

**MINUTES**  
**VIRGINIA OUTDOORS FOUNDATION**  
**QUARTERLY MEETING OF THE BOARD OF TRUSTEES**  
**PIEDMONT VIRGINIA COMMUNITY COLLEGE**  
**CHARLOTTESVILLE, VIRGINIA**  
**July 9, 2008**

Trustees present: Chairman, Mr. Frank M. Hartz, presiding; Mr. Mark Allen; Dr. M. Rupert Cutler; Mr. Charles H. Seilheimer, Jr.; Mr. Jeffrey K. Walker; and Ms. Molly Joseph Ward. Absent: Mr. J. William Abel Smith.

VOF staff attending: Mr. G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Melissa Collier, Stewardship Manager; Ms. Bobbie Cabibbo, Executive Assistant/Records Manager; Ms. Anna Chisholm, Finance Manager; Ms. Estie Thomas, Easement Manager; Ms. Laura Thurman, Easement Manager; Ms. Ruth Babylon, Easement Specialist; Easement Specialist; Mr. Neal Kilgore, Easement Specialist; Ms. Kristin Ford, Easement Specialist, Mr. Josh Gibson, Easement Specialist; Ms. Sara Ensley, Human Resources Manager; Mr. Bruce Stewart, Staff Counsel; Mr. Kerry Hutcherson Staff Counsel Stewardship.

Also in attendance were Mr. Fred Fisher, Attorney General's Office; Ms. Brett Ellsworth, Assistant Attorney General; from Piedmont Environmental: Heather Richards, Director of Land Conservation; Rex Linville, Land Conservation Officer for Albemarle and Greene Counties; Todd Benson, Fauquier Land Use Field Officer; from the VA Department Conservation and Recreation: Sara Richardson, Land Conservation Coordinator; Diane Dunaway, Land Conservation Analyst; from the VA Department of Rail and Public Transportation: Matthew Tucker, Agency Director, Kevin Page, Chief of Rail Transportation; from Norfolk Southern: Mr. Jeffrey H. Burton, General Counsel; Beth Burgin; Associate at Woods Rogers representing Norfolk Southern; Bill Schafer, Director Corporate Affairs; Peter Glubiak, Glubiak Law Firm; Todd Hochrein, Virginia Conservation Credit Exchange; from Blueline Conservation Incentives: Charlie Westbrook, Ned Carter; William J. Irvin, Irvin law firm; from Conservation Service Co. LLC: Phil Hocker, Jean Hocker; interested public: Mr. George Beadles

Mr. Hartz convened the meeting at 11:10 a.m.

**Public Comments**

Pete Glubiak, an attorney spoke.

**Minutes**

Mr. Hartz called for the approval of the Minutes of the April 16 & 17, 2008 meeting. Motion made to accept Minutes, motion seconded and approved unanimously.

**Directors' Reports**

Mr. Hartz called on Bob Lee to give the Executive Director's Report. Bob Lee, Melissa Collier, Stewardship Manager, and Leslie Grayson, Deputy Director Easements gave updates on current programs.

**Budget Resolution**

Bob Lee and Anna Chisholm presented FY09 Budget and a resolution to adopt the FY09 Budget. Motion made to adopt the FY09 Budget, motion seconded and approved unanimously.

**Resolution to Encourage the Use of the Approved Template Easement**

Ms. Leslie Grayson, Deputy Director, presented a resolution to encourage attorneys to use the approved easement template. A motion made to adopt resolution; motion seconded and approved unanimously.

**Proposal for an Adjourned Meeting in September 2008 for Owned Lands**

Ms. Leslie Grayson, Deputy Director presented a proposal that the Board meet in September 08 to discuss VOF's owned lands, history of land transactions, and future prospects. Board of Trustees agreed to reconvene this meeting on September 11, 2008 at 10:00 a.m., the place to be determined.

**Continued discussion on rail line language and easements**

Fred Fisher, Attorney General's Office, Matthew Tucker, Agency Director of VA Department of Rail and Public Transportation, Phil Hocker, Conservation Service Co., LLC, Todd Benson, PEC; Kevin Page, Chief of Rail Transportation of VA Department of Rail and Public Transportation, Jeffrey Burton, Norfolk Southern; Bill Schafer, Norfolk Southern addressed the Board of Trustees.

**Consent Agenda Amendments**

Mr. Hartz called for Consent Agenda Amendments

1. ESX-VOF-2647 – Box – Essex – 397 acres
2. FAU-VOF-991 – O'Donnell – Fauquier – 124 acres
3. FRN-VOF-2544 - Brubaker (Mountain Tract) - Franklin – 193 acres
4. MON-VOF-844 – Sunshine and Montgomery – 173 acres
5. ORA-VOF-572 – Taylor – Orange – 533 acres

Motion made to approve Consent Agenda Amendments as presented; motion seconded and approved unanimously.

**Tappahannock**

Mr. Hartz called for Tappahannock easement consideration.

TAP 4: Boyd – 163.5 acres in Essex County Motion made to approve easement as presented, motion seconded and approved unanimously.

TAP 9: Moore Estate Assurance – 297.83 acres in Middlesex County Motion made to approve easement as presented; motion seconded and approved unanimously.

TAP1: Horace Ashton Trust - 20.4254 acres in King George County Motion made to approve easement as presented; motion seconded and approved unanimously.

TAP 2: Ashton Living Trust – 20.8179 acres in King George County Motion made to approve easement as presented; motion seconded and approved unanimously.

TAP 3: Ashton Limited Partnership – 286.7156 acres in King George County Motion made to approve easement with one less parcel (total of two parcels rather than three); motion seconded and approved unanimously.

TAP 5: Camden Farm LLC – 500 acres in Caroline County Motion made to approve easement as presented; motion seconded and approved unanimously.

TAP 6: EDP Westmoreland Investments LLC - 327 acres in Westmoreland County Amend easement to remove Whereas clauses that do not apply and remove the language that specifies that VOF approval “shall not be

unreasonably withheld or conditioned”. Motion made to approve easement as amended; motion seconded and approved unanimously.

TAP 7: Pine Hill LLC - 432.17 acres in Essex and Caroline County Amend easement to ensure that technical corrections are made to clarify the role of the Army and some references to tax matters may be removed as this project is a purchase; Motion made to approve easement as amended; motion seconded and approved unanimously.

TAP 8: Marsh Cotton Farm 188.12 acres in Lancaster County Motion made to approve easement as presented; motion seconded and approved unanimously.

TAP 10: Welch & Bentley 200 acres in Northumberland County Amend to: remove VOF review of all non-residential outbuildings associated with the dwellings; remove “other than as set forth above” in the signs clause; move “hunting as a permitted” use out of Agriculture Use Section and put on its own; include non-commercial pier language; secondary dwellings not to exceed 2,000 sq ft. “each”; remove “shall not be unreasonably withheld or delayed” language in association with VOF approvals, addition of DCR language to satisfy tax credit requirements. Motion made to approve easement as amended; motion seconded and approved unanimously.

TAP 11: Robert E. Lee Memorial Assoc/Stratford Hall 613 acres in Westmoreland County Amend easement to limit new educational facility buildings to 30,000 sq ft. in the aggregate. Larger square footage would require written VOF approval. Motion made to approve as amended; motion seconded and approved unanimously.

### **Abingdon**

Mr. Hartz called for Abingdon office easements

AB1: Ross – 116 +/- acres in Grayson County Motion made to approve easement as presented; motion seconded and approved unanimously.

AB2: French Reconsideration 69 acres in Dickenson County Motion made to approve easement as presented; motion seconded and approved unanimously.

### **Preservation Trust Fund Easement Considerations**

Mr. Hartz called for the Preservation Trust Fund easements

PTFABI 1: LaPrelle 2695 +/- acres in Smyth County By consensus the matter was deferred.

PTFABI 2: Shaffner 90 +/- acres in Grayson County Amend easement to create a 50’ no plow zone with variable width of fencing to exclude livestock from creek. Motion made to approve easement as amended; motion seconded and approved unanimously. Motion made to fund \$8000; motion seconded and approved unanimously.

PTFABI 3: Carter - 217 +/- acres in Scott County Amend to take buildings out of riparian section and move to Building and Structure Section and affect a resolution of mineral rights.. Motion made to approve easement as amended; motion seconded and approved unanimously. Motion made to fund \$4,500; motion seconded and approved unanimously.

PTFBLA 1: Bodnar - 109.28 acres in Carroll County Motion made to approve easement as presented; motion seconded and approved unanimously. Motion made to fund \$5,500; motion seconded and approved unanimously.

PTFBLA 2: Capehart - 110.77 acres in Carroll County Motion made to approve easement as presented and strongly encourage landowner to permit public access to the trail; motion seconded and approved unanimously. Motion made to fund \$3,000; motion seconded and approved unanimously.

PTFBLA 3: Suters & Buckner - 122.26 acres in Bedford County Amend page 9 of deed moving commercial winemaking from Agricultural Section to its own section with following language: “Winemaking including periodic food catering or wine tasting events in the operation of the tasting room but not the operation of a restaurant with regularly scheduled hours of operation”; easement to include any new winery buildings be screened from view of traveling public. Motion made to approve easement with amendments; motion seconded and approved unanimously. Motion made to fund \$5,000; motion seconded and approved unanimously.

PTFCVL 1: Young - 321.858 acres in Orange County Amend to work with Soil and Water Conservation District to add language in Riparian Buffer section to allow limited controlled access for watering livestock; amend to change square footage language concerning buildings to the aggregate language; amend to add that new houses placed in open field areas shall not be visible to traveling public; amend Industrial and Commercial Section language taking out “schoolhouse and related” and putting in “educational activities”. Motion made to approve easement with amended language; motion seconded and approved unanimously. Motion made to fund \$8,000; motion seconded and approved unanimously.

PTFSTN 1: Black - 242 +/- acres in Rockbridge County Amend so that definition of farm buildings refers to activities specified in 3(i) of Commercial use clause, and not 3 (i) and (ii). Motion made to approve easement as amended; motion seconded and approved unanimously. Motion made to fund \$172,775 for purchase in addition to \$5,000 for VOF appraisal; motion seconded and approved unanimously.

PTFSTN 2: Hawes – 114 +/- acres in Bath County Amend easement to fix language by deleting “other than drilling for oil or gas” in last sentence of grading clause; Motion made to approve easement as amended; motion seconded and approved unanimously. Motion made to fund \$2,625; motion seconded and approved unanimously.

STN 3: Leech – Home Farm - 301.58 acres in Rockbridge County The landowner has withdrawn request for PTF consideration. Motion made to approve easement as presented; motion seconded and approved unanimously.

STN 4: Leech – Tardy Farm - 304.215 acres in Rockbridge County The landowner has withdrawn request for PTF consideration. Motion made to approve easement as presented; motion seconded and approved unanimously.

PTFSTN 5: Lockridge – 691 acres Bath & Highland Counties Amend to limit right of way to cave and landowner will either buy land that cousin owns or have cousin who owns ½ cave and one acre sign and consent to VOF easement. Motion made to approve easement as amended; motion seconded and approved unanimously. Motion made to fund \$6,200; motion seconded and approved unanimously.

PTFSTN 7: Roderick – 281 acres in Bath County Motion made to approve easement as presented; motion seconded and approved unanimously. Motion made to fund \$4,400; motion seconded and approved unanimously.

PTFSTN 6: Roderick – 73 +/- acres in Bath County Motion made to approve easement as presented; motion seconded and approved unanimously. Motion made to fund \$2,900; motion seconded and approved unanimously.

PTFSTN 8: Wise - 130.78 acres in Augusta County Amend page 6 of easement to include all structures in aggregate footprint cap; remove meandering riparian buffer language and change to template. Motion made to

approve easement as amended; motion seconded and approved unanimously. Motion made to fund \$5,350; motion seconded and approved unanimously.

### **Request for Extension of PTF Funding**

Motion made to extend approval of funding (\$100,000) for the Franklin County PDR Program until 12/31/2008, which should enable it to complete two projects rather than one; motion seconded and approved unanimously.

### **Blacksburg**

Mr. Hartz called for the Blacksburg office easements.

BLA1: English's Inc. - 701 acres in Bedford & Campbell Counties Amend to remove from Management of Forest section (i) language in parenthesis "removal of more than. . . ". Motion made to approve easement as amended; motion seconded and approved unanimously.

BLA2: Frost – 267 acres in Carroll County Amend easement to remove from Management of Forest paragraph letter (i) language in parenthesis. Motion made to approve easement as amended; motion seconded and approved unanimously.

BLA3: Ingles Ferry Reconsideration - 313 +/- acres in Pulaski County Motion made to approve easement as presented; motion seconded and approved unanimously.

BLA4: Iroler - 113.10 acres Carroll County Motion made to approve easement as presented; motion seconded and approved unanimously.

BLA5: Scott - 160.25 acres in Franklin County Motion made to approve easement as presented; motion seconded and approved unanimously.

BLA6: Smith - 56.85 acres in Carroll County Amend section 4 language to include no high grading anywhere on property. Motion made to approve easement as amended; motion seconded and approved unanimously.

BLA7: Turner - 105.8 acres in Carroll County Amend section 5 (c) to remove no mowing language in last sentence. Motion made to approve easement as amended; motion seconded and approved unanimously.

Mr. Hartz heard the motion made to adjourn the meeting at 5:15 p.m.; motion seconded and the motion passed unanimously.

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CHARLOTTESVILLE, VIRGINIA  
July 10, 2008

Trustees present: Chairman, Mr. Frank M. Hartz, presiding; Mr. Mark Allen; Dr. M. Rupert Cutler; Mr. Charles H. Seilheimer, Jr.; Mr. Jeffrey K. Walker. Absent: Ms. Molly Joseph Ward <sup>1</sup> and Mr. J. William Abel Smith.

VOF staff attending: Mr. G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Melissa Collier, Stewardship Manager; Ms. Bobbie Cabibbo, Executive Assistant/Records Manager; Ms. Laura Thurman, Easement Manager; Ms. Ruth Babylon, Easement Specialist; Ms. Kristin Ford, Easement Specialist; Mr. Phillip Reed, Easement Specialist; Ms. Jennifer Perkins, Easement Specialist; Ms. Sara Ensley, Human Resources Manager; Ms. Sherry Buttrick, Easement Manager; Mr. Bruce Stewart, Staff Counsel; Mr. Kerry Hutcherson, Staff Counsel Stewardship.

Also in attendance were Mr. Fred Fisher, Attorney General's Office; Ms. Brett Ellsworth, Assistant Attorney General; Rex Linville, Land Conservation Officer for Albemarle and Greene Counties - Piedmont Environmental; Mr. Jeremy Stone, Council from the VA Department Conservation and Recreation; from Blueline Conservation Incentives: Mr. Charlie Westbrook, Mr. Ned Carter; from Conservation Partners: Francis W. Irvine, Cornelia Christian, William Funk and Rusty Ford.

Mr. Hartz reconvened meeting at 8:40 a.m.

Mr. Hartz called for Public Comments.

**Easement Consideration**

Mr. Hartz called for Richmond easements.

RIC1: Bowles – 508 acres in Louisa County Approval contingent on clear title to the entire property. If title cannot be cleared on 120 acre parcel then the proposal will be resubmitted in October. Motion made to approve easement as amended; motion seconded and approved unanimously.

RIC3: Snyder - 108.1 acres in Henrico County Amend to: remove and/or amend several Whereas clauses: in section 2, (v) remove language in brackets; correct code references in Whereas clauses; change dock language to reflect no approval necessary; 3 dwellings, 4,500 sq ft maximum each and an aggregate of 8,500 sq ft.; other changes to clean up the Deed and more closely conform to template. Motion made to approve easement as amended; motion seconded and approved unanimously.

RIC4: Welch - 784.48 acres in Sussex County Amend to: Remove any unusual or inapplicable Whereas clauses; the 100' road buffer committing to a no-build, no-cut buffer; any roads to serve adjacent property owned by Grantor or successor shall not exceed 35' width and have no impermeable surface. Motion made to approve easement as amended; motion seconded and approved unanimously.

RIC5: Bayville Farms Assoc et.al AMENDMENT - 305 +/- acres in Virginia Beach Deferred.

RIC2: BTR, LLC - 152.664 acres in Suffolk County Amend acreage to 120.8 and reduce to one parcel with no divisions or dwellings. Motion made to approve easement as amended; motion seconded and approved unanimously.

<sup>1</sup>Molly Joseph Ward was representing VOF at another function that conflicted with the scheduled VOF Board of Trustees meeting.

## Staunton

Mr. Hartz called for Staunton office easements.

STN1: Bloxton - 197.73 acres in Rockbridge County Amend so that replacement dwellings must have VOF approval and change number of sinkholes from 3 to 2. Motion made to approve easement as amended; motion seconded and approved unanimously.

STN2: Coleman - 154.41 acres in Bath County Amend to: return to template language in 2 & 3; in section 3 revise equine language and move to (i); in section 3 take out the word “material” under (v). Motion made to approve easement as amended; motion seconded and approved unanimously.

STN3: Feltwell Farms LLC - 484.14 acres in Botetourt County Amend to include impervious surface language at the end of section 2. Motion made to approve easement as amended; motion seconded and approved unanimously.

STN4: Gano North - 420.87 acres in Frederick County Amend if needed to aggregate dwellings; amend to rework historic protection language for Grove Homestead and in section 2 change (ii) to take out “existing hunt cabin”. Motion made to approve easement as amended; motion seconded and approved unanimously.

STN4: Gano South - 414.96 acres in Frederick County Amend to change riparian buffer to no plow to 35’ with fencing at 20’; if needed change dwelling language to aggregate; add 400 sq. ft. hunting cabin; preexisting oil & gas lease must be extinguished prior to recordation. Motion made to approve easement as amended; motion seconded and approved unanimously.

STN6: Harris - 610.46 acres in Rockbridge County Motion made to defer easement decision to October meeting; motion seconded and approved unanimously.

STN7: Jeffer - 363 +/- acres in Rockbridge County Amend to limit mowing to ½ acre around picnic area per picnic pavilion. Motion made to approve easement as amended; motion seconded and approved unanimously.

STN8: Raebern - 172.78 acres in Rockbridge County Amend to: remove from section 2 (iv) c. specific language regarding “fiber processing”; insert that any archeology agency used must have VOF approval; in section 5. (v) revert to template language; in section 8, revert to template language for measurement of buffer from bank. Motion made to approve easement as amended; motion seconded and approved unanimously.

STN9: Reed - 511.09 Rockbridge County Motion made to approve easement as presented; motion seconded and approved unanimously.

STN10: Showalter – Alpine Farm - 143.94 acres Rockbridge County Motion made to approve easement as presented; motion seconded and approved unanimously.

STN11: Showalter – Hall Farm - 113.49 acres Rockbridge County Motion made to approve easement as presented; motion seconded and approved unanimously.

STN12: Showalter – Herring Farm - 193.49 acres Rockbridge County Motion made to approve easement as presented; motion seconded and approved unanimously.

STN13: Showalter – Home Farm - 149.23 acres Rockbridge County Motion made to approve easement as presented; motion seconded and approved unanimously.



STN14: Showalter – Moses Farm - 146.70 acres Rockbridge County Motion made to approve easement as presented; motion seconded and approved unanimously.

STN15: Showalter – Tolley Farm 249 +/- acres in Rockbridge County Amend to include protection for the sinkhole with a fence 35' from lip of sinkhole. Motion made to approve easement as amended; motion seconded and approved unanimously.

STN16: Shuey - 80.27 acres in Augusta County Amend to revert to template on riparian buffer language; amend acreage to 84 acres. Motion made to approve easement as amended; motion seconded and approved unanimously.

STN17: Smith 200 - 203.23 acres in Frederick County Amend to rework tent platforms language. Motion made to approve easement as amended; motion seconded and approved unanimously.

STN18: Smith 300 - 302.53 acres in Frederick County Amend to: section 2 (iii) add “governmental entity” and remove sentence 2 beginning with “Any residence constructed”; rework tent platforms language. Motion made to approve easement as amended and to retain railroad expansion paragraph in section 1; motion seconded and approved unanimously.

STN19: Zirkle – RECONSIDERATION - 100.34 acres in Shenandoah County Amend section 2 and 3, to revert to template language. Motion made to approve easement as amended; motion seconded and approved unanimously.

Mr. Hartz called to consider earlier deferred easement.

PTFABI 1: LaPrelle 2695 +/- acres in Smyth County Easement to be amended to: remove under Restriction 2, Part 3, Farm Buildings and Structures numbers (iii) and (iv) and return to template language; easement proposal sheet to be corrected to be in line with Deed exempting the camp area from 130 people per day limit. Motion made to approve easement as amended; motion seconded and approved unanimously. Motion made to fund \$7,800 for appraisal and \$6,000 for legal fees.

PTFSTN5: Lockridge has requested an additional \$300 from PTF fund. Motion made to fund an additional \$300; motion seconded and approved unanimously.

### **Warrenton**

Mr. Hartz called for Warrenton office Easements

W1: Alphabet Soup, LLC - 121.44 acres in Loudoun County Motion made to approve easement as presented; motion seconded and approved unanimously.

W2: Canterbury Estate, LLC - 373.13 acres in Fauquier County Motion made to approve easement as presented; motion seconded and approved unanimously.

W3: Jones - 94.58 acres in Rappahannock County Motion made to approve easement as presented; motion seconded and approved unanimously.

W4: PEC - 170 acres in Fauquier County Motion made to approve easement as presented; motion seconded and approved unanimously.

W5: Ryan - 88.05 acres in Fauquier County Motion made to approve easement as presented; motion seconded and approved unanimously.

W6: Sunnyside Holdings, LLC - 421.92 acres in Rappahannock County Motion made to approve easement as presented; motion seconded and approved unanimously.

### **Charlottesville**

Mr. Hartz called for Charlottesville easements

CV1: Campbell Field Land Trust #1 and Hurt - 200.838 acres in Orange County Strongly encourage attorney to establish 50' ROW prior to recordation of VOF easement and revise legal description accordingly. Motion made to approve easement as presented; motion seconded and approved unanimously.

CV2: Fariss - 145.60 acres in Campbell County Motion made to approve easement as presented; motion seconded and approved unanimously.

CV3: Graves 400 - 403.89 acres in Halifax County Amend to delete from section 4 the language “ to protect the scenic values of the Property”. Motion made to approve easement as amended; motion seconded and approved unanimously.

CV4: Graves 300 - 300.29 acres in Halifax County Amend to delete from section 4 the language “ to protect the scenic values of the Property”. Motion made to approve easement as amended; motion seconded and approved unanimously.

CV5: Morrisette - 625.8274 acres in Patrick County Motion made to approve easement as presented; motion seconded and approved unanimously.

CV6: Sanford - 30.85 acres in Orange County Motion made to approve easement as presented; motion seconded and approved unanimously.

CV7: Staiger - 182.14 acres in Fluvanna County Motion made to approve easement as presented; motion seconded and approved by a 3 – 2 decision with Mr. Walker and Mr. Hartz dissenting.

CV8: Kilpatrick-RECONSIDERATION - 498.812 acres in Goochland County Motion made to approve easement as presented; motion seconded and approved unanimously.

Mr. Hartz called for adjournment at 12:18 pm.