

Minutes
Virginia Outdoors Foundation (VOF)
Board of Trustees meeting
September 24, 2015
Tappahannock, VA

ATTENDEES:

Board of Trustees

Ms. Stephanie Ridder, Chair

Mr. Childs Burden

Mr. Thomas Slater

Mr. Peter Bance

Mr. John Richardson

Ms. Elizabeth Obenshain

Absent: Mr. Brent Thompson

Other Attendees

Fred Fisher, Office of the Attorney General

Rich Mahevich, Office of the Attorney General

Nan Mahone, Conservation Partners

Nancy Ambler, Wood Thrush Land Conservation, LLC

Todd Hochrein, Virginia Conservation Credit Exchange (VCCE)

Pete Glubiak, Attorney

Hugh Gibson, interested citizen

Albert Pollard, interested citizen

Gregg Amonette, Rockbridge County easement owner and Co-President of Rockbridge Area Conservation Council (RACC)

Kristopher Baumann, interested citizen and easement owner

Peggy Stevens, Chair, Executive Committee of Virginia United Land Trusts (VaULT)

Cynthia Hankley, Roseland, LLC

Heather Richards, Conservation Fund

Hill Wellford, easement owner

Bud Smith, Board of Supervisors, Essex County

Carl Strock, Essex County Countryside Alliance

Rex Linville, Piedmont Environmental Council (PEC)

Sara Richardson, Department of Conservation and Recreation (DCR)

Susan Bulbulkaya, DCR

Staff

Brett Glymph, Executive Director

Leslie Grayson, Deputy Director, Policy & Acquisitions

Martha Little, Deputy Director, Stewardship

Tamara Vance, Deputy Director, Easements

Anna Chisholm, Director of Administration

Sherry Buttrick, Assistant Director, Easements

Kristin Jones, Assistant Director, Easements

Harry Hibbits, Assistant Director, Stewardship

Amanda Scheps, Owned Lands Manager

Dave Morton, IT/GIS Manager

Jason McGarvey, Communications

Philip Reed, Easement Project Manager

Estie Thomas, Easement Project Manager

Bruce Stewart, Staff Attorney

Ms. Ridder, Chair called the meeting to order at 9:38 a.m.

CLOSED SESSION

Mr. Slater made a motion to go into Closed Session at 9:39 am in accordance with Code §2.2.-3711 (A)(7) and (A)(3) to discuss with and take briefings from staff and counsel regarding Piedmont Agriculture Academy v. Piedmont Environmental Council et al., which matter is currently in mediation, the purchase of real property and Rockbridge Area Conservation Council vs. Virginia Outdoors Foundation, which matter is pending in Rockbridge County Circuit Court; motion seconded by Mr. Richardson and passed unanimously.

Upon returning from Closed Session at 10:20 a.m., a voice vote certified that to the best of knowledge of each Trustee, only matters lawfully exempted from FOIA and mentioned in the motion were discussed. All Trustees replied "Aye".

FINAL

Motion made by Mr. Richardson to authorize staff and the Executive Director to purchase the parcel discussed not to exceed fair market value and to authorize the Executive Director to take any action necessary to complete the transaction; motion seconded by Mr. Slater and passed unanimously.

PUBLIC COMMENTS

Todd Hochrein of VCCE, spoke against the new Fee Schedule and asked Trustees to reconsider.

Gregg Amonette – spoke against the Dominion Power Rebuild of the Dooms-Lexington line. A copy of Mr. Amonette’s written comments are online with the meeting materials and will be maintained with the permanent record. Referring to Mr. Amonette’s complaint letter in which he stated his intent to withdraw support of future easement donations to VOF, Mr. Richardson asked that Mr. Amonette reconsider his position and refrain from disparaging VOF to prospective donors. Mr. Richardson further stated that VOF needs to do whatever it can that is consistent with its authority to support mitigations of the transmission rebuild and at a minimum VOF should voice sympathy and support for the affected residents.

Kristopher Baumann spoke against the Dominion Power rebuild of the Dooms-Lexington line. He requested that the board send a letter to the State Corporation Commission to express VOF’s support of the area residents who have been adversely impacted by the new line.

Hill Wellford, owner of Kendale Farm, stated that although his land (which has easements on it) has retained mineral rights he has NO intention to drill or frack the property.

Peggy Stevens, from Northern Virginia Conservation Trust, and the Chair of the Executive Committee of Virginia United Land Trusts, shared concerns she has received from her members regarding a desire for VOF to consult more with its partners on major policy changes, such as the Fee Schedule.

Rex Linville from PEC spoke against the updated fee schedule passed at the last VOF meeting and expressed concern that the change was made without input from partners.

Peter Glubiak, attorney, spoke about the challenge to an easement by the Virginia Department of Taxation (VDT), and warned us that if the VDT is successful the ruling will adversely affect VOF’s easement program. He also asked the Trustees to consider meeting more often.

APPROVAL OF THE ORDER OF BUSINESS

Motion made by Ms. Obenshain to change to Order of Business as follows: proposed easements removed from the Consent Agenda: Brooks and Harwood; move the Stewardship report after minutes approval; move Closed Session scheduled at the end of the day to convene at 12:30; motion seconded by Mr. Slater and passed unanimously.

STEWARDSHIP REPORT:

Ms. Martha Little, Deputy Director for Stewardship reported on the process for review of Proposed Public Infrastructure Projects which includes notification from the reviewing agency, legal analysis to determine easement parameters and GIS analysis to determine if project encroaches into subject easements. The comment period is generally 30 days. Since January of 2015, VOF has had at least 43 of these kinds of request for review. There was discussion among staff and board members about a new or different review process and protocol to address scenic impacts of major infrastructure projects, including rebuild projects in existing corridors.

FINAL

Mr. Slater stated that VOF should request more information from the utility to assess scenic impacts.

Mr. Richardson wants to revisit our policy and procedures which policies should consider who is in the best position to require mitigations and assess impacts to scenic values.

Chair Steph Ridder formed an Energy and Infrastructure Policy Committee to review the current process and make recommendations for concrete actions to address adverse scenic and environmental impacts of major infrastructure projects.

Tom Slater made a motion to refer the Utility Policy to the new committee of the Board of Trustees and asked that Committee work with Staff and the Executive Director to do this review as quickly as possible to act responsively and in accordance with our mission; motion seconded by Peter Bance and passed unanimously.

Pending the development of supplemental policy on the issue of infrastructure development and expansion, Mr. Slater suggested that staff request additional information and time and withhold comment.

APPROVAL OF MINUTES

A motion was made by Ms. Obenshain to approve the minutes from the June 25, 2015 Board of Trustees meeting as presented; Mr. Slater seconded and the motion passed unanimously.

RESOLUTION TO SET 2016 MEETING DATES

A motion was made by Ms. Obenshain to adopt the resolution adding the word Easements to the March 24th meeting; motion seconded by Mr. Slater and passed unanimously. (Attachment A)

EXECUTIVE DIRECTOR'S REPORT

Ms. Glymph reported that she is taking part in the upcoming VaULT meeting and that the VOF 50th anniversary planning is underway.

Ms. Glymph also recently met with the administration officials to discuss VOF funding needs.

Freedom of Information Acts (FOIA) requests are being received quite regularly, and Brett gave the Trustees a reminder to please be good record keepers. There are many last minute changes between publishing the book and the meeting so an ERRATA sheet (Attachment B) was compiled and distributed and will be part of the permanent record. The staff hopes that this and other reforms to the easement review process will result in less paper for the Trustees to read and allow more of the Trustees time to talk about policy issues. Tamara Vance will be contacting the Trustees one on one to see what they want to see in the meeting materials.

Staff members were recognized for their years in service and it was reported that Anna Chisholm was promoted to Administrative Director.

Mr. Burden: I have been a member of the VOF Audit and Finance Committee for four years and have watched as VOF has cut expenses every year and taken on more responsibility and work. The VOF reserve is dwindling and the current situation is unsustainable. VOF is working very hard to expand its revenue and Mr. Burden reaffirmed the board's commitment to do what is necessary to keep VOF solvent and the fees are a necessary adjustment to that end.

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OWNED LANDS REPORT

Leslie Grayson reviewed the meeting materials and included an update of the restoration effort for High Point and the Bull Run digital library project. Ms. Grayson also reported on the nascent plan to construct a ranger station at the main entrance to the Bull Run Mtns Preserve, which station would ideally double as the principal office for the Northern Virginia region. The White House Creek Estates lot has been listed for sale with proceeds to benefit Kohls Island.

PROPOSED CHANGES TO NEW EASEMENT GUIDELINES

Tamara Vance reviewed the new proposed changes. Ms. Obenshain asked that these new proposed changes be widely distributed.

CLOSED SESSION

Motion made at 12:30 pm by Mr. Burden to go in to Closed Session for the discussion of Rockbridge Area Conservation Counsel vs. Virginia Outdoors Foundation, which matter is pending in Rockbridge County Circuit Court; as provided for in the Code of Virginia §2.2-3711(A)(7); motion seconded by Mr. Slater and passed unanimously.

Upon returning from Closed Session at 1:15 pm, a voice vote certified that to the best of knowledge of each Trustee, only matters lawfully exempted from FOIA and mentioned in the motion were discussed. All Trustees replied "Aye".

PRESENTATION BY ROSELAND, LLC REGARDING ENVIRONMENTAL BANKING

Cynthia Hankley, gave presentation which is part of the permanent record and is available by request.

BUDGET UPDATE

Anna Chisholm presented an update to the budget with the most significant change being that the actual receipts for Land Preservation Tax Credit income for FY2015 were significantly lower than budgeted.

There was board discussion about activating the 50th Anniversary Committee as a fundraising committee, working with VaULT partners to inform decision makers about the importance of a strong VOF and continued public investment in land conservation, and possible legislation to ameliorate VOF's budget challenges. There was consensus that VOF's declining revenue, if not addressed, will become an emergency and could result in VOF's inability to fulfill its statutory mission.

PRESERVATION TRUST FUND CHANGES TO GUIDELINES RESOLUTION

Motion made by Mr. Burden to adopt the resolution; motion seconded by Mr. Slater and passed unanimously. Trustees asked that these changes be widely distributed to partners. (Attachment C)

AMENDMENTS EXECUTED

Tamara Vance noted that the report in the meeting materials was going to be a regular report as requested in the Resolution passed on June 25, 2015.

PRESERVATION TRUST FUND - LAND CONSERVATION PROJECTS

Reconsideration for funding - Thomas L. Bare and John Thomas Bare (father and son) - Rockbridge County - 397.6 acres Motion made by Mr. Richardson to approve additional funding of \$3,300 and that the proposed easement is to remain as approved on June 25, 2015; motion seconded by Ms. Obenshain and passed unanimously.

Black Hollow Properties, LLC/ George Blair and Kimberly J. Sanders - Pulaski County - 640 +/- acres

Amend proposed easement to:

1. Add the life tenant as an additional grantor;
2. Approve the proposed easement either with the 26 acres with unexpired mineral rights quit claimed OR if the mineral rights cannot be quit claimed, accept the proposed easement with the 26 acres (parcel of 22 and 4) excluded and the easement would allow 2 parcels and 4 dwellings;
3. Any existing buildings in the buffer can remain. Motion made by Mr. Slater to approve as amended and awarding \$10,500 in PTF monies; motion seconded by Ms. Obenshain and passed unanimously.

Thomas Douthat, Jr. – Pulaski County - 412 +/- acres Boundary questions and off-conveyances were explained as resolved. Motion made by Mr. Burden to approve proposed easement as presented, awarding \$8,000 in PTF monies; motion seconded by Ms. Obenshain and passed unanimously.

C. Rodney Pippin and Nancy Pippin – Scott County - 118.5 +/- acres Motion made by Mr. Slater amending the proposed easement to grandfather the existing barn in the buffer, and grant \$15,500 in PTF monies; motion seconded by Ms. Obenshain and passed unanimously.

Charles A. Potter, III – Rockbridge County - 252.058 acres Motion made by Mr. Slater to amend proposed easement to add Public Infrastructure Expansion (PIE) language for a 20’ right of way (ROW) from the center line on Route 657, an additional 10’ of on Route 646 and to grant \$4,400 in PTF monies; motion seconded by Mr. Richardson and passed unanimously.

Gregory Wayne Waddle – Washington County - 335.8 +/- acres Motion made by Mr. Burden to amend proposed easement by adding PIE language for a 25’ ROW on Route 608, clarifying that livestock are not excluded from buffer, by simplifying the sinkhole language for clarity and award \$9,500 in PTF monies; motion seconded by Mr. Slater and passed unanimously.

CONSENT AGENDA

Motion made by Mr. Richardson to approve the following proposed easements as presented; motion seconded by Mr. Slater and passed unanimously.

Type of Project	Name	County	Acreage
Easement	Altman, Richard & Mary	Botetourt	375+/-
Easement	Bailey, James & Christina	Culpepper & Rappahannock	148.29
Easement	Bailey, Mac- Devin Trust	Mecklenburg	282.49
Easement	Bailey, Steven Anthony/Ft. Mitchell - Rt. 630	Lunenburg	261.29
Easement	Bailey, Steven Anthony / Marable	Lunenburg	196
Easement	Bailey, Steven Anthony / Murdoch tract	Lunenburg	447.603
Easement	Barton, Billy W. Jr. and Brian W.	Nottoway & Prince Edward	261.75
Easement	Burwell, Armistead & Linda	Bath	59.12
Easement	Butler, Norbert W. and Holly Jean	Nelson & Amherst	200 +/-
Easement	DALMP, LLC	Floyd	66.79

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Type of Project	Name	County	Acreage
Easement	Devin Logging, VA Partnership; Devin, J. A. & A. T - Partners/ Red Level	Halifax	548.314
Easement	DRM Associates, LLC	Westmoreland	222
Easement	DTB, LLC	Carroll	120.454
Easement	Jay & Sara Eberly	Frederick	70.07
Easement	Farmar, Mary Sue Hinton & Richard A. III	Northumberland	119.02
Easement	Farmar, Mary Sue Hinton	Northumberland	253.91
Easement	Gibson, Robert	King & Queen	703.08
Easement	Irving, Joe P, Brenda Irving (Additional Grantor)	Charlotte	189.05+/-
Easement	Richard & Theresa Lazo - "Stonefield"	Grayson	136.47
Boundary Line Adjustment (BLA)	MAH Investments LLC & and Dept of Forestry Easement : John Pound	Bath	MAH, Inc - 23.94 Pound +23.94
FT Pickett ACUB Easement	Harrison A. Moody, Arthur Moody, III and Amanda L. Moody, Kenneth W. Bourne and Grace Elizabeth Bourne	Dinwiddie	386.08
Easement	Lonnie Carroll Moore & Ronnie Fisher Moore; Lonnie Carroll Moore and Sophia Ann Moore (parents) life estate / - Ol' Fisher Farm	Halifax	239.66
FT Pickett ACUB Easement	Parrish, Charles H, Jr. & Susan D.	Brunswick	257.23
Easement	Potomac Appalachian Trail Club, Inc. – Huntley Property	Page	102.8755
Easement	Penkiunas, Algis & Mary	Rappahannock and Madison	214.1389
Easement	Shadow Ridge Farm, LC	Rappahannock	531.235
Easement	Shadow Ridge Farm, LC	Rappahannock	39.8484
Easement	Gerald N. & Margaret F. Spraker and S&S Angus, LLC	Wythe	326 +/-
Easement	Travis & Crystal Taylor	Pittsylvania	73.86
Easement	Vaughan, Lynn J. & Sandra S. - "Oak Ridge"	Lunenburg & Nottoway	824 +/-
Easement	Wilberger, Dorsey W., Jr. Linda S.	Fluvanna	133.257
Easement	Woodrows, LLC "Longwood Tract"	Chesterfield	1000 +/-

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LAND CONSERVATION PROJECTS

Reconsideration Easement-Bacons Castle Farm, LLC-Surry-1,260 acres Motion made by Mr. Slater to approve proposed easement as presented; motion seconded by Mr. Richardson and passed unanimously.

Easement-Malcolm L. and Betty B. Bailey / Antlers Road-Mecklenburg-614.46 acres Motion made by Mr. Slater to approve proposed easement as presented; motion seconded by Ms. Obenshain and passed unanimously.

Easement-Peter H. Brady, Anne Clark Brady and Elinor Ryan Adams – Elk Mountain-Nelson & Augusta-800+ acres Motion made by Ms. Obenshain to allow staff to work out the siting language for scenic protection for the Blue Ridge Parkway on Elk Mt. for this proposed easement; motion seconded by Mr. Slater and passed unanimously.

Amendment-Jeffrey L. and Sondra B. LeHew-Warren-42.4496 New acres Motion made by Mr. Slater to clarify that there is 1 division allowing 2 parcels and amend proposed easement to add PIE language for 25' ROW from the centerline on State Route 624; motion seconded by Mr. Burden and passed unanimously.

Reconsideration Easement-Mapledale, LLC-Northumberland-118.1 acres Motion made by Mr. Slater to approve proposed easement as presented; motion seconded by Mr. Burden and passed unanimously.

Easement-Town of Marion-Smyth-113 +/- acres Motion made by Ms. Obenshain to approve proposed easement as presented; motion seconded by Mr. Slater and passed unanimously.

Easement-Florence R. Wilson/ Edgeworth-Albemarle-1190.71+/- acres Motion made by Mr. Slater to approve proposed easement as presented; motion seconded by Ms. Ridder and passed unanimously.

Brooks, Frederick L. and Sharon M.-Essex-178.24 acres Motion made by Mr. Slater amending proposed easement to revert to template language in the cost recovery section; motion seconded by Ms. Obenshain and passed unanimously.

Harwood, Susan-Lancaster County -109.9 acres Motion made by Mr. Slater to amend proposed easement to allow 2 dwellings with a 5000 foot aggregate and to require that the dwellings be within 200' of each other; motion seconded by Ms. Obenshain and passed unanimously.

Meeting adjourned at 3:16 pm.

RESOLUTION

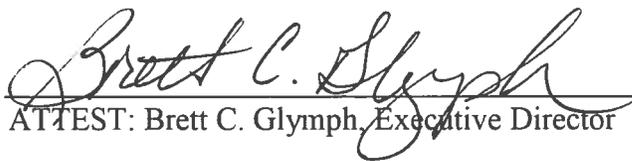
**VIRGINIA OUTDOORS FOUNDATION (VOF) BOARD OF TRUSTEES
RESOLUTION TO SET VOF MEETING DATES FOR CALENDAR YEAR 2016**

WHEREAS, The Virginia Outdoors Foundation (VOF) Board of Trustees typically meets several times a year to consider easement proposals and matters of land conservation policy; now, therefore be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this 24th day of September 2015, That the following dates are hereby adopted for VOF Board of Trustee meetings in the calendar year 2016.

DATES	LOCATION
Thursday, March 24, 2016 Policy/Easement Consideration	TBD
Thursday, June 30, 2016 Policy/Easement Consideration	TBD
Thursday, September 29, 2016 Policy/Easement Consideration	TBD

Adopted by a vote of : 6 for and 0 against



 ATTEST: Brett C. Glymph, Executive Director

Easement Errata Sheet
September 24, 2015 Board of Trustees Meeting

Projects on Consent Agenda

Altman – p. 1: Add the following language for primitive camp ground: “(i) Primitive Campground. Structures associated with a small-scale primitive riverside campground, including but not limited to platforms, storage or shower facilities, so long as such structures do not negatively impact the conservation values of the Property. The aggregate ground area covered by said structures shall not exceed 1,000 square feet at any time. ”

Bailey - S.A. Ft. Mitchell p. 26 & Bailey – S.A. Marable p. 33 both approved by the Planning Commission 9-15-15 as consistent with Comp Plan.

Bailey – S.A. Murdoch - p. 39: approved by the Planning Commission 9-15-15 as consistent with Comp Plan; map incorrectly portrays 36 acres not owned; and landowner requested sliver between a side road be removed from setback, and staff concurs.

*** Remove from Consent Agenda - Brooks - p. 54:** staff recommends current template language for Cost Recovery as opposed to landowner’s request to use prior version of cost recovery. Conflicts with new fee schedule approved in June based on flat fees.

Burwell - p.61: Board of Supervisors found the compatible with Comp Plan 9-8-15

Eberly – p. 110: ROW issue resolved, VDOT has a 30 ft. ROW, and no additional ROW necessary. Maintenance work can be accommodated with VOF’s current policy of permitting temporary construction easements.

Farmer -p. 124 119 acres: dwellings reduced to one on the entire property (hard cap on house size at 4500 sq ft).

Gibson – p. 138: revise buffer language to make clear that trees growing in Dragon Run stream bed are protected from timbering and livestock shall be excluded from the buffer strips.

Lazo – p. 157: survey underway 9/21 for determining title and legal description.

Moore - p.254: Add back in template provision for Signs and Trash.

Shadow Ridge - p. 294 39.8 acres: insert height limit of 20 ft. on alternative energy structures due to visibility from Skyline Drive.

Spraker - p. 302: new survey required; staff recommends approval contingent on establishment of good title and high confidence mapping property boundary.

Vaughan – p. 320: This project is not ACUB/Ft. Pickett project; Lunenburg Co voted on 9-15-15 finding the easement conforms to the Comp Plan; new survey received and the total acreage is 835.05.

RESOLUTION**A RESOLUTION BY THE VIRGINIA OUTDOORS FOUNDATION BOARD OF TRUSTEES TO MODIFY THE INCOME ELIGIBILITY BRACKETS AND RECOMMENDED AWARD AMOUNTS FOR THE OPEN SPACE LAND PRESERVATION TRUST FUND**

WHEREAS, the Open Space Lands Preservation Trust Fund (herein after "PTF" or "the Fund") was created by the General Assembly in 1997 [code of Virginia section 10.1-1801.1; herein after "enabling legislation:"]; and

WHEREAS, Section 10.1-1801.1D states "the purpose of the grants made from the Fund shall be to aid localities acquiring open-space easements or persons conveying conservation or open-space easements with the costs associated with the conveyance of the easements, which may include legal costs, appraisal costs or all or part of the value of the easement"; and

WHEREAS, the Trustees adopted new guidance on June 25th, 2015 and this resolution further defines the new guidance and specifically addresses the Baseline Documentation Report (BDR) preparation or review fee; and

WHEREAS, the enabling legislation directs VOF to administer, manage and make expenditures and allocation from the Fund; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees this 24th day of September 2015, That regarding the Fund, guidance for the recommended grant amounts and income eligibility brackets is adopted as follows:

New Income Categories and Request Amounts for PTF Program

Annual Income	Recommended Request	Estimated to cover
Up to \$63,000	\$10,000	100% of BDR Prep/Review fee plus estimated other costs
\$64-\$79,000	\$6,500	100% of BDR Prep/Review fee plus approx. 50% of other costs
\$80-\$100,000	\$1,500 or \$750	50% of BDR Prep/Review fee only

Additionally, PTF eligible easement property holders may apply for funding assistance through PTF to help cover the costs of certain amendments and in some cases for boundary line adjustments, deeds of correction or other required fees.

ADOPTED by a vote of 6 for and 0 against



ATTEST: Brett Glymph, Executive Director