



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 2582, **Version:** 1

Subject:

Approval; Re: Assignment and Assumption of Memorandum of Agreement between James W. Jensen Living Trust and Brevard County to Satcom Direct, Inc.
District 3

Fiscal Impact:

There is no fiscal impact to the General Fund. There are no fiscal impacts to Environmentally Endangered Lands (EEL) Program funds.

Dept/Office:

Parks and Recreation

Requested Action:

It is requested that the Board approve and authorize the Chair to execute the Assignment and Assumption of Memorandum of Agreement between James W. Jensen Living Trust and Brevard County to Satcom Direct, Inc.

Summary Explanation and Background:

On February 7, 2012, the Board entered into a Memorandum of Agreement (MOA) with James W. Jensen Living Trust for a period of twenty-five (25) years to satisfy the scrub mitigation requirements under their permit number SAJ-2011-01760 NWP-LS with United States Fish and Wildlife Services (USFWS). The MOA was for a mitigation project on the Environmentally Endangered Lands (EEL) Malabar Scrub Sanctuary. The purpose of this project is to improve Florida Scrub Jay habitat by reducing the vegetation height, removing hardwoods and providing increased open sandy areas. The initial restoration that was provided through this project was removal of all sand pines, roller-chopping of the understory and a prescribed burn that was completed within one year of the roller-chopping. The site will continue to be managed to maintain open sandy areas. When the MOA was executed, James W. Jensen Living Trust, completed the initial restoration work and gave a one-time management fee of \$15,000 to the County for continued management of the project area within Malabar Scrub Sanctuary.

James W. Jensen Living Trust is now requesting transfer of their MOA, with requirements and obligations to Satcom Direct, Inc. Satcom Direct is the current landowner of the property that is the subject of the current mitigation MOA with the County. Satcom Direct will be assuming and agreeing to be bound by the terms and conditions (including indemnification) of the Agreement that the County has in place with James W. Jensen Living Trust. The United States Army Corp of Engineer (USACE); the permitting agency for the mitigation, required that James W. Jensen Trust perform the initial restoration and complete twenty-five (25) years of monitoring of the achieved conditions on the project area. Satcom Direct will continue the obligations under the permit until 2037. USACE has received the required permit transfer paperwork from James W. Jensen Living Trust to Satcom Direct.

Attached for your approval and signature is an Assignment and Assumption of the obligations under the Memorandum of Agreement between James W. Jensen Living Trust and Brevard County to Satcom Direct, Inc.

Clerk to the Board Instructions:

Please return fully executed Assignment and Assumption to Environmentally Endangered Lands (EEL) Program.