

FINAL MINUTES

MINUTES
VIRGINIA OUTDOORS FOUNDATION
BOARD OF TRUSTEES MEETING
Hotel Chamberlain, Fort Monroe, Hampton, VA
April 1, 2009

Trustees present:

Chair, Frank M. Hartz, presiding	Jeffrey K. Walker
Mark Allen (arrived at 1:00 pm)	Molly Joseph Ward
Charles H. Seilheimer, Jr.	Harry Atherton

Absent: Dr. Rupert Cutler

VOF staff attending:

G. Robert Lee, Executive Director	Beverly Monroe, Admin Assistant
Leslie Grayson, Deputy Director, Easements	Jen Perkins, Easement Specialist
Martha Little, Deputy Director, Stewardship	John Peters, Stewardship Specialist
Tamara Vance, Deputy Director, Easements	Philip Reed, Easement Specialist
Ruth Babylon, Easement Specialist	Andrea Reese, Stewardship Specialist
Sherry Buttrick, Easement Manager	Erika Richardson, Stewardship Specialist
Bobbie Cabibbo, Executive Assistant	Bruce Stewart, Staff Counsel Easements
Kristin Ford, Easement Specialist,	Estie Thomas, Easement Manager
Kerry Hutcherson, Staff Counsel Stewardship	Laura Thurman, Easement Manager
Jason McGarvey, Outreach and Communications Manager	

Also in attendance were:

Fred Fisher, VA Attorney General's Office	David Hurt, Conservation Partners
Brett Ellsworth, Assistant Attorney General	Cornelia Christian, Conservation Partners
Sarah Richardson, VA Dept Conservation & Recreation	
Jeremy Stone, VA Dept Conservation & Recreation	

Hank Hartz convened the meeting at 11:40 a.m.

Public Comments

Sarah Richardson spoke about the upcoming Virginia United Land Trust Conference (VaULT) on June 11 & 12, 2009.

Approval of the Order of Business

Agenda items for Floyd County were postponed. Motion made to approve Agenda as amended; motion seconded and approved unanimously.

Minutes

Hank Hartz called for the approval of the Minutes for the following meetings: January 22, 2009 Board of Trustees meeting, January 15, 2009 Ad-Hoc Volunteer Meeting, January 22, 2009 PTF Committee meeting, January 22, 2009 Resource and Development Committee meeting.

FINAL MINUTES

Motion made to accept Minutes as presented, motion seconded and approved unanimously.

Directors' Reports

Executive Director, Bob Lee spoke to partnerships and the strategic plan. Martha Little, Deputy Director, Stewardship outlined the VOF Volunteer Program, its progress so far and discussed projected figures for stewardship requirements through 2011. Leslie Grayson, Deputy Director, Easements reported on the list of Potential Projects; the Shenandoah Valley and the Blacksburg region have the most potential projects.

Hank Hartz, Chair reiterated that there are three Sections in the VOF easement template that are not negotiable: Enforcement, Extinguishment and Notification.

Hank Hartz called for Consent Agenda Amendment

Amendment Consent Agenda

WAR-VOF-2289, Andrea - Warren County - 181.3 acres - Approval to add an additional 8.25 acres is requested. Motion made to approve amendment as presented; motion seconded and approved unanimously.

Amendment Non-Consent Agenda

VA Tech MARE Center - Fauquier - 419.37 acres. Buildings currently existing within setbacks are allowed to be maintained; add a 35-foot naturally vegetative, fenced buffer on portion of Wankopin creek and a 35 ft. no plow buffer on the remainder of the creek. Allows plowing with written prior approval only in second part of buffer for research activities. Motion made to approve amendment as presented; motion seconded and approved unanimously.

Tamara Vance, Deputy Director, Easements reviewed the ranking system used when presenting easements to the Board stating that the ranking noted adherence to VOF template, VOF guidelines and overall compliance with stated Commonwealth, Federal and VOF goals concerning easements.

Preservation Trust Fund (PTF)

Kiser - Pulaski - 154.35 acres - Motion made to approve easement as presented; motion seconded and approved unanimously. Motion made to award \$4,700 of PTF money; motion seconded and approved unanimously.

Callaham - Campbell - 165.03 acres - Amend to: add to Section 3.3 *Industrial or Commercial Activities*- Commercial use must be screened from the public road; either put 20 acres withheld into the easement as a separate parcel or make it a no division easement; revert to template in Section 3.2. *Enforcement*. Motion made to approve easement as amended; motion seconded and approved unanimously. Motion made to award \$6,000 of PTF money; motion seconded and approved unanimously.

Powers - Fluvanna - 165 acres - Motion made to approve easement as presented; motion seconded and approved unanimously. Motion made to award \$4,750 of PTF money; motion seconded and approved unanimously.

FINAL MINUTES

Forrester – Wythe – 274 acres - Motion made to approve easement as presented; motion seconded and approved unanimously. Motion made to award \$6,000 of PTF money; motion seconded and approved unanimously.

Black – Rockbridge – 243.99 acres – Partial Purchase - Motion made to approve reallocation of PTF approved in January 09 to cover a required survey ; motion seconded and approved unanimously.

Simmons – Highland – 220.337 acres – Motion made to approve easement as presented; motion seconded and approved unanimously. Motion made to award \$4,800 of PTF money; motion seconded and approved unanimously.

EASEMENT CONSIDERATION - Warrenton

Colonial Ice Cream Co. – Fauquier – 236.1797 acres – Amend easement to bring 5 acres back into easement, allow three parcels with three new dwellings with a 1000’ setback on entire easement. Motion made to approve easement as amended; motion seconded and approved unanimously.

Combs – Rappahannock – 218.283 acres - Motion made to approve easement as presented; motion seconded and approved unanimously.

Foxmount Farm, LLC – Fauquier – 186.8118 acres – Motion made to approve easement as presented; motion seconded and approved unanimously.

Granville Farm, LLC/Nash – Fauquier – 377.447 acres – Amend to: (a)either keep it as one easement and revert to template language in: *Now Therefore* paragraph, Section 2. *Restrictions*, 1. *Division & 2. Buildings Structures, Roads and Utilities*, Section 3. *Industrial or Commercial Activities* paragraph 2., and Section 5. *General Provisions* paragraphs 1, 2, 3 & 7 - or split easement into two easements with dwellings limited to aggregate of 6,500 sq. ft; (b) increase set back to 300’ to 400’. Motion made to approve easement as amended; motion seconded and approved unanimously.

Temporarily Adjourned for networking lunch

Wetland Mitigation Education Presentation

Steven M. Martin, Environmental Planner from the U.S. Army Corps of Engineers, Institute for Water Resources

David Davis, Director, Office of Wetlands and Water Protection, VA DEQ

The presentation will be made available. Discussion concluded that if a property owner wants to do a mitigation plan, then it would be best if they work with DEQ & Army Corps of Engineers before VOF considers the easement. It was determined that a fee structure for reviewing mitigation plans needs to be put in place.

Staunton Easements

Dod – Rockbridge – 301.895 acres – Motion made to approve easement as presented; motion seconded and approved unanimously.

FINAL MINUTES

Goodbar – Rockbridge – 199.808 acres – Amend easement to include language in Section 2.(f) that criteria for cell tower siting approval is that it “not diminish scenic qualities of the easement”. Motion made to approve easement as amended; motion seconded and approved unanimously.

Johnston - Reconsideration - Rockbridge – 78.003 acres – Motion made to approve easement as presented; motion seconded and approved unanimously.

Lewis – Highland – 274.305 acres – Motion made to approve easement as presented; motion seconded and approved unanimously.

Malcolm – Highland – 276.987 acres – Motion made to approve easement as presented; motion seconded and approved unanimously.

McLaughlin – Rockbridge – 196.51 acres – Motion made to approve easement as presented; motion seconded and approved unanimously.

Mullen – Shenandoah – 135.962 acres – Motion made to approve easement as presented; motion seconded and approved unanimously.

Hank Hartz, Chair, reiterated that significant last minutes changes to a proposed project such as retaining gas and oil rights would not be considered but could be submitted after full staff review to Board for consideration at subsequent meeting.

Plecker – Bath – 66.18 acres – Motion made to approve easement as presented; motion seconded and approved unanimously.

Poulos & Peebles - Amendment – Rockbridge – 235.83 acres - Motion made to approve easement amendment as it was presented at January 09 meeting with no division of 66 acres, in keeping with staff recommendation including a restriction on the right of way to serve adjacent parcels; motion seconded and approved unanimously.

Charlottesville Easements

Allen – Albemarle – 142.66 acres – Amend to allow recordation period to extend to 12/31/10. Motion made to approve easement as amended; motion seconded and approved unanimously.

Gallahue/Invernizzi – Albemarle – 131.614 acres - Motion made to approve easement as presented; motion seconded and approved unanimously.

Pryor/Coley – Amherst – 40.5 acres Amend Section 2.(i) (c) to change aggregate sq. footage limit to 2,500 sq. ft. Motion made to approve easement as amended; motion seconded and approved unanimously.

RMA Enterprises Inc., Well Water Winfrey Tract – Buckingham – 114.86 acres - Motion made to approve easement as presented; motion seconded and approved with a vote of 5 to 1 with Jeff Walker dissenting.

FINAL MINUTES

RMA Lumber Inc. - Buckingham - 129.10 acres - Amend Section 2.5 *Riparian Buffer* to allow one year to fence out cattle. Motion made to approve easement as amended; motion seconded and approved unanimously.

Smith - Orange - 164.874 acres - Amend deed to reflect summary sheet in that in Section 5.(i) should read "Mowing is permitted within the buffer strip(s)". Motion made to approve easement as amended; motion seconded and approved unanimously.

Smith - Orange - 331.85 acres - Motion made to approve easement as presented; motion seconded and approved unanimously.

Wycoff/Engstrom - Amherst - 196.642 acres - Amend to include the words "and cabin" in Section 2.(a)(ii), 3rd Paragraph, second sentence to read "The dwelling and cabin currently. . . ". Motion made to approve easement as amended; motion seconded and approved unanimously.

Meeting adjourned at 4:20 p.m.

MINUTES
VIRGINIA OUTDOORS FOUNDATION
BOARD OF TRUSTEES MEETING
Air and Space Center, Hampton, VA
April 2, 2009

Trustees present:

Chair, Frank M. Hartz, presiding	Jeffrey K. Walker
Mark Allen	Molly Joseph Ward
Charles H. Seilheimer, Jr.	Harry Atherton

Absent Dr. Rupert Cutler

VOF staff attending:

G. Robert Lee, Executive Director	Beverly Monroe, Admin Assistant
Leslie Grayson, Deputy Director, Easements	Jen Perkins, Easement Specialist
Martha Little, Deputy Director, Stewardship	Philip Reed, Easement Specialist
Tamara Vance, Deputy Director, Easements	Bruce Stewart, Staff Counsel Easements
Ruth Babylon, Easement Specialist	Estie Thomas, Easement Manager
Bobbie Cabibbo, Executive Assistant	Laura Thurman, Easement Manager
Kerry Hutcherson, Staff Counsel Stewardship	
Jason McGarvey, Outreach and Communications Manager	

Also in attendance were:

Fred Fisher, VA Attorney General's Office	David Hurt, Conservation Partners
Brett Ellsworth, Assistant Attorney General	Cornelia Christian, Conservation Partners
Sarah Richardson, VA Dept. Conservation & Recreation	Peter Glubiak, Attorney
Jeremy Stone, VA Dept. Conservation & Recreation	Georgia Herbert, Attorney (10:00 am)

Hank Hartz convened the meeting at 9:00 a.m.

Public Comments

Hank Hartz called for public comment. None was offered.

EASEMENT CONSIDERATION - Tappahannock

Bairds "Grant Farms" - Essex - 189 acres - Amend to rewrite language in Section 2.(a) *Dwellings* to comply with template ensuring that only the number of dwellings permitted can be constructed on the Property; add "additional grantor" paragraph. Motion made to approve easement as amended; motion seconded and approved unanimously.

FINAL MINUTES

Bairds "Occupacia Farm" - Essex - 173.5 acres - Amend to clarify language in Section 2.(a) dwelling section; add "additional grantor" paragraph. Motion made to approve easement as amended; motion seconded and approved unanimously.

Bairds "The Flats" - Essex - 320 acres - Amend to clarify language in Section 2.(a) dwelling section; add "additional grantor" paragraph. Motion made to approve easement as amended; motion seconded and approved unanimously.

Lewis/Christeller "Norwood" - King and Queen - 365.21 acres - Motion made to approve easement as presented; motion seconded and approved unanimously.

Easements Richmond

Clark - Dinwiddie - 292.17 acres - Motion made to approve easement as presented; motion seconded and approved unanimously.

Chair reiterated that significant last minutes changes to a proposed project such as additional parcels or dwellings, would not be considered but could be submitted to board for consideration at subsequent meeting after full staff review.

Old Brandon Farm, LLC - Prince George - 253 acres - Motion made to approve easement as presented; motion seconded and approved unanimously.

Discussion concerning county education on topic of land use, easements and staying tax positive. Virginia United Land Trusts (VaULT), and Virginia Association of Counties (VACo) were mentioned as potential vehicles for those education opportunities.

R&J Investments - Swiss Dixie Farm - Amelia - 389.21 acres - Motion made to approve easement as presented; motion seconded and approved unanimously.

Slate Land Holding LLC - Southampton - 874.6 acres - Amend to revert to template language in Section 2.(c) concerning farm buildings; add new set back footage to be 800' on county road 612 and 500' on county road 635. Motion made to approve easement as amended; motion seconded and approved unanimously.

Wilson - Prince George - 468.35 acres - Amend to ensure cell tower lease is not renewed; include cell tower acreage in easement. Landowner encouraged taking every opportunity to limit cell tower expansion. Motion made to approve easement as amended; motion seconded and approved unanimously.

EASEMENT CONSIDERATION - Abingdon

Western Virginia Land & Timber Corp - Reconsideration - Russell County - 196.72 Motion made to approve easement as presented; motion seconded and approved unanimously.

EASEMENT CONSIDERATION - Blacksburg

FINAL MINUTES

Radford University Foundation – Montgomery – 376 acres – Amend Section 2.5 *Riparian Buffer* by removing sentences “Mowing within the buffer” and “However the existing”. Motion made to approve easement as amended; motion seconded and approved unanimously.

Wynot – Roanoke – 175 acres – Motion made to approve easement as presented; motion seconded and approved unanimously.

Policy Discussion – Easements on Development Properties

These economic times present opportunities to put under easement acres of land previously designated as land for development. It is important to ensure that we continue to consider the merits of the land itself first. Then if an easement on said property conforms to locality comprehensive plan or that locality takes action to ensure it is consistent with locality comprehensive plan and the bank will subordinate, continue with easement process.

Discussion turned again to counties and concerns about easements and the effect on real property taxes.

Motion made to go into *Closed Session* for discussion of Real Estate transactions and pending legal matters as provided for in the Code of Virginia §2.2-3711; motion seconded and approved unanimously.

Upon return from closed session, Executive Director, Bob Lee certified by name call that Board of Trustees discussed only matters that convened the closed session and nothing else. Harry Atherton responded yes, Molly Ward responded yes, Mark Allen responded yes, Hank Hartz responded yes, Jeff Walker responded yes, Charles Seilheimer responded yes.

Bob Lee presented a *Resolution to Authorize the Virginia Outdoors Foundation Executive Director to Execute Documents Required Or Desirable in Connection with the Exercise of the Lavinia Currier Option on Bull Run Mountain Lands*. Motion made to adopt Resolution; motion seconded and approved unanimously.

Meeting Adjourned at 11:55 a.m.