

DRAFT

MINUTES
VIRGINIA OUTDOORS FOUNDATION (VOF)
BOARD OF TRUSTEES MEETING
GREAT MEADOW, THE PLAINS, VA
September 11, 2014 10:00 am

ATTENDEES:

Board of Trustees

Stephanie Ridder, Chair
Childs Burden
Elizabeth Obenshain
John Richardson
Brent Thompson
Absent: Peter Bance and Tom Slater

Staff

Brett Glymph, Executive Director
Anita Angelone, Admin Assistant
Sherry Buttrick, Assistant Director, Easements
Bobbie Cabibbo, Executive Assistant
Martha Little, Deputy Director, Stewardship
Kristin Ford, Assistant Director, Easements
Leslie Grayson, Deputy Director, Policy & Acquisitions
Kerry Hutcherson, Staff Attorney
Dave Morton, IT/GIS Manager
Philip Reed, Director, Landowner Relations Coordinator
Amanda Scheps, Owned Lands Manager
Estie Thomas, Easement Project Manager
Laura Thurman, Easement Project Manager
Bruce Stewart, Staff Attorney
Tamara Vance, Deputy Director, Easements

Other Attendees

Fred Fisher, Office of the Attorney General
Rich Mahevich, Office of the Attorney General
Nan Mahone, Conservation Partners
Pete Glubiak, Attorney
Nancy Ambler, Wood Thrush Conservation
Charlie Westbrook, Atoka Conservation Exchange
Maggie MacQuillan, Piedmont Environmental Council
Janis Stone, VOF Volunteer

Steph Ridder called the meeting to order at 10:08 and introduced John Richardson, one of two newly gubernatorial appointees to the VOF Board of Trustees. Tom Slater is the other new trustee who could not make this meeting.

Approval of Minutes

NOTE: The minutes up for approval are the minutes sent on 9/5/14 to the trustees and not the ones included in the board book received in August. Motion made by Childs Burden to approve minutes as presented; motion seconded by Beth Obenshain and passed unanimously.

Public Comment

Pete Glubiak, Attorney, pointed out that there are several pipelines proposed around the state and he hoped we were aware and dealing with the situation. Brett Glymph assured him that we have been addressing the issue of said pipelines for the past several months.

Executive Director's Report

Brett reported about the status of the proposed pipelines, our plans to work with the administration, in particular the Secretary of Natural Resources and the pipeline companies to protect any conservation easements. Dominion Power has prior experience working with VOF, so Dominion understands the stake we have in protecting our easements.

A packet was distributed with the case of Loudon County WAT vs. White Cloud (20 Cir.CL78462 Loudoun Co. (2014)) and a copy of Fred Fisher's upcoming remarks regarding easements as a land use tool and VOF's status as a public agency. A copy of the package distributed is on file with the permanent record of this meeting.

Committee Assignments –Chair requested that John Richardson serve on the VOF 50th Anniversary Committee and he accepted. Tom Slater has accepted assignment to the Audit & Finance Committee.

DRAFT

Deputy Director Reports

Tamara Vance, Deputy Director of Easements reported that the overall number of easement donations is down with lower appraisals and the federal tax benefit uncertainty still affecting easement applications.

Martha Little, Deputy Director of Stewardship reported on amendments, and that there will be a 1704 conversion diversion application and an interpretation issue coming before the trustees in November.

Leslie Grayson, Deputy Director of Policy & Acquisitions reported that it is possible that the white rocks cliff area on Bull Run Mt. managed by VOF under a license agreement with a private landowner will be closed to public access for a period of time to allow for restoration. She reminded us that the land owned by VOF in the Bull Run Mountains, as well as the rock cliffs area under license, are all dedicated as a State Natural Area Preserve and that the management objectives give priority to protection of the ecological resources and secondarily to accommodate public access to the extent it does not negatively impact the natural resources. The situation we are experiencing on the cliffs is not a unique occurrence as scenic overlooks often occur in sensitive locations and attract a lot of use. Other public entities/landowners, such as the federal park system, close fragile places on a regular basis in order to protect and restore the resources. Leslie also reviewed plans for repairs to the stone house and improvements to the trail and parking area in the northern portion of the mountains as well as several scientific studies that are being undertaken within the preserve. The full owned lands report is included in the board package.

A meeting between four key representatives of the Rockbridge Area Conservation Council, and trustees Tom Slater, Steph Ridder, attorney general representative Steve Owens, Brett and Leslie took place on August 29th. The outcome of the meeting was to focus efforts on development of a management plan for House Mountain, including having one or two designees from RACC assist and provide input to VOF in the initial draft plan. Childs Burden asked about a timeline for completion and presentation of the management plan and Leslie responded that it would likely not be ready until early 2015. Due to the intense interest of the community in the property, VOF staff plans to have a process that includes early input for interested parties in the plan development and also provides an opportunity for presentation and general public comment when the plan is near completion.

At the meeting, VOF suggested that RACC consider promotion of and take the lead on nomination of a new Special Project Area (SPA) for the mountain and immediate surrounding area.

VOF Staff proposed, and committed to, working on a deed or other document to make plain VOF's intentions and goals for the property and highlighting the paramount conservation values of the property, which values are scenic resource protection, passive recreation and wildlife habitat. The deed of dedication, or other declaration document, would serve the similar purposes of an easement with respect to a full statement of conservation purposes and values. An easement for House Mountain is not possible, as VOF cannot hold an easement on its own property.

Brent Thompson remarked at the conclusion of the discussion that he thought VOF is being thoughtful and sensitive to RACC concerns, but that at some point everyone needs to recognize that the Commonwealth is the owner of the property and must be the determining manager and decision maker. He stated his opinion that it looks like a win-win scenario for the community to have a state agency willing to own and manage the mountain with their input and assistance.

Easements and Land Use – Fred Fisher gave a prepared talk the contents of which is on file with the permanent record of this meeting.

Brett asked that the Oil & Gas Forum of March 2014 information be sent to the new trustees and the trustees who were unable to attend.

Kizer Assignment to VDHR— Motion made by Brent Thompson to accept the assignment and Resolution (Attachment A); motion seconded by Beth Obenshain and passed unanimously.

DRAFT

PRESERVATION TRUST FUND (PTF) LAND CONSERVATION PROJECTS

Easement - Mary L. Thurmond Living Trust – Botetourt County - 156.906 acres – Amend easement proposal to add Public Infrastructure Language (PIE) for road expansion up to 50'. Motion made by Childs Burden to approve easement proposal as amended and allot \$3,250 of PTF monies; motion seconded by Beth Obenshain and passed unanimously.

Easement - Arnold Martin Cassell - Smyth County - 90 +/- acres – For clarification there is one existing dwelling and two are permitted. Amend easement to include a buffer 35' in width. Motion made by Beth Obenshain to approve easement proposal as amended with \$6,500 PTF monies; motion seconded by Childs Burden and passed unanimously.

Easement - Inez W. Minetree - Fauquier - 115.10 +/- acres – Amend easement proposal deleting language expressly prohibiting wineries on the property and adding a hard cap on farm processing buildings. Motion made by Childs Burden to approve easement proposal as amended and award \$6,500 of PTF monies. Motion made by CB to approve the easement proposal; motion seconded by Beth Obenshain and passed unanimously.

Easement - Moore, Angela - Augusta County - 141.185 acres - Motion made by Steph Ridder to approve easement proposal as presented and award \$3,500 of PTF monies for landowner costs and an additional \$3,000 for survey; motion seconded by Brent Thompson and passed unanimously.

Childs Burden asked staff to explore raising private funds for PTF this year, as state funds were cut by half for the biennium, and this program could help additional landowners with administrative costs of easement donations.

LAND CONSERVATION PROJECTS

Easement - I. Christopher & Caroline Parrish - Rappahannock County - 26 +/- acres – Amend easement proposal to allow a gazebo in the riparian buffer and to specifically allow for an inconspicuous antenna that already exists if it is found to be on Parrish property. The language allowing the antenna will be worked out with a VOF staff attorney. Motion made by Steph Ridder to approve easement proposal as amended; motion seconded by Beth Obenshain and passed unanimously.

Easement - Willis Scott & Ida Mae Glidden, Trustees of the Glidden Living Trust - Nelson County - 317 acres – DEFERRED

Easement - Joseph C. Kincheloe - Culpeper County - 97.34 acres – Amend easement to allow a year from date of recordation to build the required fencing that excludes livestock from the water. Motion made by Brent Thompson to approve easement proposal as amended; motion seconded by Steph Ridder and passed unanimously.

Easement - Rockfish River Farm LLC - Nelson County - 234.924 acres - Motion made by Steph Ridder to approve easement proposal as presented; motion seconded by Beth Obenshain and passed unanimously.

Easement - Fant Family Limited Partnership - Grayson County - 358 +/- acres - Clarification: buffers are 35'. Motion made by Childs Burden to approve easement proposal as presented; motion seconded by Brent Thompson and passed unanimously.

Easement - William Hayter - Washington County - 421 +/- acres - DEFERRED

Easement - Linda Pratt DiYorio, Marion Pratt Griffin, Eleanor Pratt Wassum, Jane Pratt Clark, Janet L. Pratt - Smyth County - 212 +/- acres – Amend easement proposal to remove buffers as they are already under easement held by Evergreen SWCD. . Motion made by Childs Burden to approve easement proposal as amended; motion seconded by Steph Ridder and passed unanimously.

DRAFT

Mr. Richardson left the room

Easement - Herman Ford Staats and Janet Sue Staats - Washington County - 87.64 acres – Motion made by Childs Burden to approve easement proposal as presented; motion seconded by Steph Ridder and passed unanimously.

Easement - Bryan Stokes - Smyth and Washington County - 265 +/- acres – DEFERRED

Mr. Richardson returned.

Amendment - JBC Properties LLC & Timothy & Martha Conner - Montgomery County - New acres 132.725 Total 466.111 - Motion made by Steph Ridder to approve easement proposal contingent upon letter from qualified appraiser that confirms there is no private benefit; motion seconded by Childs Burden and passed unanimously.

Easement - Leslie & Michael Mehaffey - Bedford County - 94.18 acres - Motion made by Childs Burden to approve easement proposal as presented; motion seconded by Steph Ridder and passed unanimously.

Easement - Louis E. Saville & Betty Fridley Saville, Co - Trustees of the Louis E. Saville and Betty Fridley Saville Revocable Trust - Botetourt County - 532.537 acres – NOTE: title work has been received. Motion made by Brent Thompson to approve easement proposal as presented; motion seconded by Childs Burden and passed unanimously.

Easement - Lewis W. and Susan A. Graves - Bedford County - 161.396 acres - Motion made by Childs Burden to approve easement proposal as presented; motion seconded by Beth Obenshain and passed unanimously.

Easement - Daniel Epps Lacy, Jr. (sole Trustee of Daniel Epps Lacy, Jr. 2014 Revocable Trust) – Halifax County - 166.0498 acres – Amend easement to include PIE language for up to 50’ of right-of-way on Love Shop Road and clarify that livestock will be excluded from the stream buffer area.. Motion made by Brent Thompson to approve easement proposal as amended; motion seconded by Steph Ridder and passed unanimously.

Easement - Edgar James Turner Perrow – Pittsylvania County - 465 acres –Amend easement proposal to: add PIE language for up to 50’ of right-of-way for Route 640; to remove the language not allowing a public restaurant, and add no-willful demolition language for the house on the Historic Register. Motion made by Beth Obenshain to approve easement proposal as amended contingent upon the local planning commission’s confirmation of compatibility with the local Comprehensive Plan; motion seconded by Brent Thompson and passed unanimously.

Easement - David C. and Catherine F. Plyler - Floyd County - 105.106 acres – Amend easement to remove a parcel because of a bank subordination issue which makes the acreage 102 acres and clarify that only one dwelling is allowed. Motion made by Childs Burden to approve easement proposal as amended with the smaller acreage; motion seconded by Steph Ridder and passed unanimously.

Easement - Paul Copeland - Essex County - 89.919 acres – NOTE: A new easement summary sheet and map were distributed at meeting, and a copy is on file with the permanent record of this meeting. Motion made by Steph Ridder to approve easement proposal as presented (see NOTE); motion seconded by Brent Thompson and passed unanimously.

Easement - Curles Neck Properties, LLC - Henrico County - 125.7 acres – NOTE: A new easement summary sheet was distributed at meeting, and a copy is on file with the permanent record of this meeting. Motion made by Brent Thompson to approve easement proposal as presented (see NOTE); motion seconded by Elizabeth Obenshain and passed unanimously.

Easement - Ginn, Randall J. “Lenwood Farm” - Essex County- 104.598 acres – Amend easement proposal to include standard VOF language on horizontal drilling. Motion made by Beth Obenshain to approve easement proposal as amended; motion seconded by Steph Ridder and passed unanimously.

DRAFT

Easement - Major, Joseph & Dianne - King and Queen County - 163.50 acres - Amend easement proposal to allow two dwellings for an aggregate of 6500 sq. ft. and “soft” cap of 4,500 sq. ft. each (i.e. approval required for over 4,500 sq. ft.). Motion made by Childs Burden to approve easement proposal as amended; motion seconded by Steph Ridder and passed unanimously.

Easement - Mapledale, LLC - Caroline County - 358.84 acres – Motion made by Steph Ridder to approve easement proposal as presented; motion seconded by Brent Thompson and passed unanimously.

Easement - Mapledale, LLC - King William County – 215 acres - Motion made by Childs Burden to approve easement proposal as presented; motion seconded by Steph Ridder and passed unanimously.

Easement Reconsideration - Mitchell, John and Kathryne - King George County - 43.37 acres - Motion made by Steph Ridder to approve easement proposal as presented; motion seconded by Brent Thompson and passed unanimously.

Easement - Nickel, William, II “Custis Woods” - Accomack County - 433 acres – Amend easement proposal to explicitly allow for waterfowl management, including but not limited to special deed language for structures, stream buffers, grading, roads, and activities. Easement summary did not indicate, but deed included the ability to cut trees in buffers to accommodate scenic vistas, and staff recommended against that change and trustees agreed. Motion made by Childs Burden to approve easement proposal as amended; motion seconded by Beth Obenshain and passed unanimously.

Easement - Poplar Grove LLC – Caroline County - 357.92 acres - Motion made by Brent Thompson to approve easement proposal as presented in the Easement Summary, meaning several sections of the most recent draft deed are recommended to conform with the VOF template; motion seconded by Steph Ridder and passed unanimously.

Easement - Thomas, Richard E. “Hinesville” - Richmond County - 83.89 acres – Motion made by Steph Ridder to approve easement proposal as presented; motion seconded by Brent Thompson and passed unanimously.

Easement Testamentary Gift - Estate of Joseph M. Rogers – Loudoun County - 186.88 acres – Clarification: restricted build area is 500’ from the roads in some sections, and 300’ in other sections of the buffer due to site conditions. Motion made by Childs Burden to approve easement proposal with clarification; motion seconded by Beth Obenshain and passed unanimously.

Easement - T. Coleman Andrews, III - Orange County - 170.751 acres – Motion made by Steph Ridder to approve easement proposal as presented allowing either of two listed Staff recommendations, with clarifications to Option 1 - no division, impervious surface cap 1.5%, two large farm buildings by right (up to 45,000 sf.) but require staff review for siting; motion seconded by Beth Obenshain and passed unanimously.

Easement - Bailey, Michael A. & Christie B. - Lunenburg County - 194.58 acres - Motion made by Childs Burden to approve easement proposal as presented; motion seconded by Steph Ridder and passed unanimously.

Easement - Brown’s Forest Products, Inc. - Charlotte County - 467.5 acres – Amend easement proposal to add the words “natural resource based” to recreational use and remove the word “public”. Motion made by Brent Thompson to approve easement proposal as amended; motion seconded by Steph Ridder and passed unanimously.

Easement - Calohan, William E., III - Campbell County - 294.256 acres – Motion made by Childs Burden to approve easement proposal as presented; motion seconded by Steph Ridder and passed unanimously.

Easement - Elliott, Robert I. & Brenda D. - Campbell County - 109.85 acres – Motion made by Beth Obenshain to approve easement proposal as presented; motion seconded by Steph Ridder and passed unanimously.

DRAFT

Easement - Hawthorne, Robert E. or Nancy S., Hawthorne Properties, and Hawthorne, Robert E., Jr. and Nicole S. & Laura F. Hawthorne - Lunenburg County 293.63 acres – Amend easement proposal to add the words “natural resource based” to recreational use removing the word “public” and small scale building clause and roads clause must be returned to template. Motion made by Brent Thompson to approve easement proposal as presented; motion seconded by Steph Ridder and passed unanimously.

Easement - Lookofsky, Alvin P. and Elizabeth E. - Prince Edward County - 217.79 acres – Motion made by Steph Ridder to approve easement proposal as presented; motion seconded by Beth Obenshain and passed unanimously.

Easement - Mary Catherine Shannon/Slate River Farm - Buckingham County - 1683.497 acres - Amend easement proposal to limit retained right for a kennel, to an area no greater than 4500 sq. ft. Motion made by Steph Ridder to approve easement proposal as presented with the clarification; motion seconded by Beth Obenshain and passed unanimously.

Easement - Lealon M. Vassar and Brenda N. Vassar, and L. Gregory Vassar and Cheryl F. Vassar - Charlotte County - 3405.9 +/- acres – Amend easement proposal to: (a) add a 100’ building setback from stream (where buffer exists) (b) add to forestry clause that forestry best management practice will include stream management zones of 50’ along perennial streams (c) to add the words “natural resource based” to recreational use and remove the word “public”(d) road setback is 1000’ or 300’ in some areas not 400’ as the Easement Summary sheet says (e) change words “rock hounding” to “rock collecting” (f) no new ponds allowed on perennial streams. Motion made by Steph Ridder to approve easement proposal as amended; motion seconded by Brent Thompson and passed unanimously.

Easement - Ann Harris Massie Winstead - City of Lynchburg - 34.24 acres –Clarify that the “no demolition” language applies to the designated historic portion of house only, not the newer addition. Motion made by Steph Ridder to approve easement proposal as clarified; motion seconded by Childs Burden and passed unanimously.

Easement Reconsideration - Martha Ann Shelton Patrick, widow, individually and as trustee of Henry Thomas Patrick, Jr., Revocable Trust and Hillcrest Century Farm LLC - Campbell County - 664 acres – NOTE: Preservation Trust Fund allocation from the June 2014 meeting remains the same. Motion made by Childs Burden to approve easement proposal as presented; motion seconded by Beth Obenshain and passed unanimously.

Easement - Gill Farm, LLC - Mecklenburg & Brunswick Counties– 490 acres – Amend easement proposal to remove 0.783 acres for planned VDOT project; add PIE 50’ of right of way on Route 621 which includes a bridge planned for repairs; remove a small parcel (e.g. approx 100’ x 100’) to exclude an existing billboard. Motion made by Beth Obenshain to approve easement as amended; motion seconded by Brent Thompson and passed unanimously.

Easement - John Robert Mattox - Dinwiddie County - 171.25 acres - NOTE: Easement Manager to ensure both landowner and his attorney are aware that all gift language has been removed from the deed because the offer is the result of a court order, no gift is anticipated. Motion made by Steph Ridder to approve easement proposal as presented; motion seconded by Beth Obenshain and passed unanimously.

Easement - John Robert Mattox - Prince George County - 140.00 acres – NOTE: Easement Manager to ensure both landowner and his attorney are aware that all gift language has been removed from the deed because the offer is the result of a court order, no gift is anticipated. Remove PIE language for Route 95. Motion made by Steph Ridder to approve easement proposal as presented; motion seconded by Brent Thompson and passed unanimously.

Easement - Scott Timberland Co., LP - Nottoway County - 361.387 acres – Motion made by Brent Thompson to approve easement proposal as presented; motion seconded by Steph Ridder and passed unanimously.

Meeting was adjourned at 3:50 pm