**Mac McLouth motioned to appoint Monty Montgomery to the PC.**

**Doug seconded the motion.**

**The motion carried** **unanimously**.

### AGENDA ITEM 2

South Region Management Update

Steve McGuffey provided an update on the South Region. He highlighted timbering projects, exotics eradication, EEL equipment, and equipment rentals. This presentation is available upon request.

Mac McLouth inquired about funding and expenses. Mike stated it is funded by the tax assessment from the referendum. The Program receives grants from Florida Fish & Wildlife Conservation (FWCC) for some management work and equipment rentals. Exotic control is often covered by State grants. Steve stated the cost to rent the Brontosaurus is about $8,000 per month; however, a contractor would charge 3-4 times more than that. Mac asked if the timber is sold. Mike stated yes, but, we often break even or make some. Tamy Dabu inquired about prescribed fires by Florida Forestry Service (FFS) on the property west of 95 managed by FWCC. Mike stated FWCC is not doing any management in that area because the properties are too scattered with private lands. Oli asked Steve if he is seeing any gopher tortoise burrows. Steve said they observe them and leave a wide berth around the burrows. David Breininger commented on the progress made by Steve and Nate Lepley. He stated this is the most rapid and best improvement he has observed during his career. David inquired about the Fire Manager position. Mike replied he is hopeful this position will be advertised in the next 30 days. Mac McLouth asked the total operations budget. Mike replied $2 million annually with $200,000 - $300,000 for each of the four regions.

### AGENDA ITEM 3

Duncan Property Donation

Mike explained this proposed donation is a privately owned 0.31-acre parcel in the Scottsmoor Flatwoods. The owner is willing to donate as long as they do not incur any expenses. The staff recommendation is to waive the environmental assessment and the county will pay for the title commitment and closing cost totaling approximately $1,000.

### MOTION 7

**Paul Schmalzer moved the 1st majority vote to accept the Duncan Property Donation as it is an inholding within an existing sanctuary.**

**Kim Zarillo seconded the motion.**

**Motion carried unanimously.**

### MOTION 8

**Paul Schmalzer moved a 2nd majority on the Duncan Property Donation.**

**Oli Johnson seconded the motion.**

**Motion carried unanimously.**

### AGENDA ITEM 4

Blazer-Holum Property Donation

Mike stated this second proposed donation is also a privately owned 1.39-acre parcel in the Grant Flatwoods Sanctuary. The owner is willing to donate as long as they do not incur any expenses. The staff recommendation is to waive the environmental assessment and the county will pay for the title commitment and closing costs.

### MOTION 9

**Lisa Toland moved a 1st majority vote for the Blazer-Holum Property donation.**

**Mac McLouth seconded the motion.**

**Motion carried unanimously.**

### MOTION 10

**Doug Spahr moved a 2nd majority vote to accept the Blazer-Holum donation.**

**Mac McLouth seconded the motion.**

**Motion carried unanimously.**

### AGENDA ITEM 5

Colonial Crossing Property Donation Second Majority Vote

Mike provided an overview of the parcel. He clarified there are no recorded cultural resources on this site. Secondly, there is not an active management requirement on the part of the current owner other than to maintain the parcel under a conservation easement. The third concern was the flood plane compensation area. It has been determined there is not a requirement for mowing. Staff will mow the perimeter periodically as a courtesy to maintain a small fire break. Doug asked about public access. Mike clarified there will be some type of passive recreation on this site; but, the area must remain in its natural state. Possible access points are Katherine Court or the Publix parking lot. Paul stated this property was previously identified as a possible stepping stone for scrub-jays. Lisa inquired if the area that is currently being mowed is not mowed, will this cause flooding? Mike stated if additional mowing is required for management, staff will address it. Lisa does not think it will be too costly. Mike agreed. Oli Johnson asked if the property to the east and to the north available. Mike stated that is unknown. The property to the east is wet and has potential for mitigation. The property to the north is more developable, but has scrub mitigation potential which is rare.

## MOTION 11

**Mac McLouth moved a 2nd majority vote to approve the Colonial Crossing Property Donation.**

**Liz Becker seconded the motion.**

**Motion carried unanimously.**

### AGENDA ITEM 6

Lease Amendment and Partial Release (State Lease 4263)

Mike explained the State provided the EEL Program with Lease Amendment #10 for the addition of all remaining state-acquired parcels into the County's Lease Agreement 4263. In addition to the parcels that needed to be added to the lease, a recent lease audit revealed that several older acquisitions had never been added during previous lease amendments. Additionally, several other parcels were incorrectly included in previous lease amendments which should have been included in Florida Fish and Wildlife Conservation Commission’s (FWCC's) Mega Parcel lease. This amendment will reconcile all of these issues. Staff has submitted an agenda request for consideration by the County Commission on January 26. Tamy Dabu asked if this changes the existing green area in the mega-parcel. Mike replied, no. This is a formality since these parcels were acquired previously. The Committee discussed the mega-parcel’s characteristics, easements, unlawful entry, and barriers to passive recreation because of the lack of connectivity between parcels managed by the Program.

### PUBLIC COMMENTS

None

### NEXT MEETING

February 11, 2021.

### ADJOURNED

The meeting was adjourned at 4pm.

### ACTION ITEMS

1. Send new members the Management Plan approval process

2. Redistribute the 30-Year Plan & Operational Funding Report