

**Virginia Land Conservation Foundation  
Board of Trustees  
Thursday, December 01, 2005  
Dorey Recreational Park  
Richmond, Virginia**

**Virginia Land Conservation Foundation Board of Trustees Members Present**

The Honorable W. Tayloe Murphy, Jr., Chair

The Honorable Patricia S. Ticer, Vice Chair

Margaret H. Davis

Terri Cofer Beirne

Lou Giusto

William C. Dickinson

Mary Bruce Glaize

L. Clifford Schroeder, Sr.

Joseph H. Maroon, Executive Secretary

Bonnie W. Moorman

Albert Essel

Nancy T. Bowles

Thomas B. Graham

R. Brian Ball

**Virginia Land Conservation Foundation Board of Trustees Members Not Present**

Alexandra Liddy Bourne

Leah Fried

The Honorable R. Creigh Deeds

Wendell P. Ennis

Albert C. Weed, II

**State Agency Staff Present**

Timothy Bishton

David C. Dowling\*

Sarah Richardson\*

John R. Davy\*

Michael Fletcher

Thomas Smith\*

James C. Adams, Department of Game and Inland Fisheries

J. Michael Foreman, Department of Forestry

Bob Lee, Virginia Outdoors Foundation

Leslie D. Trew, Virginia Outdoors Foundation

Robins Buck, Virginia Department of Agriculture and Consumer Services

David Whitehurst, Department of Game and Inland Fisheries

Jeffrey Madden, Virginia Marine Resource Commission

Pam Mason, Virginia Institute of Marine Science

Virginia McConnell, Department of Historic Resources

Deb Van Duzee, DGIF

Elizabeth Tune, Department of Historic Resources

**Others Present**

Amy Clark, Campbell County Recreation

Sherry S. Harding, Campbell County Recreation  
Kat Edwards, Accomack-Northampton PDC for Chincoteague  
J.W. Jeffries, Town of Chincoteague  
Ron Mason, Town of Chincoteague  
Andy Stout, The Archaeological Conservancy  
Tom Gregory, Friends of Dragon Run  
Teta Kain, Friends of Dragon Run  
Kathy Stiles, TSBF  
Gerald Harlow, TSBF  
Lyle Jackson, The Elizabeth River Project  
Tammy Rosario, James City County Development Management  
Hugh T. Antrim  
Howard Kittell, SVBF  
Mike Nardolilli, Northern Virginia Land Trust [That's correct]  
Debbie Osborne, Trust for Public Land  
Ed Gentry, Brandy Station Foundation [That's correct]  
Tom Gilmore, Civil War Preservation Trust  
Helen Tansey, The Nature Conservancy  
Ray Pickering, Fauquier County Agricultural Development Office  
David Phemister, The Nature Conservancy  
Sarah Gannon, Piedmont Environmental Council  
Mary Yakush, Waterford Foundation  
Margaret Good, Waterford Foundation  
Rick Shaffer, Civil War Preservation Trust  
Jolly de Give, PEC

### **Call to Order**

Secretary Murphy called the meeting to order at 10:21 a.m. and declared a quorum present.

### **Welcome and Introductions**

The Secretary introduced new members Clifford Schroeder, Bonnie Moorman and Margaret Davis, and then asked the remaining members to introduce themselves.

### **Approval of Minutes**

MOTION: Senator Ticer moved that the minutes of the June 2, 2005 meeting of the Virginia Land Conservation Foundation be approved as submitted.

SECOND: Mr. Dickinson

DISCUSSION: None

REVISED: 9/20/2006 10:22:30 AM

VOTE: Motion carried unanimously.

### **Executive Secretary's Report**

Mr. Maroon gave the Director's report. He introduced Ms. Richardson as the new Land Conservation Coordinator for DCR.

Mr. Maroon referenced a brochure entitled "Tax Benefits of Land Conservation in Virginia." DCR published this brochure in cooperation with the Virginia Outdoors Foundation. Copies of the brochure are available from DCR.

Mr. Maroon referenced the new Board Member manual. He asked that members pay close attention to Item L, the financial disclosure statement, due to the Secretary of the Commonwealth by January 15, 2006.

He said that the grant round request for project submittals was open from July 1 through September 20, 2005. Staff was pleased with the amount of interest shown in the grant round and the high number of quality projects received. Requests were submitted for almost \$31 million. There is available \$9.7 to spend.

Mr. Maroon said that this would be the largest single grant round since the creation of the Foundation in 1992. The recommended projects represent nearly \$20 million in public and private funds going to land conservation across the Commonwealth.

Mr. Maroon thanked the Interagency Task Force and DCR staff for their work in reviewing and recommending the applications.

To announce the grant round, postcards were sent to over 600 addresses, Board members were notified and press releases were distributed to all daily and weekly newspapers as well as radio and television stations across Virginia. The Department also held the first ever VLCF grant education workshop. About 70 persons attended.

The Inter Agency Task Force met three times to review the scoring. Staff then met with Secretary Murphy to discuss the projects.

Mr. Maroon noted that the DRAFT annual report on the Virginia Land Conservation Foundation was provided in member packets. Comments should be directed to DCR.

Mr. Maroon also noted that DCR has just announced the James River section of the Captain John Smith Water Trail. Members were provided with a poster that marks historic landmarks that may be accessed by the water and land routes of the trail.

Secretary Murphy said that the U.S. Congress has passed legislation to study the feasibility of a national Captain John Smith water trail. This will eventually trace all of

John Smith's voyages. This will allow not only the tracing of the history, but also will give a perspective on the state of the Chesapeake Bay when Smith made his actual voyages.

### **Financial Report**

Mr. Bishton gave the financial report. A copy of the financial report is available from DCR.

Total liabilities and equity are \$13,346,223.

Mr. Bishton said the Foundation has lost approximately \$7 million over the past five years due to financial conditions throughout the Commonwealth.

The FY2005 appropriation is \$12,500,000. The FY2006 appropriation is \$2,500,000.

Mr. Ball said that it was important that the funds be allocated to avoid future reversion back to the general fund.

### **Ongoing Project Status Report**

Mr. Davy gave the ongoing project status report.

Three projects remain open from the FY2001 grant round. The are:

*Mary B. Stratton Estate*

DCR, Chesterfield County. Grant amount \$75,000.

*Cross Country Trail Easement*

Fairfax County. Grant amount \$30,000.

*Garden Creek/Winter Harbor*

Middle Peninsula Land Trust Project, Matthews County. Grant amount \$155,000.

The following projects are open from the FY2005 grant round:

#### **Open Spaces and Parks**

*Cedar Creek Bluff*

Shenandoah Valley Battlefield Foundation, Shenandoah County  
Grand Amount \$244,794

*Mount Pleasant Farm*

Potomac Conservancy, Shenandoah County  
Grand Amount \$100,000

*Fray Tract*

Wildlife Foundation, Madison County  
Grant Amount \$190,500

*Fairview Park Acquisition*

Town of Woodstock  
Grant Amount \$250,000

*Trevilian Station Battlefield – Riveroak*

Trevilian Station Battlefield Foundation, Louisa County  
Grant Amount \$19,375

Natural Area Protection

*Gilvary Forest*

The 500-Year Forest, Giles County  
Grant Amount \$224,130

Historic Area Preservation

*Fishers Hill*

Shenandoah Valley Battlefield Foundation, Shenandoah County  
Grant Amount \$212,409

*Brandy Station*

Brandy Station Foundation, Culpeper County  
Grant Amount \$362,400

*Trevilian Station Battlefield Riveroak*

Trevilian Station Battlefield Foundation, Louisa County  
Grant Amount \$180,625

Farmlands and Forest Preservation

*Port Tobacco*

Virginia Outdoors Foundation, Essex County  
Grant Amount \$258,000

*Black Farms Property*

Nature Conservancy, Northampton County  
Grant Amount \$400,000

*Page Project*

Albemarle County  
Grant Amount \$85,433

### **Past Project Amendments**

Mr. Davy said that DCR was requesting the Board approve amendments on three projects.

#### *Trevilian Station Battlefield*

Mr. Davy referenced a letter in member's packets addressing this request. The Foundation approved \$200,000 for the acquisition of 939 acres. The total cost of the project was \$1.7 million. However, the Department of Game and Inland Fisheries acquired 345 acres to operate as a wildlife management area in association with the remainder of the property.

Staff requested a revision to show that the \$200,000 would only go for the purchase of the remaining 504 acres. All 939 acres remain protected.

MOTION: Senator Ticer moved that the Virginia Land Conservation Foundation revise the approval of the grant for Trevilian Station Battlefield in the amount of \$200,000 for the purchase of 504 acres and not 939 as originally specified.

SECOND: Mr. Schroeder

DISCUSSION: None

VOTE: Motion carried unanimously.

#### *Winter Harbor Project*

##### Middle Peninsula Land Trust

Mr. Davy noted that this project for the Bethel Beach Area in Matthews County has been revised several times. Bethel Beach is a natural area preserve.

Staff had been working to acquire a parcel of land, however the heirs of the estate were not interested in selling. Working with the natural heritage staff, the Middle Peninsula Land Trust believes they will be able to acquire the 9 acre tract which is a sensitive natural areas along the waterway. The existing house will be removed. A 3 acre tract that adjoins the natural area preserve will be transferred to the Division of Natural

Heritage to become part of the Bethel Beach Natural Area Preserve. A total of 495 acres will be protected.

The request is to reduce the grant amount from \$155,000 to \$150,00 to match with a 45 acre donation and the 438 acre easement received. Staff recommends proceeding the the acquisitions.

MOTION: Senator Ticer moved that the Virginia Land Conservation Foundation approve the revision of the Winter Harbor Project grant as outlined by staff.

SECOND: Ms. Glaize

DISCUSSION: None

VOTE: Motion carried unanimously

*Fairfax County Cross County Trail Project*

Mr. Davy said that this project will connect Great Falls Park with the Washington and OD Trail. This includes three easements in Vienna and Oakton. However, the County did not need the funds from VLCF for these easements. The County did acquire an easement in the northern part of Fairfax County for \$60,000. VLCF would pay \$30,000 for the easement that completes the trail from Washington and OD to Great Falls.

Mr. Dickinson asked if this request was provided in writing.

Mr. Davy said that the request had been received the day prior.

Secretary Murphy noted that the grant was previously authorized for this purpose, but that staff's request was for a change in location.

MOTION: Mr. Dickinson moved that the Virginia Land Conservation Foundation approve the revision of the Fairfax County Cross Country Trail Easement as presented by staff.

SECOND: Senator Ticer

DISCUSSION: None

VOTE: Motion carried unanimously

## **Recommendations and Approval of Fall Grant Round Applications**

### *Overview of Grant Process*

Ms. Richardson gave an overview of the Grant Process.

Mr. Giusto asked what percentage of the 2005 grants were for easements.

Mr. Dowling said that staff tries to keep the percentage of easement grants at 33 percent as required by statute.

Mr. Davy discussed the Virginia Outdoors Plan. He noted that the last plan was the first time the land conservation component was included. He said that 42 meetings had been held across the Commonwealth to receive input from professionals and the public concerning the next Virginia Outdoors Plan. Concerns and comments regarding the plan may be directed to [VOP@dcr.virginia.gov](mailto:VOP@dcr.virginia.gov).

Senator Ticer noted that the density of the population in Northern Virginia meant that more people would benefit from the land conservation. However land in the area is very expensive.

Mr. Maroon said that staff shares that concern.

Mr. Dowling said that the scoring criteria are always presented to the Board prior to initiating a grant round. Prior to the next round, the Board could make any adjustments it deemed necessary and appropriate.

Mr. Dickinson asked if the Potomac River was considered a blueway and if a project located on the Potomac would receive scoring credit in that regard.

Mr. Davy said that the Potomac is a National Heritage River, but it is not designated a Virginia Scenic River because it is Maryland. He said that the scoring criteria is that the land be adjacent to a significant water body and or water trail and therefore the Potomac would meet the criteria.

## **Open Spaces and Parks Recommendations**

Mr. Davy presented the Open Spaces and Parks recommendations.

- a. **James City County Development Management – Jamestown Campground and Yacht Basin**: A grant is being sought to assist in the purchase of the 112-acre Jamestown Yacht Basin. The waterfront property surrounds the historic and cultural resources at Historic Jamestowne on Jamestown Island and the Jamestown Settlement. It is the last group of privately own undeveloped parcels in the Jamestown area. Note that portions of the project area outside of the grant area may or may not remain under direct county ownership and control: they may

- be leased or sold with tight deed restrictions or leased with strict terms and conditions to ensure the properties remain in recreational, open space or other compatible uses.
- Total Project Cost: \$6,750,000.**  
The VLCF Grant will be matched with \$6,000,000 (\$3,000,000 cash, \$3,000,000 anticipated NOAA CECLP)  
**VLCF Request: \$750,000.**
- b. Piedmont Environmental Council – **Rappahannock Station Park:** VLCF assistance is being requested to aid in preserving a Civil War Battlefield as part of a new 26-acre riverfront park. The new park will provide the only public access to the Rappahannock River in Fauquier County. Planned park activities include historic exploration, boating, fishing and wildlife viewing. The Town of Remington, a recently listed site on the Virginia Landmarks Register and the National Register of Historic Places, borders the site on the North.  
**Total Project Cost: \$1,552,211.**  
The VLCF Grant will be matched with \$939,000 (mix of public and private sources, cash, donated land value and anticipated American Battlefield Protection Funds).  
**VLCF Request: \$200,000.**
- c. Campbell County – **Altavista/English Area Park Acquisition:** Campbell County is requesting assistance in purchasing 146 acres, located on the Scenic Staunton River, for development in the public park. The property is adjacent to the Staunton Riverfront Park. Acquisition will lead to the preservation of a total of 167 acres along the Scenic River and will provide picnic shelters, boat ramps and walking trails.  
**Total Project Cost: \$153,523.**  
The County will match the grant with cash.  
**VLCF Request: \$75,000.**
- d. The Elizabeth River Project – **Paradise Creek Eco-Park:** Grant funds will be used to acquire 18.5 acres along Paradise Creek in the City of Portsmouth for the creation of a 40-acre urban public park. The proposed park site is the last large area of open space available for park development along Paradise Creek and will provide the only public access point to the creek. Canoe and kayak launching, trails and picnic shelters will be made available for public use and 650 linear feet of shoreline will be protected.  
**Total Project Cost: \$1,124,707.**  
The VLCF Grant will be matched with \$624,707 (land donations \$393,000, bargain sale \$234,707).  
**VLCF Request: \$500,000.**
- e. Town of Chincoteague – **Open Space Acquisition Project:** Funds will be used to help acquire 75 acres of forest/wetlands and 2 acres of waterfront. The property includes a parcel on which the Town has created a trail using funds from

the Virginia Recreational Trail Program. Changes in permitting process for sewage disposal in the Town has resulted in a rapid growth in the sale of properties proposed for development. Within the last 24 months, 114 acres have been developed/and or approved for development. Increasing development in the area has caused the Town Council to make conservation of open space on of its top priorities.

**Total Project Cost: \$1,867,950.**

The VLCF Grant will be matched with \$1,367,950 (cash \$927,950, land donation \$440,000).

**VLCF Request: \$500,000**

f. Roanoke River Rails-to-Trails – Tobacco Heritage Trail, Phase II Land

**Acquisition:** VLCF assistance will be used to acquire a 20-mile segment of the former Richmond & Danville Railroad in Halifax County. A portion of the segment (13 miles) will be for open-space conservation purposes and will not have public use at this time.

**Total Project Cost: \$1,117,675.**

VLCF Grant will be matched with \$731,000 (land donation of former NF&D RR property acquired using \$750,000 of legislatively appropriated funds).

**VLCF Request: \$729,000 for Phases II and III.**

**Funding amount recommended: \$386,375 for Phase II.**

Mr. Maroon noted that if one of the above projects is funded in the Governor's budget, then the grant would be revised with the next grant round.

MOTION: Senator Ticer moved that the Virginia Land Conservation Foundation approve the staff recommendations in the Open Spaces and Parks category with the following provisions: If one of the approved projects is funded in part or total in the FY2007 budget then the balance may be applied to the next two projects in the scoring list. This would include \$75,000 for the Brentville Courthouse Historic Centre and the balance of the Salona Park Project. The Board's motion is dependant on each applicant's ability to certify that they will commit their organization's resources to secure the necessary matching funds in order to complete the project within a two-year time frame as required by the Foundation, and will meet all other VLCF requirements. In the event one or both of these projects fail to meet these conditions, then the balance remaining in this category will be carried forward to the next grant round.

SECOND: Mr. Dickinson

DISCUSSION: None

VOTE: Motion carried unanimously

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## **Historic Area Preservation Recommendations**

Elizabeth Tune of the Department of Historic Resources presented the Historic Area Preservation Recommendations.

- a. Shenandoah Valley Battlefields Foundation – **Huntsberry Farm Project:** A grant has been requested to purchase in fee the 247-acre property, which is the last large unprotected farm in Winchester's Civil War Battlefields and was at the center of the Battle of Third Winchester fought in September 1864. The property, located within the Shenandoah Valley Battlefields National Historic District established by Congress, is surrounded by land already protected by the Battlefields Foundation and other partners. The property is currently under contract for \$5, million to a developer, subject to a change in the Frederick County Comprehensive Plan for rezoning to accommodate higher-density residential use. The Battlefields Foundation proposes to conduct a cultural landscape report and archaeological field study in order to catalog the resources on the property and to develop a plan to stabilize and protect those resources. The Battlefields Foundation has an option to purchase the property for \$3.7 million by July 2006.

**Total Project Cost: \$3,743,300.**

The VLCF Grant will be matched with \$2,098,650 in cash.

**The VLCF request: \$1,644,650. Funding amount recommended: \$1,000,000.**

- b. Waterford Foundation – **Hutchison Farm/South Lot Project:** A grant has been submitted requesting funding to place an easement on a 25-acre parcel, currently pastureland, within the Waterford National Historic Landmark District. The easement would reduce the allowable character of Waterford's setting.

**Total Project Cost: \$292,975.**

The VLCF will be matched with \$146,500 in cash.

**The VLCF request: \$146,500. Funding amount recommended: \$135,000.**

- c. Civil War Preservation Trust – **Lick Run Civil War Battlefield:** A grant has been requested to assist in the purchase of 134 acres, known as "Lick Run," of core battlefield at Chancellorsville in Spotsylvania County. Listed as a Priority 1.2 Class A Battlefield of by the Civil War Sites Advisory Commission, the land has been recently purchased for residential development. The Civil War Preservation Trust and the developer have agreed to purchase price of \$3 million for the property. The trust plans to open the property for public visitation, and to install a series of interpretive trails and signage.

**Total Project Cost: \$3,000,000.**

The VLCF grant will be matched with \$635,000 in cash.

**The VLCF request: \$500,000.**

- d. Brandy Station Foundation – **Kelly’s Ford Battlefield Overlook Park:** A grant has been submitted to help fund the fee simple acquisition of 8 acres of land buffering Kelly’s Ford, which is currently advertised for residential development. The Ford has been an important crossing on the Rappahannock River throughout history, and its particularly significant for its role in the Battle of Brandy Station. The Brandy Station Foundation plans on conducting an initial site evaluation and developing a long-term management plan, based on the findings. Ultimately, the property would be open to the public, with signage, interpretive displays, and walking paths.

**Total Project Cost: \$175,000.**

The VLCF grant will be matched with \$103,000 in cash.

**The VLCF request: \$75,000. Funding amount recommended: \$75,000.**

- e. Archaeological Conservancy – **Kippax Plantation:** This grant requests funding to assist in the fee simple purchase of 9.27 acres known as the Kippax Plantation in Hopewell, Virginia. Built along the Occoneechee Trail trade route, the property served as a primary location for the exchange of goods between early European settlers and Native Americans in the 17<sup>th</sup> Century. Five separate structures with excellent archaeological integrity have been identified on the property. The property will be made available for research by qualified individuals, educational opportunities, heritage tourism, and for use by American Indians and other culturally related groups.

**Total Project Cost: \$410,000.**

The VLCF grant will be matched with \$205,000 in cash.

**The VLCF request: \$205,000.**

- f. Virginia Outdoors Foundation – **Four Mile Tree Conservation Easement:** A grant request has been made for the purchase of an easement on a 306-acre parcel known as Four Mile Tree. The easement would protect 3,800 feet of James River frontage, open and forested land, bald eagle nest and habitat, 18<sup>th</sup> Century Manor House, early smokehouse, walled family cemetery, and archaeological resources.

**Total Project Cost: \$1,012,165.**

The VLCF grant will be matched with \$615,015, including a \$315,850 land donation, \$257,165 in funding from the Open Space Lands Preservation Trust, and \$5,000 in cash.

**The VLCF request: \$750,000. Funding amount recommended: \$500,000.**

MOTION: Senator Ticer moved that the Virginia Land Conservation Foundation approve the list of Historic Area Preservation Recommendations as submitted by staff.

SECOND: Ms. Glaize

DISCUSSION: Mr. Schroeder noted that he would abstain because of his association with the Elizabeth River Trust.

VOTE: Motion carried with Mr. Schroeder abstaining.

### **Farmlands and Forest Preservation Recommendations**

Robins Buck from the Virginia Department of Agriculture and Consumer Services presented the Farmlands Recommendations:

- a. **Fauquier County – Rebecca George Farm PDR:** The Rebecca George farm consists of 274.46 acres, including 52 acres of prime farmland and 5 acres of statewide important soil. The farm supports two farming operations/families, as the owner leases 141 acres to an area dairy farmer for growing corn and hay and raises beef cattle on the remaining open land as well as harvesting timber. Preserving the property would act to preserve the Elk Run stream corridor, as over 2/3 of a mile is stream frontage. Elk Run drains into the Cedar Run watershed, which provides public drinking water supplies for the Town of Warrenton and large portions of Fauquier and Prince William Counties. An easement on this farm would provide a contiguous block of 1,175 acres of permanently protected farmland and encourage other farm owners in the vicinity to consider the PDR program.

**Total Project Cost: \$427,000.**

The VLCF Grant will be matched with \$213,500 from the Fauquier County PDR Program.

**VLCF Request: \$213,500.**

- b. **The Nature Conservancy – Oaken Brow Conservation Easement:** A proposal has been received for the Oaken Brow Conservation Easement in King George County, consisting of 589 acres, including 375 acres of highly productive cropland, which also includes 255 of prime (soil) farmland. In addition, 180 acres is wetland forests and marshland. This is a full time, working family farm raising spinach and other high-value vegetables on irrigated land. Preservation of this property is important in preserving vegetated buffers along Gingoteague Creek and the Rappahannock River.

**Total Project Cost: \$1,200,000.**

The VLCF Grant will be matched by as-yet unacquired funds from the federal Farm and Ranchlands Protection Program.

**VLCF Request: \$600,000.**

- c. **Piedmont Environmental Council – Meadow Grove Farm Easement:** A grant is requested for the Massie Family Farm (Meadow Grove Farm) in Rappahannock County, consisting of 300 acres, including 78 acres of prime (soil) farm land and 48 acres of statewide-important land, raising 200 head of livestock and growing feed for livestock. This is a sixth-generation farm of local importance on the scenic corridor of the Shenandoah National Park and would protect at least one mile of Battle Run, a tributary within the Rappahannock River watershed. The

farm is eligible for inclusion in the Virginia Landmarks Register and the National Register of Historic Places.

**Total Project Cost: \$805,300.**

The VLCF Grant will be matched in several ways: cash, bargain sale/donation, the County's Farmland Preservation Program, and by as-yet unacquired funds from the Open Space Preservation Trust Fund.

**VLCF Request: \$300,000.**

Michael Foreman from the Virginia Department of Forestry presented the Forest Preservation Recommendations:

- d. Friends of Dragon Run - Conservation Corridor Institute: Grant funds will be used to purchase 164 acres of land in the riparian corridor of Dragon Run adjacent to 250 acres of previously protected land. The property has 35 acres of bald cypress swamp, 129 acres of timberland, and 4,700 linear feet of high-quality forested buffer along the main channel and a small tributary. FODR will manage the lands in cooperation with the Virginia Department of Conservation and Recreation and the Department of Forestry.

**Total Project Cost: \$574,900.**

The VLCF Grant will be matched from The Nature Conservancy bargain sale, Friends of the Dragon Run Capital campaign, and match from the adjacent Dragon Bridge land purchase.

**VLCF Request: \$194,900.**

- e. Department of Forestry – Brumley Mountain: A grant has been requested to purchase one third of the Brumley Mountain Property currently owned by the Nature Conservancy. This 4,800-acre property lies between two Game and Inland Fisheries Management Areas. The property protects a key intact forest on the crest of Clinch Mountain in Washington County, Virginia, and includes a series of unusual rock crevices called the Great Channels of Virginia. This area is a migratory stop for rare Cerulean warblers as well as many raptor species. The Department currently has no state forest in southwest Virginia.

**Total Project Cost: \$3.6 million.**

The VLCF Grant will be matched with a bargain sale from the Nature Conservancy.

**VLCF Request: \$1,200,000 (\$855,941 from Farm and Forest category and \$314,059 from Heritage category).**

- f. Trust for Public Land – Portobago Creek Easement: A grant has been requested for a conservation easement for the 1,320 acre Portobago Creek property adjacent to Fort A.P. Hill. This easement would conserve 1200 acres of coastal plain hardwoods and loblolly pine, 150 acres of decreasing wetland type and 5300 feet on intermittent streams. The easement would be held by the Virginia Outdoors Foundation.

**Total Project Cost: \$1,573,000.**

The VLCF grant will be matched by Department of Defense Compatible Buffer Use Program not yet acquired.

**VLCF Request: \$750,000. Funding amount recommended: \$252,710.**

- MOTION: Mr. Dickinson moved that the Virginia Land Conservation Foundation approve the list of Farmlands and Forestry Grant Recommendations as submitted by staff.
- SECOND: Mr. Graham.
- DISCUSSION: Mr. Ball noted that he would abstain from the vote due to his work with The Nature Conservancy.
- VOTE: Motion carried with Mr. Ball abstaining.

### **Natural Area Protection Recommendations**

Tom Smith from the Department of Conservation and Recreation presented the Natural Area Protection Recommendations:

- a. The Nature Conservancy – Fletcher’s Ford at the Cedars NAP: A proposal for the acquisition of two tracts of land, one 21 acres and one 60 acres, adjacent to The Nature Conservancy’s Fletcher Ford preserve on the Powell River, Lee County. This site supports a globally rare limestone woodland community and a suite of state and globally rare plant species.  
**Total Project Cost: \$136,900.**  
The VLCF Grant would be matched with \$68,450 from 2002 Park and Natural Area Bond Funds.  
**The VLCF request: \$68,450.**
- b. Northern Virginia Conservation Trust – Crow’s Nest: A proposal for funding to assist with the fee simple acquisition of an unfragmented and regionally and globally significant coastal plain hardwood forest and extensive tidal and non-tidal wetlands in Stafford County.  
**Total Project Cost \$20,000,000.**  
The VLCF grant would be matched with private, local, state, and federal funds.  
**The VLCF request: \$500,000.**
- c. Department of Forestry – Brumley Mountain: A grant has been requested to purchase one third of the Brumley Mountain Property currently owned by The Nature Conservancy. This 4, 800-acre property lies between two Game and Inland Fisheries Management Areas. The property protects a key intact forest on the crest of Clinch Mountain in Washington County, Virginia, and includes a series of unusual rock crevices called the Great Channels of Virginia. This area is

a migratory stop for rare Cerulean warblers as well as many raptor species. The Department currently has no state forest in southwest Virginia.

**Total Project Cost: \$3.6 million.**

The VLCF grant will be matched with a bargain sale from the Nature Conservancy.

**VLCF Request: \$1,200,000 (\$885,941 from Farm and Forest category and \$314,059 from Heritage category).**

- d. The Nature Conservancy – **Clinch River tracts at The Pinnacles NAP:** A proposal for the acquisition of two tracts of land, one 48 acres and one 17 acres, that include 4,100 feet of shoreline on the Clinch River, Russell County. Site supports state and globally rare plant and animal species and natural communities.  
**Total Project Cost: \$124,750.**  
The VLCF Grant would be matched with \$62,375 from 2002 Park and Natural Area Bond Funds.  
**The VLCF request: \$62,375.**
- e. The Nature Conservancy – **Bull's Pond:** A proposal for funding to assist with the fee simple acquisition of 281 acres at the southern tip of the Eastern Shore, Northampton County. The tract supports globally significant maritime forests, and forest, scrub, and wetland habitat of international significance for migratory songbirds, raptors and waterfowl.  
**Total Project Cost: \$3,000,000.**  
The VLCF Grant will be matched with \$1,500,000 in USF&WS and DEQ Coastal Zone Management Program funds.  
**The VLCF request: \$1,500,000.**

MOTION: Senator Ticer moved that the Virginia Land Conservation Foundation approve the list of Natural Area Protection Grant Recommendations as presented by staff.

SECOND: Ms. Glaize

DISCUSSION: Mr. Ball noted that he would abstain due to his association with The Nature Conservancy.

VOTE: Motion carried with Mr. Ball abstaining.

### **Annual Report**

Ms. Richardson presented a review of the draft Annual Point. A copy was provided to members in their packets and is available from DCR.

**Approval of Foundation Administrative Funds**

Mr. Maroon presented the budget request as follows:

	<b>FY2007</b>	<b>FY2008</b>
<b>Conservation Lands Website Development</b>	\$107,200	\$90,500
Supports conservation lands database management and enhancement and the distribution of land conservation database information.		
<b>Virginia Conservation Land Needs Assessment</b>	\$70,000	\$70,000
The identification of priority conservation lands will be expanded statewide from the coastal zone, and additional key resource layers will be developed including open space and trails, historic, agricultural and forest as well as a decision support tool. This will function as a strategic planning and performance measurement tool for the Land Conservation Foundation and resource for the land conservation community. The funds will serve as a match to federal funds for this project as well.		
<b>Cooperative effort with Virginia Tech to add cave site information to database.</b>	\$20,000	\$20,000
<b>Printing, Postage, Travel and Grant Implementation</b>	\$1,500	\$1,500

Projected expenditures for FY 2006 are \$207,000

**MOTION:** Mr. Giusto moved that the Virginia Land Conservation Foundation approve the budget request as submitted by staff.

**SECOND:** Senator Ticer

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

## Agency Updates

### *Department of Agriculture and Consumer Services*

Robins Buck gave the report for the Virginia Department of Agriculture and Consumer Services.

He said that the Virginia Farm Bureau had met earlier in the week. Bill Dickinson, Chair of the Farmland Preservation Task Force presented to Secretary of Agriculture and Forestry Bob Bloxom and Agriculture Commissioner Carlton Courter a proposed state level program to compliment local level PDR programs.

The Governor's budget will include a line item to relaunch the Office of Farmland Preservation.

### *Department of Forestry*

Mr. Foreman gave the report from the Department of Forestry. He noted that the Department of Forestry has participated in the Farmland Preservations Program and he thanked Robins Buck for his leadership in that regard.

DOF has worked with The Nature Conservancy to acquire parcels in the Dragon Run area. The Department is also working with the New River Land Trust in the New River Watershed in Grayson County. Those are two priority areas for the Department.

The Department has also worked to acquire a small track of land in King and Queen and Essex Counties.

### *Department of Game and Inland Fisheries*

James Adams gave the report for DGIF. He gave details on the following acquisitions:

#### *Featherfin Tract*

- Featherfin Farm, Appomattox-Buckingham-Prince Edward Counties, 2,800+ acres, over 10 miles access to the Appomattox River, Project Cost \$6,080,000
- State Purchase cost for land was \$5,790,000 settled on 10/17/05 and recorded in three counties on 10/18/05.
- Closed October 17, and recorded in all three counties on October 18, 2005.

#### *Cavalier Tract*

- +3,800 acres in City of Chesapeake, ~2.5 miles east of the USFW Great Dismal Swamp NWR.

- Project Costs \$4,200,000
- Other grants: NAWCA (USFW), \$400,000 and \$191,000 (TNC); VA Aquatic SWG funds, \$250,000
- This project should close by the end of the year

Mr. Adams recognized David Whitehurst from the Department. Mr. Whitehurst gave a brief overview regarding funding for non-game wildlife preservation. DGIF has completed the plan and identified 925 species of greatest conservation need. The Department is in the process of developing an action plan.

#### *Department of Historic Resources*

Ms. McConnell gave the report for the Department of Historic Resources.

This has been a busy year for the Department. Due to a successful legislative session in 2005, DHR has several new positions including an Easement Coordinator.

DHR continues to be involved in a variety of projects including the state rehabilitation tax program, Section 106 review and a state program to identify and survey historic properties.

DHR had several notable easements in the last quarter including Western State in Staunton and the Christiansburg Institute. This brings the total of the Department's easements to the mid 400s.

#### *Virginia Outdoors Foundation*

The Virginia Outdoors Foundation approved 249 easements in 2005 representing permanent protection of over 52,000 acres of Virginia's natural and cultural heritage lands.

VOF's programs complement the land conservation efforts of the Virginia Land Conservation Foundation. The VOF Open Space Preservation trust fund is used to pay the legal and other professional services costs associated with donated easements in situations where the easement donor can demonstrate financial hardship likely to preclude an easement donation if these legitimate costs are not covered.

VOF has been working closely with other agencies under the auspices of the Office of the Secretary of Natural Resources and this cooperation and collaboration results in true synergy. VOF is particularly pleased to be a partner with Sarah Richardson in the DCR Office of Land Conservation. We recently co-published a brochure to educate landowners on the tax benefits associated with voluntary land conservation. Sarah will

also be working with VOF to implement a matching grant award from the Virginia Environmental Endowment to enhance the capabilities of the private non-profit land trusts in Virginia. Sarah's office and VOF will soon promulgate a directory of land trusts and land conservation organizations operating in Virginia.

VOF holds more easements than any public land trust in the nation and our new stewardship director will be working closely with both state offices, local governments, and local land trusts to build new stewardship partnerships for the more than 1800 easement properties that exist in over 90 of Virginia's counties and cities.

The aforesaid partnerships like the VLCF partnerships with Forestry, Agriculture, Historic Resources, Game and Inland Fisheries and the private non-profit conservation organizations create a land conservation fabric where it can be truly said that the whole is more than the sum of the parts.

As VOF prepares to celebrate 40 years of cultural and natural resource land conservation it is comforting to look to expanding partnerships that protect the 'uncommon wealth' for which our state is correctly revered even as we face unprecedented population growth pressures.

#### *Virginia Marine Resources Commission*

Jeff Madden gave the report for the VMRC.

The VMRC has stewardship over all of the submerged lands in the Commonwealth. He noted that at the last meeting he discussed a change in the mitigation compensation guidelines.

VMRC is working to address the no net loss of coastal wetlands initiative signed by the Governor with other states in the Chesapeake Bay Watershed.

The Commission has updated the schedule for permits and royalties. This has not been updated since the 1970s.

#### *Virginia Institute of Marine Science*

Ms. Mason gave the report for the Virginia Institute of Marine Science.

VIMS is working with the compensation mitigation policy. There is an expansive database that monitors this issue.

VIMS continues to do general and applied research on such issues as non-native oyster species.

*Department of Conservation and Recreation*

Mr. Dowling gave the report for the Department of Conservation and Recreation.

DCR has been working on expansions of the state park and natural area preserve system, largely through the 2002 General Obligation Bond. Through the voter referendum \$119 million was approved for acquisitions including \$36.5 million for land conservation.

DCR anticipates the addition of six new state parks into the system, including a Middle Peninsula state park thanks to general obligation bond funds and assistance from the Trust for Public Land.

Additional parks include the Seven Bends Park in Shenandoah County, a park in Powhatan County from the transfer of lands from the Beaumont Juvenile Correction facility and High Bridge Rail Trail from a donation from Norfolk Southern Railroad.

**Public Comment**

David Phemister, of The Nature Conservancy thanked the Foundation and staff for their work and support of TNC projects.

Margaret Good of the Waterford Foundation expressed appreciation to the Foundation. Lyle Jackson of the Elizabeth River Project echoed the sentiment.

**Other Business**

Secretary Murphy said it was important to note how effective the Foundation can be with the appropriate funding. He noted that the 2006 session was just six weeks away and he encouraged members to think about being advocates during that session.

He said that he hoped for budget proposals to fund the Foundation. In addition he referenced the tax credit program for conservation easements.

Secretary Murphy said that if an individual donates a qualifying conservation easement under federal tax law the individual is allowed to take a deduction for the value of that easement. This also applies under Virginia law.

Assuming the land is worth \$3 million, the value of the property is lowered to \$2 million with an easement value of \$1 million. Virginia allows a credit for 50% to be taken by the landowner on the property. That is capped at \$600,000.

The Attorney General has ruled that if the landowner does not have enough tax liability to use up the entire credit, he may sell the remainder and there is no cap on what he may sell. The Department of Taxation has taken the position that some of the easement values have been overstated.

Senator Hanger introduced a bill in 2005 and for the 2006 session that would limit the amount of transfer credit to \$600,000. The legislature created a subcommittee to study the issue of tax credits. DCR and VOF have been following this study closely.

There are three issue of consideration.

1) Will the state impose higher standards than are required by the federal government for the deduction to qualify for credit.

Secretary Murphy said that his personal opinion was that the tax credit program should be retained.

2) The cap will be a major issue. The question becomes how high you make the cap in order to continue the program.

3) The use of the tax credit program by nonprofits. Some members do not believe tax credits should be available to nonprofits.

He requested that members go back to their respective localities and express their concerns to their representatives.

Senator Ticer asked Secretary Murphy to commit his thoughts to paper to distribute to the members for reference. She also asked staff to keep track of the relative legislation and to keep members informed.

The next meeting of the Virginia Land Conservation Foundation will be June 7, 2006. The location will be determined at a later date.

### **Adjourn**

Being no further business, the meeting was adjourned.

Respectfully submitted,

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L. Preston Bryant, Jr.  
Chairman

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Joseph H. Maroon  
Executive Secretary