

**Virginia Land Conservation Foundation Board of Trustees
Subcommittee Meeting
Friday, March 26, 2021
VIRTUAL MEETING**

TIME AND PLACE: The meeting of the Virginia Land Conservation Foundation Subcommittee took place virtually by GoToMeeting at 10:00 a.m. on Friday, March 26, 2021.

VLCF Subcommittee Members Present

Mary-Carson Stiff, Subcommittee Chair
Glenda C. Booth

Jay C. Ford
Bruce VlK

State Agency Staff Present

Suzan Bulbulkaya, DCR
Jason Bulluck, DCR
Gina DiCicco, DCR
Karl Didier, DOF
Rob Evans, DCR
Michael Fletcher, DCR
Martha Little, VOF
Lisa McGee, DCR

Kristal McKelvey, DCR
Larry Mikkelson, DCR
Wendy Musumeci, DHR
Jen Perkins, VDACS
Jason Powell, Senate Finance Committee
Karri Richardson, DHR
Kellie Seaton, DCR
Tom Smith, DCR

Others Present

Wendy Austin
Pat Calvert, Virginia Conservation Network
Heather Richards, The Conservation Fund
Nikki Rovner, The Nature Conservancy
Zachary Sheldon, The Nature Conservancy
Ellen Shepard, VaULT
Stefanie Taillon, Virginia Farm Bureau
Kevin Tate, Shenandoah Valley Conservation Collaborative

Establishment of a Quorum

With four (4) members of the VLCF Subcommittee present, a quorum was established.

Opening Remarks and Certification of Electronic Meeting

Ms. Bulbulkaya called the meeting to order and welcomed attendees. She called on Mr. Fletcher to read the required language for the certification of the electronic meeting.

Mr. Fletcher read the following statement:

Generally, public bodies are prohibited from meeting electronically under the provisions of the Freedom of Information Act (FOIA). However, emergency language approved by the Governor

and General Assembly in April allows us to move forward with certain restrictions that I will outline below.

Before I review those provisions, please let me take a moment to review how this meeting will work. We want to allow for participation by Board members, staff, and members of the public who wish to comment. However, it is essential that we are able to manage the conversation effectively.

While the meeting will be open for Board comment, due to the challenges associated with an electronic meeting, we want to allow members of the public to be heard. If you would like to make a comment, please let us know in the chat box. Su and Gina will be monitoring the chat box and let us know when someone would like to comment. We will address your comments as time allows and will provide for public comment at the end of the meeting.

Please be patient with us as we work through this. We understand and appreciate the challenges.

We have to read through a lengthy introduction for our virtual meetings. This is long, but is required to be read aloud under Chapter 1283 for all electronic meetings:

Chapter 1283 of the 2020 Acts of Assembly, also known as the “Caboose Bill,” includes language addressing the ability of public bodies to conduct electronic meetings without the need for a quorum being present in a single physical location (“Electronic Meeting”).

This language was submitted as an amendment by the Governor and approved by the General Assembly at their April 22, 2020 reconvened Session. The Governor subsequently signed the Caboose Bill and the Bill was effective as of April 24, 2020.

The Caboose Bill allows public bodies to hold Electronic Meetings when the Governor has declared a state of emergency pursuant to § 44-146.17 if:

“(i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location;

(ii) the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body...and the discharge of its lawful purposes, duties, and responsibilities...” § 4-0.01(g).

The Caboose Bill also has language regarding recordings and transcriptions of Electronic Meetings. Please be advised that this meeting is being recorded. This recording will be available to the public through the DCR website. The comments in the chat room will also be preserved as a public record. Official minutes of this meeting will be drafted and posted in accordance with regular procedures.

The Caboose Bill does not allow the Board to hold an Electronic Meeting to discuss or transact business for *any purpose*. Rather, they may do so as long as the agenda items that the public body plans to take up are: (a) statutorily required or (b) necessary to continue operations and discharge lawful purposes, duties and responsibilities.

It is the Board's responsibility to determine whether "the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location."

At the conclusion of my remarks, I will ask for a motion for the board to make this determination. If that motion fails, this electronic meeting will end at that point.

The Caboose Bill requires compliance with the provisions of § 2.2-3708.2. Therefore, in accordance with § 2.2-3708.2.D.2, public bodies must include a telephone number that may be used to notify the public body of any interruption in the telephonic or video broadcast of the meeting.

In the event that a disruption occurs, participants should contact me by phone or text at 804-317-8934.

Additionally, if there is an interruption in the broadcast, the meeting must be suspended until public access is restored.

Those provisions of the Virginia Freedom of Information Act not addressed by the Caboose Bill remain in effect.

Before we continue with the business portion of the meeting, I will call the roll for Board members and anticipated staff. Other participants will be recorded through the chat window. If you are participating by phone and your name is not called, please call or text me at 804-317-8934.

In addition, if at any time you lose connection and are unable to reconnect, please contact me at the same number.

ROLL CALL

Present: Mary-Carson Stiff, Glenda C. Booth, Jay C. Ford, Bruce VlK

Absent: None

Mr. Fletcher certified that a quorum was present.

I will now present a recommended motion, and wait for a board member to request the motion:

Subcommittee Action:

Ms. Booth moved the following:

The Virginia Land Conservation Foundation Board of Trustees Subcommittee certifies that the nature of the declared COVID-19 emergency makes it impracticable or unsafe for the Subcommittee to assemble in a single location and further that the agenda items to be taken up at this meeting are necessary to continue operations and discharge lawful purposes, duties, and responsibilities of the Board.

Mr. Ford seconded and the roll call vote was as follows:

AYE: Booth, Ford, Stiff, VlK

NAY: None

The motion carried.

Mr. Fletcher continued.

I want to explain further how we will handle participation by board members, staff, and the public. Everyone, except the individual presenting materials for an agenda item, will be muted. Once the presentation is completed, the board members, and only board members, will be unmuted for discussion. Staff will assist with ensuring board members are recognized when they have questions or comments. As needed, staff will be unmuted to address questions or concerns. Members of the public will be able to note in the chat box that they would like to comment. As time allows, we will respond to those questions and comments in the chat function.

We will now proceed with the business of the Board as outlined in the agenda.

Purpose of the Subcommittee

Mr. Smith advised that the Secretary of Natural Resources established the subcommittee with the intent of reviewing the Grants Manual and making recommendations for revisions to improve the public comment component of the grants process.

Overview of VLCF Grant Program and Summary of Listening Session

Ms. Bulbulkaya presented an over view of the Grant Program and reviewed comments heard during the recent listening session.

Virginia Land Conservation Foundation

- Created in 1992, grant program first funded in 2000
- 19-member Board representing VA's 11 Congressional Districts
- Board establishes the Conservation Value Review Criteria for Land Preservation Tax Credit claims over \$1M
- VLCF Grant program has received \$59M in grant funding
- 16 grant rounds (including FY21 Round II currently open)
- Awarded 237 grants to protect 90,795 acres, so far

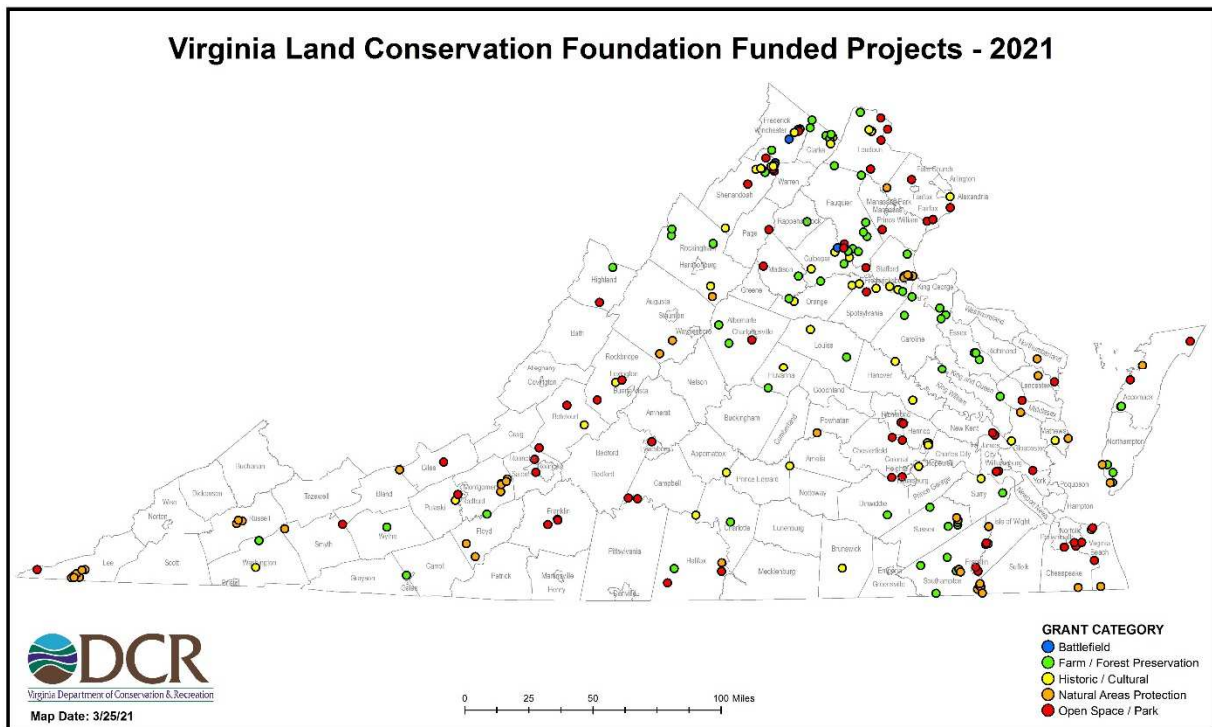
VLCF Grant Program

A few of the requirements set out in the Code of Virginia:

- VLCF is staffed by DCR (§ 10.1-1019)
- The Interagency Task Force develops the scoring criteria and advises board on grant priorities: VDACS, DOF, DHR, DCR, DWR, VOF (§ 10.1-1018 E.)
- Funds are divided among five categories (§ 10.1-1020 C. and D.):
 - 1) Farmland Preservation
 - 2) Forestland Preservation
 - 3) Historic Area Preservation
 - 4) Natural Area Protection
 - 5) Open Space and Parks

Other VLCF Requirements and Limitations

- Code requires 25% of funding be transferred to VOF's Open-Space Land Preservation Trust Fund (§ 10.1-1020 C. and D.)
- Budget requires at least 50% of grant funds be used for projects that provide public access
- Code requires at least one third of grant funds to be used for projects that secure easements held by a public body (§ 10.1-1020 C.)
- Code requires VLCF seek geographic distribution for a fair allocation throughout the Commonwealth (§ 10.1-1021.1)
- Code requires VLCF shall provide grants to state agencies and matching grants to other public bodies and holders (§ 10.1-1020 A.2.)



Listening Session General Summary of Comments

- Code Specific Comments
 - Include Virginia’s Indian Tribes
 - Consider changing funding allocations
 - Allow accredited nonprofits to apply for grants without a gov’t co-holder
- Non-Code Specific Comments
 - Streamline application process or make it two steps
 - Coordinate timing & sequencing of grant rounds with other Va. & fed. grant programs
 - Share meeting materials with the public in advance of VLCF Board meetings
 - Allow for more public comment during the VLCF Board meetings
 - Allow other models and data to be used in the application process
 - Examine grant round requirements added in 2019, c. 539, determine if VLCF is meeting the language with the annual pre-application process and report
- Category Scoring Comments
 - Add points for protection of drinking water resources in the grant manual
 - Find ways to incentivize local natural areas programs to help urban areas compete successfully for open space and natural areas categories
 - Population should factor into the scoring (per capita), i.e. a park that serves a lot of people should be prioritized over one that serves only a few

- Open Space & Parks category should not award points for being adjacent to other conserved lands; new stand-alone parks should be prioritized as an equity issue
- Historic category should prioritize projects that represent historically underserved populations
- ConserveVirginia Comments
 - ConserveVirginia is a valuable and useful tool, but concerns were shared with using it to prioritize projects and funding

DCR Office of Land Conservation

- Suzan Bulbulkaya
804-371-5218
suzan.bulbulkaya@dcr.virginia.gov
- Larry Mikkelson
804-337-0046
larry.mikkelson@dcr.virginia.gov
- Gina DiCicco, AICP
804-837-1819
gina.dicicco@dcr.virginia.gov

Ms. Bulbulkaya opened the meeting for member discussion and comments.

Mr. Ford commented that the advance posting of meeting material to the DCR website would be very helpful. He asked if there were specific comments of note that staff heard at the listening session.

RECOMMENDATION: The subcommittee supports the recommendation to move the public comment period to the beginning of VLCF Board meetings.

Ms. Bulbulkaya noted that staff has been receiving a lot of interest from the Virginia Native American Tribes. Many tribes have asked about applying for grants. While they are not prohibited, they are specifically excluded from the list of entities eligible to apply for grant funding. At the present time, they would have to receive funding via another entity that is included such as the VOF and others.

Ms. Booth commented that tribes should not be excluded. She asked what the tribes were asking regarding eligibility.

Ms. Bulbulkaya replied that the tribes are requesting that they be eligible to apply, not that a new category of funding be created.

Ms. Bulbulkaya advised that while funding was given to the Chickahominy tribe, those funds were awarded to the Virginia Outdoors Foundation as the applicant, as part of the Surry Skiffes Creek settlement. The VOF holds the easement on tribe lands.

Ms. Stiff asked how often the Code has been modified to reflect the interest of the Board, staff, or public.

Ms. Bulbulkaya responded that changes have been made at the request of the public. Changes from the Board or staff are more rare. The change to require the pre-application was prompted by the public.

Ms. Rovner commented via the chat box that a recent change separated the categories of Agriculture and Forestry if more than \$10 million is available for the grant round.

Mr. Smith noted that recent changes dealt more with funding. Primarily changes revolved around the tax credit review or funding adjustments when there were larger budget issues.

The subcommittee continued reviewing the comments.

Ms. Booth noted that at a prior Board meeting, the suggestion had been made to move the public comment period to the front of the meeting.

Mr. Ford suggested that the Subcommittee move forward with selecting a chair who will then report to the full Board.

Ms. Stiff was unanimously designated as subcommittee chair.

Ms. Booth commented that previously, Mike Nardolilli with the Commission on the Potomac River Basin suggested that those receiving grants be charged with protecting drinking water. She asked the staff to respond.

Ms. Bulbulkaya advised that protection of drinking water had been in the scoring criteria in the past. She was unaware of why that provision was removed. She noted that the Board could add the provision back to the criteria.

Mr. Smith reminded the subcommittee that the intent of the subcommittee was to discuss ways of improving public input into the grants process, not to address specific points.

Ms. Booth suggested that future meetings be held to specifically address the criteria.

Ms. Stiff advised that the issue for this meeting was to address a more aggressive outreach to a broader diversity of organizations. She asked for member input regarding specific recommendations.

Ms. Stiff began the discussion with the inclusion of tribal communities. She noted that the Board would need to agree with this recommendation.

Mr. Smith noted that the specific comment had asked that the tribes be represented on the Board and on the technical committee. He advised that this would require a Code change.

Ms. Booth asked if policy staff would provide an analysis.

Mr. Smith responded that the Governor's policy office makes the determinations regarding which legislation will move through the process.

Ms. Stiff advised that the subcommittee could make recommendations to the full Board for the Secretary or the Agency to move forward to the Governor's Policy Office.

The next comment reviewed was the streamlining of the application process.

Mr. Ford asked for clarification regarding that comment.

Ms. Bulbulkaya responded that the recommendation was to make the grant application a two-step process. The hope was that grant applicants could submit a shorter application and provide additional detail should the grant move forward. She noted that this would mean a reconfiguration of the grant process.

Ms. Bulbulkaya noted that in 2021 there are three grant rounds. The two-step process could be very confusing and cumbersome.

Mr. Ford noted that once an entity is in the application process there is an open line of communication with agency staff. He advised that his concern was more about an open line of communication and doing a better job of informing the public of the process.

Ms. Bulbulkaya commented that staff has worked to streamline the application process; however there is much information that is required for determination. Staff is continually working to make the process more clear and more simple.

Mr. Vlk asked Ms. Bulbulkaya to review the outreach process.

Ms. Bulbulkaya responded that the information is posted on the DCR website. In addition, emails are sent to localities, Soil and Water Conservation Districts, and anyone who has ever expressed interest in a VLCF grant. There are currently over 600 entities on the email list.

Ms. Bulbulkaya noted that tribes were added to the distribution list in prior grant rounds.

Mr. Smith commented that the announcement also goes to a number of list serves.

Ms. Bulbulkaya noted that in pre-pandemic times, DCR held a pre-application meeting. These will resume when conditions are deemed safe.

RECOMMENDATION: The subcommittee will suggest that the Board and staff consider equity and outreach and how to better reach underserved communities.

Mr. Smith noted that VLCF is one of multiple streams of state funds for land conservation. He suggested that DCR could team with other agencies and programs in terms of promoting awareness.

Ms. Stiff suggested a review of the Virginia Outdoors Foundation grant program that reaches out to urban spaces.

Ms. Little from the Virginia Outdoors Foundation noted that VOF is working to expand outreach. Regional staff are focusing on that. VOF plans to open an office in Hampton Roads. She agreed that partnering would be a benefit in terms of outreach.

Mr. Vlk asked if the Board could consider the threshold for a 50% match. That is challenging for many organizations.

Ms. Bulbulkaya noted that would require a change to the code.

Mr. Ford commented that it would be helpful to review the 2019 legislation to determine if the intent of the bill is being followed. The bill notes that a full review of all applicants could be completed in the fall and provided to the General Assembly to give an order of preference for funding of certain projects.

It was noted that with three grant rounds, this would not be possible in the near future. Ms. Stiff asked if the Code was being followed.

Mr. Smith advised that DCR had consulted with both the Secretary of Natural Resources and the Office of the Attorney General and had been advised that the process is being followed.

Mr. Ford commented that staff is doing a wonderful job. However, he noted concern over the issue of project rankings and the actual intent of the legislators.

Ms. Stiff noted that there were a lot of comments with regard to scoring.

Mr. Vlk suggested that scoring be a topic for a future Board meeting.

Public Comment

Ms. Rovner thanked the Board for the conversation.

Ms. Austin commented that her organization serves the City of Petersburg and Hopewell, two underserved communities. She expressed appreciation for the Board's consideration of the issue of outreach.

Additional comments recorded in the chat included:

Mr. Didier: I think that we could do better outreach to underserved and vulnerable communities and stakeholders. Someone, perhaps an intern, could evaluate the contact list and look for gaps. We could incorporate contact lists of organizations who have good outreach to such communities. We could have someone do explicit outreach to those communities and stakeholders.

Ms. Shepard: The collective efforts to make meetings more accessible, streamline the process, address the match, have a robust pre-application process, and to coordinate with the VOF and other grant programs is much appreciated.

Ms. Austin: When considering categories and scoring, examine the possibility of adding a trails and greenways category separate from Open Space and Parks. Consider additional points for trails-greenways that enhance connectivity for active-transportation opportunities.

Ms. Stiff summarized the items that will be brought forward for Board discussion.

- How to accommodate Virginia Tribes
- How best to increase outreach
- How to assist lower income applications with the application process, including ways to address the match requirement
- Review 2019 legislation and assess legislative intent
- Review the open spaces category
- Public comments should be heard before the Board takes action on grants

Ms. Stiff thanked Subcommittee members, staff and participants.

Adjourn

There was no further business and the meeting was adjourned.