

DRAFT MINUTES

**Board of Conservation and Recreation
Thursday, October 23, 2003
Pocahontas State Park**

Board of Conservation and Recreation Members Present

Alan D. Albert, Chair
J. Benji Burnett
Linda Crandell
Richard Formato
Susan Swecker

David G. Brickley
Joy A. Cooley
Ted Drake
Gwen Mason
Sheryl D. Swinson

Board of Conservation and Recreation Members Not Present

Gerald Connolly

Stephan Murray

Staff Present

Joseph H. Maroon
Timothy Bishton
Jack E. Frye
David C. Dowling
Michael R. Fletcher
Tom Smith

Leon E. App
William Conkle
John R. Davy
Joe Elton
Scott Gagnon

Others Present

Frederick J. Fisher, Office of the Attorney General
W. Tayloe Murphy, Jr. Secretary of Natural Resources

Call to Order

Mr. Maroon called the meeting to order and declared a quorum present. He asked members and staff to introduce themselves.

Board of Conservation and Recreation Overview

Mr. Maroon presented an overview of the Board of Conservation and Recreation. A copy of this presentation is available through the DCR offices.

Mr. Maroon informed Board members that legislation in the 2003 session of the General Assembly reorganized and expanded the Board's membership and duties. The responsibilities of the Board on the Conservation and Development of Public Beaches

and the Virginia State Parks Foundation were transferred to the Board of Conservation and Recreation.

The Board duties include:

1. Advising the Director on State Park master plans and substantial amendments.
2. Review of requests for grants or loans pertaining to outdoor recreation.
3. The promulgation of regulations for the Virginia Stormwater Management Act and the Public Beach Conservation and Development Act.
4. Conducting fund-raising activities for the State Parks Projects Fund.
5. The review of designations proposed for scenic highways and Virginia byways.
6. Assisting the Department as requested in the duties and responsibilities pertaining to the Department's program.

Mr. Maroon also reviewed the duties of the Board on Conservation and Development of Public Beaches and the Virginia State Parks Foundation that have been assumed by this Board.

Mr. Maroon asked Mr. Elton to give an overview of Pocahontas State Park.

Attorney General Orientation – FOIA and Conflict of Interest

Mr. Fisher reviewed key sections of the Freedom of Information Act and the Conflict of Interest Act. Copies of these acts were provided to members in their Board manual. Mr. Fisher advised members to read and be familiar with the key provisions of the acts.

He stated that should there be questions regarding potential conflicts, Board members are entitled to an opinion from the Attorney General.

Mr. Fisher reviewed the procedures for conducting a closed meeting.

Secretary of Natural Resources W. Tayloe Murphy, Jr.

Secretary Murphy greeted members of the Board and gave greetings on behalf of Governor Warner. He thanked members for their willingness to serve.

Secretary Murphy reviewed Governor Warner's priorities for the environment. They are water quality and land conservation. He noted that the Commonwealth needed to continue to find ways to preserve open space and that he hoped that this Administration could find new and unique ways to preserve the environment and to fund natural resources programs.

Election of Officers

MOTION: Mr. Burnett nominated Mr. Albert to serve as chair of the Board of Conservation and Recreation.

SECOND: Ms. Swinson

DISCUSSION: There was no discussion and there were no further nominations.

VOTE: Mr. Albert was unanimously elected to serve as Chair of the Board of Conservation and Recreation.

MOTION: Ms. Mason nominated Ms. Swinson to serve as vice-chair of the Board of Conservation and Recreation.

SECOND: Mr. Burnett.

DISCUSSION: There was no discussion and there were no further nominations.

VOTE: Ms. Swinson was unanimously elected to serve as Vice-Chair of the Board of Conservation and Recreation.

Regulatory Action

Mr. App presented members with a Motion to bring the Regulations Governing Application For And Use Of (Public Beach) Grant Funds To Localities up to date. He noted that this motion gave DCR staff the authority to make the necessary changes regarding the Public Beach funds.

A copy of the motion as adopted is attached as Attachment #1.

Approval of Minutes from June 17, 2003

MOTION: Ms. Swinson moved that the minutes of the June 17, 2003 meeting of the Board of Conservation and Recreation be approved as submitted.

SECOND: Ms. Mason

DISCUSSION: None.

VOTE: Motion carried unanimously.

DCR Orientation

Mr. Maroon gave an orientation to the Department of Conservation and Recreation. A copy of this presentation is available through the DCR offices.

Mr. Maroon read the agency mission, "To conserve, protect, enhance and advocate the wise use of the Commonwealth's unique natural, recreational, scenic and cultural resources."

Hurricane Update Report

Mr. Maroon told members that estimated damage to DCR properties from Hurricane Isabel was approximately \$10 million. At the point the department is in the process of determining how much assistance will be available through FEMA and through state insurance funds.

Potentially, DCR could have to absorb up to 25% of the \$10 million. This would have an adverse impact on the department budget.

Mr. Elton gave a power point presentation showing some of the damage to Virginia's State Parks. He noted that the photos did not cover the magnitude of the actual damage to the parks.

Mr. Frye said that the primary recovery efforts regarding public beaches were related to the allocation of funds.

Mr. Smith noted that there was significant damage in the natural areas and that a number of trails remained closed.

Mr. Bishton gave an overview of the financial impact. Approximately \$7 million will be needed for debris clearance. Another \$3 million will be needed to repair structural damage.

Set Next Meeting Date

The next meeting of the Board of Conservation and Recreation will be Thursday, January 8, 2004. The meeting will be held in Richmond.

Adjourn

There being no further business, the meeting was adjourned.

Respectfully submitted,

Alan D. Albert
Chair

Joseph H. Maroon
Recording Secretary

Board of Conservation and Recreation

October 23, 2003 Meeting
at the Pocahontas State Park
Chesterfield County, Virginia

Motion to bring the Regulations Governing Application For And Use Of (Public Beach) Grant Funds To Localities up to date:

The Board authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to prepare those changes necessary to bring the Regulations Governing Application For And Use Of (Public Beach) Grants To Localities , including any attendant forms, into conformance with changes made to the Code of Virginia and any other non-discretionary changes to conform with the Virginia Acts of Assembly or with federal law and regulations enacted since the last regulatory amendment.

This authorization is for those changes that are exempt from the Administrative Process Act and are subject only to the Virginia Register Act.

This authorization extends to, but is not limited to, the drafting of the necessary regulatory amendments, action summary, and other necessary documents and documentation as well as the coordination necessary to gain approvals from the Department of Planning and Budget, the Secretary of Natural Resources, the Governor, the Attorney General, and the Virginia Registrar of Regulations.

The Board requests that the Director or the Regulatory Coordinator report to the Board on these actions at the next Board meeting. At that time, the Board desires to have a set of proposed actions available for final regulatory action.

Motion made by: Linda Crandell

Motion seconded by: Sherry Swinson

Action: Motion carried unanimously.

Alan D. Albert*

Joseph H. Maroon*

Alan D. Albert
Chairman

Joseph H. Maroon
Secretary

*signature on file