



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM  
SELECTION & MANAGEMENT COMMITTEE (SMC)  
PROCEDURES COMMITTEE (PC)**

**January 8, 2010  
Attendance List**

***SELECTION & MANAGEMENT COMMITTEE MEMBERS***

Mark Bush  
Dave Breininger  
Sue Hann  
Ross Hinkle  
Randy Parkinson  
Paul Schmalzer  
Kim Zarillo

***PROCEDURES COMMITTEE MEMBERS***

Priscilla Griffith  
Ralph McCoig  
Pat Pasley  
Rocky Randels  
Diane Stees  
Amy Tidd  
Kim Zarillo

***EEL PROGRAM STAFF***

Jenny Ashbury  
Laura Clark  
Xavier de Seguin des Hons  
Mike Knight  
Brad Manley  
Steve McGuffey  
Chris O'Hara  
Ray Mojica  
Scott Taylor

**THE NATURE CONSERVANCY**

Keith Fountain  
Anne Mayer

***GUESTS***

Jim Durocher, Citizen – REAC Committee Member  
Susan Gosselin, Brevard County Natural Resources Management Office  
Carol Hamilton, Citizen  
Vince Lamb, Citizen – Friends of Ulumay  
Jack Lembeck – Citizen – Brevard County Historical Commission  
Don Lusk, Brevard County Parks & Recreation  
Linda Mannier, District 3 Commission Office  
Maureen Rupe, Citizen, Partnership  
Doug Sphar, Citizen – REAC Committee Member  
Suzanne Valencia, Citizen

*EEL Program Selection and Management Committee  
Procedures Committee Meeting  
January 8, 2010*

*Page 1 of 18*

*Approved by SMC March 2, 2010 and by PC on March 16, 2010*



**ENVIRONMENTALLY ENDANGERED LANDS (EEL) PROGRAM  
SELECTION & MANAGEMENT COMMITTEE (SMC)  
PROCEDURES COMMITTEE (PC)**

**January 8, 2010  
Meeting Minutes**

**CALL TO ORDER:**

Rocky Randels, Procedures Committee Chair, called the meeting to order at 2:08 PM and welcomed everyone to the meeting. He asked the group if everyone could introduce themselves and stated that anyone who wished to make public comment should complete a public comment request card and give the card to Mike Knight, EEL Program Manager. He explained that there would be opportunities for comment throughout the meeting with each agenda item, but that anyone who wished to provide general comment had the opportunity to do so at the beginning of the meeting.

**PUBLIC COMMENT:**

None.

**MINUTES:**

The May 28, 2009 minutes were presented for approval.

Paul Schmalzer noted the following:

- Scott Taylor was listed on the attendance sheet, but was not in attendance.
- Kim Zarillo's name was listed on both the SMC and PC with a star at the end of her name, but there was no explanation for why the star was included.
- Page 2, paragraph 4: extraneous period after Selection and Management Committee
- Page 3, 3<sup>rd</sup> bullet from top: Requires insertion of "\$" in front of 1.94 million
- Page 4, Administration bullet, 3<sup>rd</sup> bullet: "... date **are** now being collected" (instead of **is**)
- Page 6, North Buck Lake, bullet 3: **Plant** and Bird Survey (instead of **Pant**)
- Page 6, Fox Lake, bullet 5: *Lygodium* (spelling correction)
- Page 10, EEL Program Trail Days: capitalize **Point** (instead of Coconut **point**)

Rocky asked if there were any further questions or comments on the May 28<sup>th</sup> minutes. No additional questions or comments were received.

**MOTION ONE:**

**Paul Schmalzer moved to approve the May 28, 2009 minutes as amended.**

**Amy Tidd seconded the motion.**

**The motion carried unanimously.**

**EEL Program Reports**

Procedures Committee Overview - Rocky Randels, Chair

Rocky and Priscilla Griffith explained that the original EEL Program Land Acquisition Manual (LAM) was compiled in 1989, prior to the occurrence of the 1990 referendum which formed the

*EEL Program Selection and Management Committee*

*Procedures Committee Meeting*

*January 8, 2010*

*Page 2 of 18*

*Approved by SMC March 2, 2010 and by PC on March 16, 2010*

Endangered Lands Program and Rocky confirmed that four of the current members were longstanding members of the committee.

Reading from page 1-10 of the LAM, Rocky explained that the EEL Procedures Committee serves as an advisory committee to the Board, County Staff and the EEL Selection and Management Committee regarding policies, procedures, and standards for land acquisition. The EEL Procedures Committee shall review all proposed revisions of the LAM recommended by the Board, EEL staff, or the EEL selection and Management Committee. He also explained that the objectives of the LAM are as follows:

- To provide, in one document, the current policies relating to land acquisition or interests therein, and real property management.
- To ensure that acquisition procedures and real property management activities will be carried out uniformly through the County.
- To make the acquisition and real property management process easily understood and readily available to the public, county staff and all parties involved in the acquisition process.

#### Selection & Management Committee Overview – Randy Parkinson, Chair

Randy Parkinson reviewed information on the Selection and Management Committee as found on page 31 of the EEL Sanctuary Management Manual (SMM) as follows:

- The Selection and Management Committee is intended to be a long-standing scientific advisory committee to the EEL Program and the Board of County Commissioners during site selection, land acquisition, sanctuary management plan development and program implementation.
- The role of the SMC will be to function as a scientific advisory group for acquisition and management to EEL Program staff and the Board of County Commissioners. The SMC reviews acquisition proposals and site-specific management plans. The SMC provides guidance and recommendations regarding sanctuary management objectives, ecosystem management principles and technical support in the development of management partnerships and funding support. The SMC works directly with the EEL Program Manager, each regional sanctuary manager and the Citizens Advisory Committee to implement the management plans, educational programs and passive recreation opportunities throughout the EEL Sanctuary Network.
- The SMC will be appointed by the Board of County Commissioners, using the scientific criteria established in the EEL Land Acquisition Manual, as recommended by the Procedures Committee and authorized by the Board of County Commissioners.

#### Additional Discussion

Mike Knight, stated that he would like to provide some additional information on the reason for the current meeting. He explained that page 1-10 of the LAM states that the EEL Procedures Committee will meet at the beginning of each fiscal year (between October 1 and December 1) for the Annual Joint Meeting of the EEL Selection and Management and Procedures Committees, and that the Annual Joint meeting provides an opportunity for EEL staff to brief the EEL Procedures Committee about EEL Program progress over the past year, review the expenditure of funds associated with land acquisition and program implementation, and discuss the possible

*EEL Program Selection and Management Committee*

*Procedures Committee Meeting*

*January 8, 2010*

*Page 3 of 18*

*Approved by SMC March 2, 2010 and by PC on March 16, 2010*

need for procedural modifications to the LAM. He explained that the October – December timeframe made it difficult for staff to provide complete information due to the timing of the County’s fiscal year, but that staff would present the best information available.

Rocky added that the EEL Program Land Acquisition manual includes the requirement for a joint meeting of the SMC and PC to occur on an annual basis.

#### Acquisition Report – Keith Fountain, The Nature Conservancy

Keith Fountain provided information on acquisition efforts from October 1, 2008 – December 31, 2009 including:

- 635 acres either appraised or actively negotiated
- Two contracts signed for 189 acres
  - Coastal Jewel
  - Bappi / Rahman
- Two transactions closed for a total of 210 acres protected
- 32 willing seller applications obtained for a total of 880 acres
- Re-submittal of the Coastal and Estuarine Land Conservation Program (CELP) grant application to assist with acquisition of North Indian River Lagoon shoreline properties
- Closings
  - Jordan Boulevard Site
    - Balkany 21.44 acres 1/12/09
      - addition to Jordan Scrub Sanctuary
      - expanded sanctuary footprint to 345 acres
    - Coastal Jewel Property
      - 188 acres 12/15/09
      - expanded the sanctuary footprint to 533 acres
- Small Holdings / Projects
  - 17.17 acres protected through mitigation donations
  - Conceptual approval by Board of County Commissioners for exchange with Florida Inland Navigational District (FIND) at Valkaria Scrub
  - South Brevard Small Holdings
    - Ten Mile Ridge 34% acquired
    - South Babcock 50% acquired
    - Micco Expansion 60% acquired
    - Valkaria/Micco 31% acquired
    - Valkaria 57% acquired
  - Grissom Parkway Small Holdings
    - 48% acquired
- Challenges
  - No anticipated Florida Forever Funding – Brevard Coastal Scrub Ecosystem is not a “Super 21” project
  - Limited EEL Program funds
  - Unacceptable conditions for bonding additional \$15 million

*EEL Program Selection and Management Committee*

*Procedures Committee Meeting*

*January 8, 2010*

*Page 4 of 18*

*Approved by SMC March 2, 2010 and by PC on March 16, 2010*

### Additional Discussion

Clarification was provided that the EEL Program is in the fifth year of the 2004 referendum which was established for a 20 year period.

Ross Hinkle, commented that the Program will have an additional 15 years of funding from the 2004 referendum and that it was hoped that economic conditions would improve over time. He stated that even though the Program did not have a lot of acquisitions during the last calendar year, the economic slowdown also meant that undeveloped lands would not be disappearing as rapidly.

Keith stated that when the economic situation does improve, it will be a matter of whether conservation programs will be able to react more quickly than speculative buyers.

Paul Schmalzer commented on the \$900,000 in grant funding that was received from the US Air Force as part of the Coastal Jewel property acquisition and the \$3 million in grant funding that was received from The Nature Conservancy as part of the Ag Ventures / Scottsmoor property acquisitions.

Keith also clarified that the \$300 million in Florida Forever funding represents the amount possible through bonding. He explained that this amount only requires approximately \$10 million of tax money and this is a source of confusion for many people.

Dave explained that part of the problem is that even though conditions may change, acquisition and restoration takes time, and species nearing extinction can't wait forever.

### EEL Program 2008/2009 Annual Overview – Mike Knight, Program Manager

Mike Knight stated that he would provide information on EEL Program's activities during Fiscal Year 2008/2009 and copies of the information could be provided upon request.

- Highlights of the presentation include:
  - Land Acquisition
  - Land Management
    - Invasive plant grants: \$466,434.00
    - 1,240 acres of invasive species managed
    - 18 tons of trash removed
    - 9 miles of fire lines created
    - Maritime Hammock caretaker/maintenance facility rebuilt (FEMA)
    - Sams House Management & Education Center Phase 2 nearly complete
    - 466 acres of habitat restoration
    - 1,549 acres treated with prescribed fire
    - 10,396 Volunteer Hours contributed. Value \$184,841.
  - Public Access and Environmental Education
    - Increases in visitation
    - 1.75 miles of new trail created
    - 3 new educational kiosks installed
    - 36,637 Walk-in visitors to education centers
    - 8,137 participants in Education programs, guided hikes, ADA tours, room use, and turtle walks.
    - 4,417 visitors through summer camps and study trips (school field trips)

*EEL Program Selection and Management Committee*

*Procedures Committee Meeting*

*January 8, 2010*

*Page 5 of 18*

*Approved by SMC March 2, 2010 and by PC on March 16, 2010*

- 29,710 people reached through off-site festivals and programs (outreach)
- Does not include general trail visitation.
- Total citizens served through Centers, and off-site programming: 78,901
- Program Operations – Staff Hours Distribution
  - Land Management (Exotics, fire, maintenance, mapping, surveys, construction): 18,801 hours
  - Administration & Acquisition (site visits, training, safety, public meetings, travel): 19,934 hours
  - Public Access & Passive Recreation (building, grounds and trail maintenance, recreation planning, volunteer management) 7,551.50 hours
  - Environmental Education (Programs, outreach, events, center development, media): 9,252 hours
- Expenditures
  - Land Management: \$1,555,810.
  - Land Acquisition: \$332,559.
  - Public Access: \$184,445.
  - Environmental Education: \$1,001,886.
  - Bond Debt: \$8,848,657.
  - Grants: \$36,525,50.
  - Administration: \$1,537,582.
- Reductions
  - 14% reduction from FY 2007-2008 operations was identified, but preserved through available reserves (\$466,828.)
  - Estimated ability to preserve existing operations level for two years before using up less than half of available reserves (\$2.5 million)
- Bond Fund Status
  - Bond proceeds remaining for land and other first-time capital expenses: \$9,376,657.43
  - Land Acquisition Status: 11 properties in the process pipeline for acquisition
- Outlook for 2009-2010
  - Ability to preserve reductions from reserves for another year if not too severe.
  - 15% reduction anticipated
  - Mulching mower replacement

#### Additional Discussion

Clarification was provided that there is no timeframe regarding a time limit for use of bond funds, but monies remaining unused after 5 years are limited as to how much interest can be earned.

Ross suggested consideration of discussion regarding how long the currently bonded dollars will last and what needs to be done as far as properties currently in the pipeline for acquisition.

Mike agreed that it wouldn't be too long before land acquisition prioritization would need to be addressed again.

#### Public Comment

None.

Mike also explained that he would be providing overview information on the two items included in the meeting's agenda:

- Land Sale Procedure
  - TICO land sale approval by BOCC on April 28, 2009.
  - Board direction to revise LAM to clarify the process associated with land sale
  - Refer to LAM pages 2-16 #2, 2-19 #4, and 4-30 thru 4-31 (Exchange)
  - A language recommendation from staff has been provided for committee consideration.
- SMC Membership Criteria
  - On July 7, 2009 the Board approved a staff request to advertise a vacancy on the SMC.
  - 10 applicants applied for the vacant position.
  - Staff reviewed applicant qualifications and compiled a list of qualified applicants as per the LAM membership criteria.
  - Two of the 10 applicants were deemed unqualified.
  - On October 20, 2009 the Board reviewed and ranked the list of applicants.
  - The Board voted to select one of the applicants that was identified as unqualified by staff.
  - Direction was provided to staff to broaden the SMC membership criteria to include a representative from EDC or TDC with eco-tourism in mind (Clerk's memo).
  - On November 10, 2009, the Board entertained a citizen request to review the selection.
  - November 10<sup>th</sup> discussions indicated that some Commissioners were supportive of voting TDC membership in REAC, but no Board direction exists for this approach.
  - An October 2000 Board Agenda Report references the need to have the appointment process reviewed and simplified by the EEL Committees, but no documentation exists that this was ever done.
  - January 7, 2010 memo references staff's assessment of the LAM language that seemed to create confusion.
  - It is believed that a joint discussion between the Procedures Committee and Selection and Management Committee is the most productive start to this review process.
  - Discussion.

## **AGENDA ITEMS:**

### **Land Sale Procedures**

Mike explained that the Board of County Commissioners (Board) had given final authorization for the sale of 52 acres of EEL Program property known as the TICO Scrub Sanctuary, to the TICO Airport Authority. He explained that the property had been acquired early in the EEL Program's history and that since no adjacent properties had been acquired, the site had become isolated, difficult to manage and had significantly decreased in conservation value.

An opportunity to sell the land and use the proceeds for conservation elsewhere became available and after discussion and approval by the SMC, a contract was presented to the Board for final approval.

*EEL Program Selection and Management Committee*

*Procedures Committee Meeting*

*January 8, 2010*

*Page 7 of 18*

*Approved by SMC March 2, 2010 and by PC on March 16, 2010*

During this process, the Board requested that the procedures for sale of land in the EEL Program's Land Acquisition Manual (LAM) be clarified.

Mike stated that in his mind, it didn't matter if land was being acquired, or sold, the same basic process needed to be followed.

A handout of suggested revisions to the LAM regarding the sale of land, which had been prepared by staff for consideration by the Committees, was distributed for review and comment.

Mike explained that page 2-16 of the LAM under Board responsibilities reads: "...approves in writing, as a board response to Agenda item, land acquisition, land sale, project development proposals"

Paul Schmalzer stated that language was part of the original 1990 LAM, so it was a long standing statement.

Mike explained that page 2-19 #4 under SMC duties and responsibilities states..."receives and review individual proposals nominated for sale."

Mike stated that during the briefings with some of the Commissioners regarding the process, it wasn't easy to point to one place within the LAM which clarified the entire process. He confirmed that staff's proposed language did not involve changing any of the existing language, it only added additional wording to provide clarification.

Mike confirmed that during the acquisition process, a super-majority (5 or 7 members) was required as part of the 2<sup>nd</sup> Majority Vote which was done in order to authorize negotiations, and the proposed language indicated the need for the same super-majority vote for the sale of land.

Discussion ensued regarding the possible need to include land exchanges in this section.

Clarification was provided that internal exchanges do not always have to go to the Board, so it was probably best to keep the actions separate.

Rocky asked if there were comments or questions.

Paul requested clarification of whether the SMC's involvement was meant to be a 2 step or 3 step process.

Mike confirmed that the SMC's first step would be requirement of a super-majority vote and that the final contract would be presented to the SMC for final review and authorization to proceed to the Board.

Rocky stated his feeling that any process for sale of land should follow the same guidelines as for land acquisition and that the process should be outlined so that anyone could follow it.

Mike explained that the draft language also contained the requirement for a super-majority (4 of 5 members) was required from the Board of County Commissioners.

Mark Bush suggested consideration of changing the order of the items to show the SMC's approval being required before the Board's consideration.

Priscilla Griffith expressed her support for a process that was outlined step by step.

Amy Tidd stated that they needed to make certain that Step 1 had to occur before Step 2, because she was aware of situations when someone had taken a single line from the manual and interpreted that information apart from the remainder of the document.

Rocky suggested consideration of stating that each step must be followed in succession.

Mike stated that everyone's comments could be incorporated and staff could come back to the Committees with revised language for further consideration.

Rocky asked if that arrangement would satisfy the Board's request.

Mike stated that he felt it would be acceptable and confirmed that the EEL Program does not currently have any land projected for sale.

Paul stated that it has always been intended that the sale of land would be a rare event.

Pat Pasley requested additional information on the events leading to the current discussion.

Staff will provide additional information on the sale of the TICO 52 acres for review prior to the next meeting.

#### Public Comment

Doug Sphar stated he agreed that the order of the steps should be arranged and he suggested the numbering of each step. He expressed his support for taking potential political issues out of the sale process. He stated his opinion for the need to avoid having someone pressuring EEL Program staff to take something to the Board that the SMC did not support.

#### Additional Discussion

Kim Zarillo discussed the possible need to keep the process language for sale and exchange separate.

Paul reminded the group that the EEL Program is funded separately from the General Fund and that all actions by the Program need to be sure to meet the intent of the referendums.

Rocky stated his understanding that it was the group's consensus that process for sale and exchange of land can be very similar, but they should be documented separately.

Sue Hann requested clarification regarding the process for easement requests.

Clarification was provided that requests are reviewed by the SMC and, if they are approved by the SMC, they are forwarded to the Board for final approval.

Ross added that compensation is generally paid to the Program if an easement is granted.

Sue stated that one of the things she had thought about since the last SMC meeting, was that once property is acquired, it's all about the SMC, and that she had concerns about a process where the Board would not hear a request for sale which had been received, but not approved by the SMC as she felt there could be other interests in the property. She also stated she was not in agreement with the requirement for a super-majority vote from the Board.

Priscilla stated that the reason that language was included in the LAM is because they have had experiences in the past where a past Board has interfered with the land buying program.

Mark Bush stated that when you have a strategy for conservation, as the SMC has put in place, and if you have situations where Commissioners can arbitrarily sell off pieces of land that are part of that conservation strategy, then we're working for naught.

Sue stated that she heard and respected his opinion, but there were other concerns.

Mark stated that the purpose of the Program was acquiring and protecting land.

Diane Stees provided confirmation of the EEL Program's Mission Statement, which reads: "Protecting and preserving biological diversity through responsible stewardship of Brevard County's Natural Resources".

Sue stated that there was also language regarding recreation.

Rocky provided confirmation of the EEL Program's Directives, which reads:

- "Conserving and managing natural resources.
- Providing opportunities for environmental education
- Providing opportunities for passive recreation such as hiking and wildlife observation."

He stated that if they started changing things too much, they would have to go back to the voters.

Sue said that she was not suggesting change. She stated that she felt that the current directives covered her point of view.

Rocky provided confirmation the directives refer to passive recreation, which includes things like hiking, biking, and wildlife observation.

Rocky stated he felt he heard the majority of people going back to the Program's objective years and years ago and saying that's how things got started, that's how we've been following it, and it needs to always stay that way.

#### Public Comment

None

#### Additional Discussion

Mike explained staff will provide revised language for the Committees to consider at a future meeting.

#### **SMC Membership Criteria**

Mike provided overview information for this item. He explained that on July 7, 2009 the Board authorized a request to advertise a vacancy on the SMC as Ron Hight resigned from the Committee after his retirement from the Merritt Island National Wildlife Refuge. Ten applicants were received. The established process indicates that staff will review the applicant's qualifications and compile a list of qualified applicants. Two of the 10 applicants, from staff's evaluation, did not meet the qualifications that were required under the LAM.

On October 20, 2009, the County Commission reviewed the documentation provided by staff and appointed a citizen to the SMC who had been identified as unqualified.

Additionally, direction was provided to staff, during the meeting and via an October 21, 2009 Clerk's memo, to broaden the SMC membership criteria to include a representative from the

*EEL Program Selection and Management Committee*

*Procedures Committee Meeting*

*January 8, 2010*

*Page 10 of 18*

*Approved by SMC March 2, 2010 and by PC on March 16, 2010*

Economic Development Council (EDC), or the Tourism Development Council (TDC), with eco-tourism in mind.

On November 10, 2009, at the request of citizen Amy Tidd, there was a request for the Board to review the October 20<sup>th</sup> SMC appointment. During the November 10<sup>th</sup> Board meeting, in addition to the Board's discussion regarding the SMC appointment, there was additional discussion that some of the Commissioners might have been supportive of having the EDC or TDC member serve as a voting member of the REAC committee.

The Board took no formal action at the November 10, 2009 meeting.

The SMC reviewed a January 7, 2010 memo to the Committees from Don Lusk, Parks and Recreation Director, and Mike Knight, EEL Program Manager which offers the following suggestions for improvement to the language in the LAM:

- "The Procedures Committee should review the process to remove any confusing language or other language which allows for interpretation of the rules.
- The Procedures Committee should revisit the qualifications for SMC membership, to ensure that the appropriate requirements are included and appropriately described. For example, if the knowledge of other land acquisition programs is 'highly desirable', it may be best to include it as one of the specific items to be considered.
- A review of applicant qualifications should be conducted by an independent third party, and not staff."

Mike explained that there had been brief discussion regarding the land sale language at the December SMC meeting and it was felt that a joint discussion between both committees would be the simplest way to get this process started. He stated that he understood it could take a few meetings to finalize the language and suggested everyone be given a chance to speak briefly before getting into a discussion.

#### Public Comment

Doug Sphar stated citizens were very concerned with any broadening of the membership criteria for the SMC that would compromise the integrity of the science based decision making process of the Program. He stated there was an important distinction between the citizen's group which provides recommendations on passive recreation and education opportunities and the SMC, and that this distinction requires science.

Doug explained that the State of Florida holds title on a large portion of the EEL Program properties. He explained this makes management of those properties subject to Chapter 259 of the Florida Statutes which indicate the State Legislature intends for these lands to be managed and maintained for the purpose for which they were acquired, and which requires that the lands are managed for recreation that is compatible with the conservation and protection of public lands.

Doug stated that the State reviews and approves most management plans for EEL Program sanctuaries and the State will be looking for evidence that the 259 mandate is achieved. He said that it falls on the SMC, the scientists, to ensure this mandate is achieved and to ensure that decisions to protect species biodiversity, which is the EEL Program's primary mission, must be made from a scientific perspective. He added that the SMC makes a valuable contribution to Brevard County's eco-tourism industry by selecting lands which have the special, environmental qualities needed to protect the threatened and endangered species that people come to see, like

*EEL Program Selection and Management Committee*

*Procedures Committee Meeting*

*January 8, 2010*

*Page 11 of 18*

*Approved by SMC March 2, 2010 and by PC on March 16, 2010*

the Dicerandra mint which is only found in Brevard County, and the Florida Scrub-Jay, which receives a great deal of attention during the Space Coast Birding and Wildlife Festival.

Doug said that he opposed watering down the SMC with non-scientists, and suggested that Eco-Tourism should be represented on the EEL Program's Recreation and Education Advisory Committees.

Maureen Rupe stated she agreed with everything Doug had just said. She added that in the Program's name, EEL represents *Environmentally Endangered Lands*, and the top priority should be to protect these lands and they should not be used for ATVs, or any other activity that was inconsistent with ensuring that protection came first.

Maureen said that the Program has been successful for 20 years and that she was extremely concerned about possible changes to a plan that had been working so well. She suggested consideration of a public workshop so that the people who voted for the Program could understand what was going on, and what the ramifications will be of any changes that are made to the Land Acquisition Manual.

Jack Lembeck stated that he wanted to reinforce the words of the people who had gone before him. He stated his opinion that the newly appointment member of the SMC was a very honorable and good person, but that he was totally against removing any of the scientific criteria qualifications of SMC membership. Jack suggested consideration of having an SMC member participate in the EDC or TDC activities.

Jack stated he was a bike rider, but folks needed to remember that passive recreation and educational opportunities are second to the Program's primary goal of protecting biodiversity.

Suzanne Valencia stated she agreed with the information provided by the folks who came before her and she just needed to add her voice to the statement that biodiversity must be first and foremost. She stated that there were some properties where passive recreational opportunities are not encouraged and that she was supportive of that.

Suzanne said that the EEL Program was sold to the people on a scientific basis to keep the politics out of it, and it needed to stay that way and be up to the scientists to decide what should be preserved. She acknowledged that she understood that the County Commission has the final approval on things, but that they are politicians and they come and they go, and that scientists have guided the Program since its inception and she felt it needed to stay that way.

Suzanne expressed her appreciation to the members of the SMC and stated that she hoped they would not become discouraged with recent events because citizens really needed them.

Carol Hamilton stated she has lived in Brevard County since 2000 and that she visited the area 2 years prior to moving here. She said that she relocated to Brevard because she was so impressed that the County has a program where the people have voted to use their tax money to buy and preserve land, and to preserve the threatened species.

Rocky asked if there was additional public comment. No additional comments were received.

#### Additional Discussion

Mike provided clarification that there were two issues at hand. He explained that the first issue was the Board's direction to broaden the criteria compared to a subsequent meeting which

seemed to potentially alter that direction, but where nothing was formalized. He added that it had been noted that some of the language in the LAM regarding how the list of candidates should be presented to the Board had been confusing and that required clarification as well.

Diane Stees stated that on page 2-18 of the LAM, under the Procedures Committee duties and responsibilities item # 5 states that the Procedures Committee should “reconvene, at least one time each fiscal year, to review EEL Program compliance to the LAM, discuss procedural issues as they relate to the implementation of the EEL Program and review modifications to the LAM, as necessary.” She stated in this case they did not have Board compliance with the LAM and asked if the Procedures Committee should have a stance on that, and she asked if other actions should be considered.

Rocky stated for the record that the group should recognize that they were discussing page 2-18 of the EEL Program’s Land Acquisition Manual and that he felt that the wording probably encouraged that the PC should have a stand on the issue, particularly since the Board’s direction had been to revise the membership criteria.

Diane agreed that she felt there were provisions in the LAM to address the issue of the Board’s appointment of an SMC applicant who was determined not to have met the qualifications and she felt the Committee should make a statement about it, even if there was no change in the end, because it was not right and it shouldn’t have happened.

Kim Zarillo stated she felt that perhaps it should be considered in three parts: the Clerk’s memo dated October 21<sup>st</sup>; the memo from Don Lusk and Mike Knight dated January 7<sup>th</sup>; and the PC’s review of Board action that was not in compliance with the LAM.

Sue Hann stated that she had some comments that she would like to make. She stated that, to some extent, she was sort of the source of a lot of the discussion and she wanted to give the group a little background as to why she was here, and then she had some suggestions on how things could move forward.

Sue stated that the reason she was here was that she is a trail user. She said that she was not interested in paving bike trails, with one exception, and that she supported the EEL Program. She stated that she did not believe that her perspectives were at cross purposes with the group.

Sue said that she had put together a memo to illustrate why she has been inspired to participate in the process. A copy of the January 8, 2010 memo was distributed at the meeting.

Sue stated that pictures A and B were both from the Malabar Scrub Sanctuary; that one was from about a month ago and one was from 2006; and the pictures represented fire breaks that were constructed on trails. She explained that she was a runner and a mountain biker, but that she would challenge anyone to ride through the site pictured in photo B, which showed a recently disked fire line.

Sue stated that she has been trying to work with the EEL Program to give better consideration for passive recreation user groups. She confirmed that she wanted to participate in the process and that was why she applied for the open position on the SMC, because what she was really looking for was a type of trail that was represented in Photo C of her memo.

Sue said that many of the trails on EEL Program sites existed prior to the Program’s interest in the property, and from her perspective and the perspective of her friends, they have had access to

*EEL Program Selection and Management Committee*

*Procedures Committee Meeting*

*January 8, 2010*

*Page 13 of 18*

*Approved by SMC March 2, 2010 and by PC on March 16, 2010*

some of these trails for decades and then the EEL Program buys the property and a fence goes up, and the trails are closed or converted to fire breaks and she had not been able to successfully get that philosophy and process changed, so that was why she was really here.

Sue stated that she recognized that many people feel that it is very important to protect the area's natural resources and she that agreed with that. She said that she respected the group and did not want to disrupt things and she applauded the group on what they have done for the community. She stated that she had an issue that is very important to her and that she has been unsuccessful in being heard and this was her way of getting heard, so she was asking for assistance from the Procedures Committee and the Selection and Management Committee to talk about bringing a recreational focus to the Program that is side by side with the scientific focus, and that in her opinion, the documents, manuals and mission statement all give fairly equal billing to recreation, although she understood that was subject to interpretation.

Sue explained that what she had in mind was the possibility of adding a recreational expert to the EEL Program staff. She said that everyone was great, and the Program has science based folks, but that surely nobody on the committees run, or rides a bike on the sites she had pictured because the sites were unusable and unacceptable from a user point of view.

Secondly, she added that she would like to see some additions to the Land Acquisition Manual and the Sanctuary Maintenance Manual regarding trails that exist prior to EEL Program acquisition, fire break construction, and maintenance relative to trails, and trail networks that are desirable for passive recreational users, and that she felt that in her opinion, none of those things were in conflict with the scientific objective that the group held so dear, and which she agreed with.

Thirdly, Sue suggested consideration of looking at the reconstitution of the REAC Committee.

Sue said that she thought that the group had made some very good points about the scientific integrity of the SMC and would probably vote in favor of the group typing that up so they could kick her off. She stated that she understood what folks were saying about the science, but there was no place for a strong voice for recreation and that the REAC does not have specific criteria for members in terms of being science based from the recreational point of view. She also expressed her opinion that the REAC, which now serves as an advisory committee to the SMC, should serve as an advisory committee directly to the Board because things never get heard by the Board because the SMC stops them. Sue said that if the REAC reported directly to the Board, that would give people in the recreational realm a way to make their concerns known and the group could continue with the science based approach.

Sue reiterated that, with the one exception on the east side of the Malabar Scrub Sanctuary, she had no interest in paved trails. She stated that the paved trail would be part of a regionally significant project and a showcase trail for Brevard County.

Sue stated that she knew the group would not have time to resolve everything today, but she wanted to put it out there so everyone could consider her requests.

Rocky requested clarification of Barbara Myer's responsibilities relative to bike trails.

Sue stated that it was her understanding that Barbara was supposed to represent bicycle pedestrian trail user groups in Brevard County.

*EEL Program Selection and Management Committee*

*Procedures Committee Meeting*

*January 8, 2010*

*Page 14 of 18*

*Approved by SMC March 2, 2010 and by PC on March 16, 2010*

Rocky requested additional information on the photos in the memo.

Sue stated there were lots of examples of trails becoming fire breaks in South Brevard and she had just used those photos for the purpose of illustration so everyone could understand where she was coming from.

#### Public Comment

Maureen Rupe stated that this was a perfect example of being political, because Sue was just there to satisfy one thing.

#### Additional Discussion

Sue asked why everyone else was there and stated that everyone had their own agenda.

Rocky stated that the group was not going to fight amongst themselves.

Mike stated that he would like to respond to Sue. He stated that he felt staff was working very hard to address some of the issues she has had concerns with, and that he fundamentally agreed with Sue that hiking on a fire line that has been disked is not a good experience. He added that recently disked fire lines are not a continuous experience because the lines are only disked once or twice a year, or right before a fire and that this is required for safety purposes.

Mike added that the Program is trying to make sure that for future EEL Program acquisitions, the fire line placement will be separate from the trail system whenever possible and that this was a big shift in their thinking because extra manpower would be required to maintain the trails but he believed staff was trying to be responsive to trail user's concerns.

Rocky said that Mike's statement sounded like a pretty strong commitment, and he thought if everyone worked together, it could be worked out.

Dave Breininger stated he did not have any recollection of recreational problems being presented to the SMC, nor did he have recollection of the SMC making a decision to stop any recommendation from the REAC from being heard by the Board.

Paul provided confirmation that every Public Access Plan which had been supported by the REAC, with the exception of the Malabar Scrub Sanctuary has been incorporated into the Management Plans which have been approved by the SMC and then forwarded to the Board for final approval. He provided further clarification that there were a variety of concerns regarding the possibility of a paved trail at the Malabar Scrub Sanctuary.

Ross stated his recollection that the SMC had agreed to a paved trail at the Malabar Scrub Sanctuary, as a result of a proposal to resolve the bike path issues that was issued by the SMC.

Paul agreed that Ross's statement was correct.

Mike stated that he felt that Sue's concern was that although the plans have gone through the REAC, one of the things that has not always been historically included is the overlay of the fire line plan, so the Public Access Plans have been approved without an understanding of where the fire lines would lay and that staff will be providing this information in future presentations

Mike also explained that there had been a few issues with some of the fire lines installed on EEL Program sites by the Department of Forestry, and staff was developing internal guidelines to assist with this issue.

*EEL Program Selection and Management Committee*

*Procedures Committee Meeting*

*January 8, 2010*

*Page 15 of 18*

*Approved by SMC March 2, 2010 and by PC on March 16, 2010*

### Public Comment

Jim Durocher stated that Barbara Meyer is a County employee who participates in a non-voting, advisory capacity on the REAC and that she is present at most meetings, but that he did not remember receiving a presentation from Sue regarding her concerns. He noted that at the Cruickshank Sanctuary in Rockledge, the REAC had supported the exclusion of bike trails due to the size of the small, sensitive site and that the REAC had voted to support the paved trail at the Malabar Scrub Sanctuary.

Jack Lembeck spoke of his concerns regarding the need to maintain the criteria for a science based SMC guiding committee for the EEL Program and he expressed his discomfort with what he perceived to be the political nature of recent events.

### Additional Discussion

Sue stated she understood everyone's feelings regarding the importance of a science based SMC and that was why she had put forth some suggestions for consideration by the Procedures Committee, relating primarily to the REAC.

Diane Stees noted that she was a trail rider as well. She mentioned that the meeting started with 3 items for review per the Board and they hadn't resolved any of them yet.

General discussion ensued.

The following suggestions were noted for consideration as the group works to respond to the Board's direction:

- Ross stated he felt there was a misperception that eco-tourism and economic development were not on the minds of the SMC.
- The EEL Program has been a part of the Space Coast Birding and Wildlife Festival for many years.
- Mark made a suggestion to request the Board consider adding a science based person who also had credentials in eco-tourism to the SMC.
- Paul made a suggestion to have a member of the EDC or TDC serve as a voting member on the REAC, not the SMC.
- A suggestion was made to advise the Board that the group was reviewing their request, but that perhaps an alternate methodology might be a better way to accomplish what they wanted to accomplish.
- Clarification was provided that all EEL Program Citizen Advisory Committee meetings are public meetings, which means that anyone can attend, so it could be best to work things out within the Committee and come back with a response to the direction provided, rather than formally asking the Board for clarification in a public workshop.
- Clarification was provided that any significant change to the LAM need to be approved by both the Procedures Committee and the Selection and Management Committee before it could be forwarded to the Board for final approval.
- Consideration was given to the language for several motions, but no motions were finalized.

*EEL Program Selection and Management Committee*

*Procedures Committee Meeting*

*January 8, 2010*

*Page 16 of 18*

*Approved by SMC March 2, 2010 and by PC on March 16, 2010*

## **MOTION TWO**

**Amy Tidd made a motion to table the discussions until the next meeting.**

**Diane Stees second the motion and stated she was also curious about how to deal with the non-compliance issue.**

### Public Comment

Carol Hamilton suggested the group slow down a bit and explained that she could understand why eco-tourism might be good for local economics, because the natural areas were why she had moved here.

### Additional Discussion

General discussion continued including:

Ross commented that he was not aware of any Florida counties that have such an exceptional process and that he felt the EEL Program was the most comprehensive and most scientifically driven county program in the State of Florida, and perhaps the United States.

Rocky stated that he felt that perhaps the Commissioners recognized that the land has value, but that perhaps it may not be being used to its full extent.

Rocky stated that the group needed to get some closure soon, or they'd all be driving home in the dark.

**Sue Hann called a question on the motion on the table regarding whether or not to table discussion.**

**Rocky confirmed that a question had been called on the motion on the table and asked those in favor of ending the discussion and going on with the vote to signify by saying Aye.**

**All members of both committees voiced their support for ending the discussion.**

**Rocky called for a vote on Amy's motion to table discussion until the next meeting.**

**The motion carried unanimously.**

### Additional Discussion

Mike stated that he needed to understand what was expected of him so he could be prepared for the next meeting and stated his understanding of items requiring follow up which included language options regarding:

- Land Sale Language Clarification
- Solutions to January 7<sup>th</sup> staff memo
- Consideration of including EDC or TDC member as voting member of REAC Committee
- Topics included in Sue Hann's memo of January 8, 2010

Mike will draft language for the committees to consider.

### Public Comment

Jim Durocher stated that he was a member of the REAC Committee and that he would be supportive of adding a member of the TDC or EDC to the REAC, as a voting member. He also stated that he felt that the REAC should not report directly to the Board because their group was political and the SMC was not.

*EEL Program Selection and Management Committee*

*Procedures Committee Meeting*

*January 8, 2010*

*Page 17 of 18*

*Approved by SMC March 2, 2010 and by PC on March 16, 2010*

Additional Discussion

Rocky thanked everyone for coming and for their time and their efforts on behalf of the EEL Program.

**NEXT MEETING:**

To be determined.

**ADJOURNED:**

The meeting was adjourned at 5:12 PM.

**SUMMARY OF MEETING MOTIONS:**

- **Motion to approve the May 28, 2009 minutes as amended.**
- **Motion to table discussions until the next meeting.**