

MINUTES
VIRGINIA OUTDOORS FOUNDATION
QUARTELY MEETING OF THE BOARD OF TRUSTEES
VIRGINIA DEPARTMENT OF FORESTRY
2ND FLOOR BOARD ROOM
NOVEMBER 15, 2006 1:00 PM

Trustees present: Chairman, Ms. Kat Imhoff, presiding; Mr. Mark S. Allen; Dr. M. Rupert Cutler; Mr. Frank M. Hartz; Mr. Charles H. Seilheimer, Jr.; and Mr. Jeffrey K. Walker. VOF staff attending: G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Martha Little, Director of Stewardship; Ms. Trisha Cleary, Executive Assistant; Ms. Sherry Buttrick, Easement Manager; Ms. Estie Thomas, Easement Specialist; Mr. Bruce Stewart, Easement Specialist; Ms. Laura Thurman, Easement Specialist; Ms. Jennifer Perkins, Easement Specialist; Mr. Neal Kilgore, Easement Specialist; and Ms. Sara Ensley, Human Resources Manager. Also in attendance were Mr. Frederick S. Fisher, Special Assistant Attorney General; Ms. Catherine Scott, Ms. Christine Sanders, and Mr. Rex Linville, Piedmont Environmental Council; Mr. Carl Schmitt, Blue Ridge Foothills Conservancy; Ms. Jean Hocker; Mr. Phil Hocker, Virginia Conservation Credit Pool, LLC; and Joe Caravello.

Ms. Imhoff convened the meeting at 1:00 p.m. She explained that easements would not be presented as usual but questions or comments would be discussed. She asked that the minutes highlight the conservation values protected by each easement.

After introductions, Ms. Imhoff asked if there were any public comments. Joe Caravello addressed the Board regarding his property in Madison County that is under easement. He asked the Board's advice because he has been trying to sell the property for 18 months with no success. The easement allows three dwellings but no divisions and interested buyers state that they would not be able to leave individual parcels to their heirs. Ms. Imhoff explained that adding divisions to an eased property is considered weakening the conservation easement and is not permitted. She suggested that Mr. Caravello talk to Fred Fisher of the Attorney General's office.

Mr. Carl Schmitt, President of the Blue Ridge Foothills Conservancy, spoke about the opening of a photography and poetry exhibit called "The Legacy of the Land" featuring protected land in Greene and Madison Counties. He thanked the Virginia Outdoors Foundation for its help in sponsoring the show. He also pointed out that the Board would be considering five easements from Madison County and five from Greene County at this meeting. Some of the properties are within designated conservation areas that have been identified by the Blue Ridge Foothills Conservancy.

Mr. Phil Hocker addressed the Board regarding two developing policies that affect conservation easements. He addressed two regulatory issues. The first was the Virginia Department of Conservation and Recreation's Land Preservation Tax Credit – Conservation Value Review Criteria. He reported that he would be attending a meeting of the staff of the Virginia Land Conservation Foundation on Friday, November 17th, 2006, to continue the discussion of the criteria for conservation easements of a \$2.5 million dollars or greater total value. The second

issue he addressed was the Federal IRS regulations and definitions of a charitable gift. He said that the IRS is considering this issue and he will keep the Board informed as the discussion continues.

Ms. Imhoff asked for any changes in the order of business. Tamara Vance informed the Board that agenda item #18, the Spraker Dairy Farm had been withdrawn from the agenda. Ms. Imhoff said the Board would accommodate visitors and landowners by hearing their easements as they arrived.

Dr. Cutler moved to approve the September minutes with the addition of his name to the second day of the meeting. Mr. Walker wanted to correct the vote on the Allard easement (page 4 of the minutes). The minutes will show that Mr. Walker, not Mr. Hartz, voted for the easement. Mr. Allen seconded the motion for approval with the two amendments and the amended minutes were approved unanimously. Mr. Seilheimer asked that the minutes report the question of the Board delegating authority to approve easements that meet or exceed VOF Guidelines had been answered by Fred Fisher with the opinion that it was not possible because the Board of Trustees is a supervisory board not an advisory board. The minutes were approved unanimously as amended.

Mr. Lee reported to the Board that Doug Wetmore had met with representatives of the Virginia Department of Forestry to update the Memorandum of Understanding between the two agencies. He asked Doug to give a brief update on progress. Doug Wetmore met with Brad Williams, Assistant State Forester for Administration, during the week before the Board meeting and had made a good start on revisions.

Ms. Imhoff asked for approval of the proposed dates for the 2007 Board of Trustees meetings. Mr. Walker moved to approve the dates presented, Dr. Cutler seconded and the motion passed unanimously. (See Attachment #1.)

Ms. Imhoff asked for Sara Ensley to present the 401k resolution and information. Ms. Ensley reported that the original plan had been to enroll in an annuity plan but after review by staff and VOF's financial advisors, Robinson, Farmer, and Cox, it was decided to go with a mutual plan. Mr. Walker moved to approve the mutual plan as presented, Mr. Allen seconded, and the motion passed unanimously. (See Attachment #2.)

Ms. Imhoff then thanked Fred Fisher, Bruce Stewart, and Sherry Buttrick for the work they have done on the revised template. She explained that Board members had just received the latest revision and would not be approving the template at the meeting but would hear public comments. Fred Fisher explained that the draft template dated October 2, 2006, contained revisions based on attorney comments. The 10/2/06 draft had been posted and comments were received from conservation partners and interested parties. The easement committee will now review those comments, and determine which are appropriate for the VOF easement template, and present a final draft for Board consideration at the January 25, 2006, Board meeting in Richmond. Ms. Imhoff asked if there were comments from the public. Brad Williams asked if the Department of Forestry could submit comments. Ms. Imhoff asked that they get them to the template committee as soon as possible. Christine Sanders of PEC thanked the template

committee for its good work and commented that a list of definitions for terms used in the template would be very helpful. Ms. Sanders said that PEC staff had also provided a list of governmental policies that speak to the conservation and public benefit purposes of easements. She also asked that the notification provision in the template be very specific to the process of stewardship. Carl Schmitt asked that the requirement of the riparian buffer be considered very carefully. He pointed out that for some farms in the Piedmont Region of the state, if a farmer granted 100 foot riparian buffers on all of the streams on the property, there would be no farm left. Ms. Imhoff added that Dr. Cutler had recommended some minor changes to the Easement Guidelines and they would be considered at the January Board meeting.

Ms. Imhoff brought to the attention of the Board that VOF had received a request for comment on the proposed Eastern Market Expansion Project from Columbia Gas Transmission. Mr. Lee reported that he had attended a public comment meeting with Columbia Gas representatives and told them that they really needed to talk to the Office of the Attorney General regarding expansion of existing rights of way. Mr. Lee also reported that Dominion Virginia Power had reduced the area of its power line study but it still cuts through the heart of Virginia's easements.

Ms. Imhoff asked if there were other policy matters that needed the attention of the Board. There were none and she moved to the consideration of easements under 50 acres.

#1 – Berg on 42.92 acres in Gloucester County – The easement provides 100 foot riparian buffer on Jones Creek (a tributary of the York River which empties into the Chesapeake Bay) and will protect an extensive salt marsh system located on the property. There were no questions or comments. Mr. Hartz moved to approve the easement as written, Mr. Seilheimer seconded, and the motion passed unanimously.

#2 – Bolden “Rokeby” on 50 acres in King George County – The easement provides no willful demolition of Rokeby, which was built in 1828 and is listed on the National Register of Historic Places and the Virginia Landmarks Register. The property is surrounded by VOF easements and provides valuable infill. The easement will protect the scenic views from Route 3, a major corridor between Fredericksburg and the Northern Neck. Mr. Seilheimer moved to approve the easement as written, Mr. Hartz seconded, and motion passed unanimously.

#3 – Tipton Trust of 27 acres in Scott County – The easement provides protection for the scenic and rural character of Scott County. Mr. Walker moved to approve the easement as written, Dr. Cutler seconded, and the motion passed unanimously. (This approval is contingent on clear title.)

Ms. Imhoff recognized Carl Garrison, State Forester. Mr. Garrison said that he was looking forward to the revised MOU currently in process and exploring other means of cooperation between VOF and DOF. Ms. Imhoff recommended that VOF get together with our state agency partners to coordinate funding requests for the FY08 budget to assure funding to accomplish our mutual goals.

#4 – Dalton Family, LLC property of 26.09 acres in Northumberland County – The easement will protect two salt water ponds and a salt marsh system that contributes to the water quality of

the Chesapeake Bay. Mr. Seilheimer moved to approve the easement as written, Mr. Hartz seconded, and the motion passed unanimously.

Ms. Imhoff turned the meeting over to Mark Allen and recused herself from consideration of the Hallock easement due to a close friendship with the property owner.

#5 – Hallock of 22.85 acres in Albemarle County – The easement provides protection for the scenic views on Virginia Byway 22 and is in the Southwest Mountains Rural Historic District. The proposed easement is surrounded by other VOF easements. Estie Thomas recommended that the standard Commercial and Industrial Use clause be included in the easement. Mr. Hartz moved to approve the easement with the recommended amendment, Mr. Seilheimer seconded, and the motion passed unanimously with Ms. Imhoff abstaining.

#6 – McClung of 33.16 acres in Rockbridge County – The easement will protect water quality and scenic value of the Maury River with a 50 foot forested riparian buffer and a 200 foot no build buffer on the sinkhole located on the property. The scenic value will be further protected with a 300 foot no build set back from Scenic Route 602. Laura Thurman reported that the one allowed single-family dwelling provision had been changed to VOF siting review and approval to assure the dwelling cannot be seen from the river or SR 602. Mr. Seilheimer moved to approve the easement with the siting review change, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#7 – Norris “Plainview” of 46.21 acres in Westmoreland County – The easement will help protect the water quality of the Chesapeake Bay with 100 foot no plow riparian buffers on Kinsale Creek and the West Yeocomico River. The easement also protects “Plainview” which is a contributing feature of the Kinsale Historic District. Mr. Hartz moved to approve the easement as written, Dr. Cutler seconded, and the motion passed unanimously.

#8 – Potomac Appalachian Trail Club of 48.5 acres in Frederick County – The easement will protect the scenic and recreational values of the area as it contains approximately two miles of the Tuscarora Trail (a State Recreational Trail) and a portion of the Frye Path that dates to the French and Indian Wars. It also contributes to the water quality of the Chesapeake Bay with 50 foot forested riparian buffers on the property’s small tributaries. Ms. Imhoff asked if the parcel size had been finalized. Laura Thurman reported that she had received an email on 11/15/06 stating that the county was within an acre and a half of the Club’s figure due to a lost deed at the county courthouse. The property now stands at 48.5 acres. Dr. Cutler asked that the forestry language on page 87 regarding the “If commercial salvage is required for trees that have died naturally or are so diseased or damaged that leaving them would jeopardize the character and diversity of the forest” not be used in the future because dead or dying trees provide nutrients for future forest. Dr. Cutler moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

#9 – Sanford “Woodley” of 40.16 acres in Orange County – The easement protects the scenic views of the driving public on State Route 15 with a 750 foot no build set back and is located in the Madison Barbour Rural Historic District. The easement further protects the existing main house with no will-full demolition language and allows no alteration of the façade facing Route

15. The property is surrounded on three sides by VOF easements. Mr. Allen asked that the relationship of donors be defined in the first paragraph of all future easements. Mr. Seilheimer moved to approve the easement as written, Mr. Hartz seconded, and the motion passed unanimously.

#10 – Weanack Land, LLLP of 26.41 acres in Charles City County – The easement protects the scenic values on the James River, a Virginia Scenic River, allows no division or dwellings, contributes to the water quality of the Chesapeake Bay with a 100 foot riparian buffer from the high-tide line of the James River, and a portion of the original Shirley Plantation. Bruce Stewart recommended the following changes: easement page 1 – add “Gift of” Easement; easement page 7 – in paragraph 8. replace Industrial or Commercial Activities with VOF Template language; easement page 10 – in paragraph 18. replace Notice to Grantee and Grantor with VOF Template language; and easement page 11 – in paragraph 22. change “any portion” of the value to “all” of the value of the easement . . . and add “and further acknowledges that the Grantee has not provided any goods and services to the Grantor in consideration of the grant of this Easement”. Ms. Imhoff asked that Bruce explain the language in paragraph 9. Public Access and paragraph 10. Archaeology. Bruce Stewart said that those two provisions came from a template used by the landowner’s attorney. Dr. Cutler asked if the Archaeology paragraph had meant to read “Any such disturbed ground shall be *restored*” instead of “resorted” and continue to say “to its original contours *and re-vegetated* upon completion of the ground disturbing activities.” Ms. Imhoff asked that the vote on this easement be deferred until Thursday to give staff time to compile all needed changes and to advise the landowner of the changes. The same changes will need to be made on another easement to be considered on Thursday. Mr. Hartz moved to defer the vote until Thursday, Dr. Cutler seconded, and the motion passed unanimously.

The Preservation Trust Fund (PTF) Committee reported that they recommended approval of all reimbursement only proposals. Ms. Imhoff suggested that the Board consider the easement and the PTF requests at the same time.

#11 – Arey Camp, LLC (co-holder: Valley Conservation Council) of 226.5 acres in Augusta County requesting \$7,000 in cost reimbursement – The easement property borders the George Washington National Forest on two sides and will help protect the water quality of the Chesapeake Bay with 35 foot riparian buffers on Muddy Hollow Creek and Freemason Run. Ms. Imhoff asked Laura Thurman if the Whereas clause restricting commercial timbering activities had been resolved (because the Forestry provision allows commercial timbering). Ms. Thurman responded that the language on easement pages 2 and 3 of 13 had been changed to read, “This easement protects the wildlife and plant habitat on the Property by, among other things, restricting development and construction on the Property, thus preventing excessive fragmentation and degradation of the habitat; and” deleting “and commercial timbering activities”. Dr. Cutler added that the last two sentences in the Management of Forest provision needed to be reversed in order to read, “Commercial timber harvesting shall be in accord with a forest stewardship plan approved by the VOF. A pre-harvest plan consistent with the stewardship plan shall be submitted to the VOF at least thirty (30) days prior to beginning commercial timber harvesting plan.” Tamara Vance questioned whether VOF should be monitoring if the cabins have public utilities. It was agreed to delete all mention of Public

Utilities from the Buildings and Structures paragraph. Dr. Cutler moved to approve the easement as amended and \$7,000 grant, Mr. Seilheimer seconded, and the motion passed unanimously.

#12 – Clemmer (co-holder: Valley Conservation Council) of 226 +/- acres in Augusta County requesting \$4,500 in cost reimbursement – The easement will protect the scenic view for the driving public on McKinley Road and prevents development with no divisions allowed. The farm is operated by a sixth-generation Augusta farmer and his sons. Mr. Hartz moved that the easement as written and \$4,500 reimbursement be approved, Mr. Walker seconded, and the motion passed unanimously.

#13 – Denhoff (co-holder: Valley Conservation Council) of 90.7 acres in Botetourt County requesting \$3,000 – The easement will help protect the water of the Chesapeake Bay with a 100 foot riparian buffer on the ¼ mile bank of the James River. It also protects the view from George Washington National Forest with a no build zone near the Forest and building envelopes for the allowed dwellings. The easement used the “old” forestry language because the landowner wants to clear cedars from one field to restore it to pasture. Dr. Cutler said that the “new” forestry language does not prohibit clearing for a pasture. Mr. Hartz suggested that VOF add language that would allow the clearing of the field. Dr. Cutler moved that the easement be approved with the “new” forestry language amended to allow the clearing of the field in question and \$3,000 grant, Mr. Walker seconded, and the motion passed unanimously.

#14 – Guy “Locust Grove” (co-holder: Eastern Shore Soil and Water Conservation District) of 162 acres in Northampton County requesting 50% of the value of the easement – Ms. Imhoff asked Bruce Stewart to give the Board a brief presentation of the proposal because of the differences in the template used for the easement. Bruce explained that the template used is from the USDA because they are providing 50% of the funds to purchase the easement. There was a concern over the language providing that the modern addition to the “Sally Wescott House” could be “reasonably enlarged”. Bruce said that language could be changed to read, “no more than 50% of actual current size (square footage to be determined)”. Bruce recommended that VOF award a grant of \$217,150. Mr. Seilheimer added that the funds should be held in escrow until all financial issues are resolved. Mr. Seilheimer moved that the easement be approved with amended language defining the square footage allowed for the addition to the Sally Wescott House and funds be granted in the amount of no more than \$217,150 held in escrow until all financial issues are resolved and/or subordinated to VOF. Dr. Cutler seconded and the easement and funds as amended were approved unanimously.

#15 – Lyons (co-holder: New River Soil and Water Conservation District) of 84.2 acres in Grayson County requesting \$4,000 – Tamara Vance explained that this property is located in Spring Valley where the landowners are working toward establishing a recognized rural historic district. Mr. Seilheimer moved to approve the easement as written and \$4,000 for reimbursement of costs. Mr. Allen seconded and requested that the relationship of the owners be defined in the first paragraph of the easement. The motion passed unanimously.

#16 – McCray (co-holder: Valley Conservation Council) of 156.61 acres in Augusta County requesting \$6,275 – This property is within the Middlebrook/Brownsville Corridor and Chesapeake Bay watershed. It will contribute to the scenic views and water quality of the area.

The house has been surveyed by the Department of Historic Resources (DHR) for consideration for the Virginia Landmarks Register. Mr. Seilheimer moved to approve the easement as written and the requested \$6,275. Mr. Allen seconded and the motion passed unanimously.

#17 – Showalter (co-holder: Valley Conservation Council) of 117.59 acres in Rockingham County requesting \$7,500 – The easement was approved at the September 2006 Board Meeting and the owners are now submitting PTF application for reimbursement of costs. Ms. Imhoff asked that the recital addressing scenic enjoyment for the driving public be removed due to the possible addition of a 40,000 square foot poultry house. Mr. Allen added that he had concerns over the financial need existing because of the purchase of the farm next door. Mr. Walker said that he did not have a problem with the purchase of the adjacent property and moved that the full request of \$7,500 be approved. Dr. Cutler seconded and the funds were approved with Ms. Imhoff and Mr. Allen voting against.

#19 – Spraker Horse Camp Land (co-holder: Big Walker Soil and Water Conservation District) of 166 acres in Wythe County requesting \$5,000 – The easement will protect the scenic views from the Jefferson National Forest and for the driving public on State Routes 642 and 643. Tamara Vance distributed a revised PTF application and letter from the owner. Mr. Walker moved to approve the easement as written and the revised application for \$5,000, Mr. Allen seconded, and the motion passed unanimously.

#20 – Swink’s Bottom (co-holder: Valley Conservation Council) of 486 acres in Rockbridge County requesting \$5,500 – This property contains nearly three miles of frontage on Buffalo Creek and an unnamed tributary lying in the Chesapeake Bay watershed. The easement will contribute to protection of water quality with 50 foot riparian buffers and scenic views from SR 610 and 753. Limiting development on this property also protects Class I soils for agricultural purposes. Dr. Cutler moved to approve the easement as written and the \$5,500 requested, Mr. Allen seconded, and the motion passed unanimously.

#21 – Truman (co-holder: Western Virginia Land Trust) of 227.4 acres in Franklin County requesting \$7,500 – The easement will protect approximately one-half mile of shore line on Smith Mountain Lake and will contribute to the water quality with 35 foot riparian buffers on the perennial and intermittent streams and 35 to 400 foot riparian buffer on Smith Mountain Lake. It will also protect the view of the boating public on the lake. The property is a Virginia Century Farm and contains historic buildings dating to the 1830’s and is in the Roanoke River Blueway and the Greenway Plan of Franklin County. The easement also protects the view of the driving public on SR 681 and the Blue Ridge Parkway. Ms. Imhoff asked about the number of dwellings allowed by the easement. Ms. Vance said that it does not meet VOF Guidelines for dwellings but with the very restrictive building envelopes protected the conservation values. Dr. Cutler moved to approve the easement as written and the \$7,500 for costs reimbursement, Mr. Seilheimer seconded, and the motion passed unanimously.

Tamara Vance presented the Sisters of the Blessed Sacrament property of Belmead of 1,000 acres in Powhatan County with the James River Association acting as co-holders of the easement. The Sisters are requesting 50% of the easement value or \$696,500. The easement had been approved by the Board but is coming back for reconsideration with more restrictive riparian

buffer language requested by The Nature Conservancy. The Nature Conservancy has identified a significant contiguous area of “Piedmont Forest” on the property. The easement provides for the protection and restoration of this ecologically significant resource with a Forest Stewardship Management Plan. The easement also protects approximately two miles of James River frontage and both banks of Deep Creek and West Creek with 300 foot riparian buffers. The wetland on the property is protected with 50 foot riparian buffers. The James River, Deep Creek, and West Creek are in the Chesapeake Bay watershed. Tamara Vance reported that a survey had been completed on the property to be included in the easement and the area covered would be 1,099 acres. Ms. Vance recommended the Board consider the easement with the addition of VOF review and approval of dwelling sites to protect the views from the river (add to section 6). Martha Little asked if the riparian buffers could be described as “measured from the top of the bank” so it would move with the river. Ms. Vance said that all parties had agreed to that change in 4a. Ms. Vance also said that she would be adding a clause to the Management of Forest section to allow for emergency access to the site to the Enforcement (9.) provision. Mr. Seilheimer asked Ms. Vance to give the Board a brief history of the easement. Ms. Vance said that the easement originally came to the Board as a cost only project because it was thought to have a National Wildlife Foundation (NWF) grant purchasing the easement. The James River Association applied for the NWF grant but was unsuccessful. The first appraisal put the value of the easement at \$200,000 and the Sisters were going to back out of the easement due to that very low appraisal. The Nature Conservancy (TNC) thought that was very low and a new appraisal was needed. TNC acquired a new appraisal that showed the value of the easement was \$1.5 million. The Army Corps of Engineers will pay \$200,000 to purchase the portion of the easement on the wetlands. Ms. Vance recommended approving 50% of the value of the easement and encouraging the Sisters to find funding for the balance. Dr. Cutler reported that the PTF Committee agreed with the recommendation. Mr. Seilheimer added that it was important to discuss with the Sisters how important it is to get the rest of the property under easement and that more funds could be available for that project. Ms. Vance said that the Department of Historic Resources is also interested in seeing the portion of the property with the historic buildings under easement. Mr. Seilheimer moved to approve \$700,000 for the partial purchase and the amended riparian buffer, prior siting approval of dwellings, and enforcement language recommended by staff. Mr. Walker seconded and the motion passed unanimously.

#22 – Harris and #23 – Shelton “Woodside” of 9 and 68 acres respectively in Spotsylvania County for reconsideration – The partition suit has been settled and is coming back in this form. Dr. Cutler recommended approval of both easements as written, Mr. Seilheimer seconded, and the motion was approved unanimously.

#24 – Vaughan (co-holder: New River Soil and Water Conservation District) of 62.9 acres in the Spring Valley community of Grayson County – The easement will protect water quality in the area with 35 foot riparian buffers on the unnamed tributary to Knob Fork Creek. The scenic views of the driving public on SR 760 and 777 will also be protected. The property also contains the historic Spring Valley School House, the remains of the old “Cheese Factory, and the Charles Reese Hale House dating back to the 1880’s which the easement protects. Mr. Walker moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously.

Ms. Imhoff then announced that she had two policy issues to bring to the attention of the Board. She also said that, time permitting, she wanted to discuss some of the easements that will be voted on the following day.

The first issue is a proposed prison site in Grayson County that is surrounded by VOF easements and a VOF easement that is ready to be signed and registered at the courthouse. Ms. Imhoff asked Tamara Vance to brief the Board. Ms. Vance told the Board the proposed site for the prison will affect a VOF easement directly across the New River. The access road (SR711) will probably need to be widened and a new bridge will have to be built across the New River for prison traffic. The easement on the property containing a significant portion of SR711 does not allow the widening of the road. Mr. Lee reported that he had talked to the office of the administrator of Grayson County and had been told that the prison is very important to the county. The county sees this as economic growth and jobs for the county. Mr. Lee also talked to Senator Wampler and, if the Board takes up this issue in any formal way, Senator Wampler would appreciate an opportunity to speak directly to the Board. Ms. Imhoff proposed writing a letter, as Chairman of the Board, explaining that VOF holds easements in the area and, if there are alternative sites to explore, we would like the opportunity to work with them to find a site that would have less impact on eased properties. Fred Fisher added that he thought that anything that crosses a VOF easement would cause a serious problem. Mr. Fisher also suggested that we offer to provide a map with an overlay of all the easements VOF holds in the county.

The second issue: Ms. Imhoff distributed a revised cover letter for the VOF comments on the VLCF tax criteria for state tax credits valued over \$1 million.

Ms. Imhoff led discussion on the first easements to be considered November 21st. Ms. Little asked the Board if VOF staff could start adding a reference to the Baseline Documentation Report in the Documentation section of all future easements. Ms. Imhoff asked if the Board agreed. Dr. Cutler moved to approve the inclusion of "Baseline Documentation Report" in the Documentation section of all future easements, Mr. Walker seconded, and the motion passed unanimously.

Ms. Imhoff adjourned the meeting at 5:04 p.m. to be reconvened at 9:00 a.m. the following morning.

MINUTES
VIRGINIA OUTDOORS FOUNDATION
QUARTELY MEETING OF THE BOARD OF TRUSTEES
VIRGINIA DEPARTMENT OF FORESTRY
2ND FLOOR BOARD ROOM
NOVEMBER 16, 2006 9:00 AM

Trustees present: Chairman, Ms. Kat Imhoff, presiding; Mr. Mark S. Allen; Dr. M. Rupert Cutler (departed the meeting at 12:10 p.m.); Mr. Charles H. Seilheimer, Jr.; Mr. Jeffrey K. Walker; and Mr. Frank M. Hartz joined the meeting at 11:15 a.m. VOF staff attending: G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Martha Little, Director of Stewardship; Ms. Trisha Cleary, Executive Assistant; Ms. Sherry Buttrick, Easement Manager; Ms. Estie Thomas, Easement Specialist; Mr. Bruce Stewart, Easement Specialist; Ms. Laura Thurman, Easement Specialist; and Sara Ensley, Human Resources Manager. Also in attendance were Mr. Frederick S. Fisher, Special Assistant Attorney General; Mr. Rex Linville, Piedmont Environmental Council; Charlie Westbrook, BlueLine Conservation Incentives; Forbes Reback; and Joe Caravello.

Ms. Imhoff convened the meeting at 9:00 a.m. No persons appeared for the public comment portion of the agenda.

Bruce Stewart presented the Weanack Land, LLLP (#10) property of 26.41 acres in Charles City County that had been deferred from the previous day. Mr. Stewart recommended the following changes: change to “Gift” of Easement; in paragraph 3.(ii) delete “which approval shall not be unreasonably delayed or withheld”; in paragraph 8.(ii) delete “not inconsistent with Grantor’s tourism activities with respect to the Easement Property”, delete “that are inconsistent with Grantor’s tourism activities with respect to the Easement Property”; delete “same” describing the 100 people; and delete “such approval not to be unreasonably withheld”. In paragraph 10 change the second sentence to read, “Any such disturbed ground shall be restored to its original contours and re-vegetated upon completion of the ground disturbing activities.” Change paragraph 11 to standard VOF template language. Delete paragraph 18 in its entirety. In paragraph 22, first sentence, change “any portion” to “all”, second to last sentence be changed to, “The parties hereto intend the easement conveyed herein shall be a qualified conservation contribution . . .”; and add to the last sentence, “and further acknowledges that the Grantee has not provided any goods and services to the grantor in consideration of the grant of this Easement.” Dr. Cutler moved to approve the easement as amended, Mr. Seilheimer seconded, and the motion passes unanimously.

Ms. Imhoff announced that the Board would be following the same protocol as the day before, she will ask if there are any comments or questions, if none, she will call for a motion and vote.

#25 – Allen “Hobson Farm” of 120 acres in King George County – The easement will protect a 1790 house with no willful demolition language and allow enlargement up to 4,000 square feet and an additional secondary not to exceed 2,500 square feet. The water quality of Grimes Run will be protected with a 100 foot forested riparian buffer and fencing to keep livestock out. This

will also contribute to the water quality of the Chesapeake Bay. Mr. Seilheimer moved to approve the easement as written, Mr. Allen seconded, and the motion passes unanimously.

#26 – Baker “Wakema” of 172.8 acres in King William County – This easement protects the water quality of the Mattaponi River with a 100 foot riparian buffer which will also contribute to the health of the Chesapeake Bay. The extensive wetlands on the property support a wide variety of aquatic species and provides habitat for the endangered platy species, Sensitive Joint Vetch. Mr. Seilheimer moved to approve the easement as written, Mr. Walker, and the motion passed unanimously.

#27 – Barnes “Windsor Hill Farm” of 75 acres in Albemarle County – This easement protects the views of the driving public on Gordonsville Road (Rt. 231), a designated Virginia By-way. It also protects the Greek Revival manor house with no willful demolition language and contributes to the protected area in the Southwest Mountains Rural Historic District. Estie Thomas said she recommended placing a size limitation on the expansion of the manor house of no more than 50% its current size (the exact size to be recorded in the BDR). Ms. Thomas added that VOF has site review on the new secondary. Ms. Imhoff wanted documentation that the new secondary should not be visible to the driving public on Rt. 231 included in the BDR. Mr. Seilheimer moved to approve the easement with the addition of the size limitation on the manor house, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#28 – Batten of 70 acres in Middlesex County – This easement will protect the water quality of the Piankatank River, a tributary of the Chesapeake Bay, with a 200 foot riparian buffer on each bank of the river and on its streams and associated wetlands. The easement also protects the large intact forest on the property allowing only 3 acres of clearing for permitted structures, which must have VOF site approval before construction. Mr. Walker moved to approve the easement as written, Mr. Seilheimer seconded, and the motion passed unanimously.

#29 – Belle Monte, LLC of 584.55 acres in Greene County – The easement contributes to the quality of the Chesapeake Bay with 35 foot riparian buffers on both banks of Swift Run which prevents any earth disturbance and keeps livestock out of the stream. It protects the views of the driving public on SR629. Ms. Imhoff recapped the discussion of the day before saying that there needed to be a size limit or siting review for the main house to further protect the scenic values and revised language for the last paragraph on page 4 of the easement. Sherry Buttrick reported that the landowner did not agree to the size limitation on the main dwelling but offered a 200 foot set back allowing limited building. Mr. Hartz had suggested the removal of the language “of greater than 2,000 square feet of above-ground enclosed living area” and substitute “with a footprint of greater than 2,000 square feet” from the 200 foot set back on SR629. Mr. Seilheimer moved to approve the easement with the change to the 200 foot set back language, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#30 – Bemiss (part of Oakland Farm) of 196 acres in Hanover County – This proposal would contribute to the water quality of the Chesapeake Bay with 100 foot riparian buffer on Jones Swamp and to the views of the driving public on SR608 and SR631 with 100 foot no build set back. Leslie Grayson suggested striking “provided, however, that large-scale industrial or commercial operations such as wineries with tasting parlors, restaurants or other commercial

features that bring additional traffic to the Property, racetracks or livestock feedlots are permitted only with the prior written approval of Grantee” from paragraph 3.(i) and to replace “freestanding retail” with “additional” structures in 3.(ii). Mr. Seilheimer moved to approve the easement with the stated revisions, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#31 – Bess Company, Inc. of 73.16 acres in the City of Danville – This easement will provide scenic open space in the City of Danville. It will contribute to the water quality of the area with a 35 foot forested riparian buffer on the Dan River. This easement will protect the view shed for the driving public as well as the boating public on the Dan River. In their letter of support for the easement, the City of Danville requested that the easement not prohibit their typical paving material of asphalt for the walking trail. Sherry Buttrick said that the easement allows trails or pathways and uses “no timbering” language. Mr. Seilheimer moved to approve the easement as written, Dr. Cutler seconded, and the motion passed unanimously.

#32 – Bishop of 87 acres in Montgomery County – This easement protects an active dairy farm in a rapidly growing area of Montgomery County and will help preserve the area’s rural character. Dr. Cutler moved to approve the easement as written, Mr. Seilheimer seconded, and the motion was approved unanimously.

#33 – Bishop of 149 acres in Montgomery County – This easement protects an active dairy farm in a rapidly growing area of Montgomery County and will help preserve the area’s rural character. Tamara Vance recommended approval of this easement contingent upon no new structures visible from Camp Carysbrook Road (SR 673) and that any new farm structures be built within 200 feet of existing farm structures or with siting review and approval of VOF. Mr. Walker moved to approve the easement with the additional language, Mr. Allen seconded, and the easement was approved unanimously as amended.

#34 – Booker “Cedar Grove Farm” of 442 acres in Richmond County – This easement will contribute to the water quality of the Chesapeake Bay with 100 foot riparian buffers on Booker’s Mill Stream, a tributary of Totuskey Creek which is a tributary of the Rappahannock River. The property is also within the boundaries of the Rappahannock National Wildlife Refuge. The farm has been in the same family since 1851. Mr. Allen moved to approve the easement as written, Mr. Seilheimer seconded, and the motion passed unanimously.

#35 – Bullard Family Partnership of 447.1 acres in Pulaski County – Tamara Vance asked that the discussion and vote on this easement be deferred until the family arrived.

#36 – Cater “Bondfield Farm” of 187.5 acres in Lancaster County – This easement will help protect the water quality of the Chesapeake Bay with 100 foot riparian buffers on the branch of Kamps Mill Pond with drains into the Corrotoman River. It also protects the open space values of the area and the views of the driving public on Route 200. Dr. Cutler moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#37 – Catlett/Trimble of 69.9 acres in Clarke County – The easement will protect the view of the driving public from State Scenic Byways SR 617 and SR 255 and help preserve the open space

character of the agricultural community. Mr. Seilheimer moved to approve the easement as written, Dr. Cutler seconded, and the motion passed unanimously.

#38 – Chapman “September Song” of 83 acres in Rappahannock County – This easement provides protection of the views from Rt. 211, a Virginia Scenic Road, with a 200 foot no build zone and will contribute to the water quality of the Chesapeake Bay with 35 foot riparian buffers on the three unnamed streams and pond on the property. It also protects the historic main house and “summer kitchen” quest house with no willful demolition language. Mr. Allen moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#39 – Chastain, Inc. of 114 acres in Goochland County – This easement will protect the views of the driving public on Virginia Byway Route 6 with a 300 foot building set back and will contribute to the water quality of the Chesapeake Bay with 100 foot naturally vegetated riparian buffers on Stony Creek. The property adjoins another VOF easement. Ms. Imhoff asked Sherry Buttrick to address the title work and the wetlands mitigation issues. Ms. Buttrick said that Tayloe Murphy had completed the title work and found the documentation governing the wetlands mitigation bank. The Army Corps of Engineers hold an easement on the wetlands in question. Tamara Vance suggested that the wetlands mitigation in the Industrial or Commercial Activities provision be clear that it is for restoration only, not creation of wetlands. Mr. Seilheimer moved to approve the easement be approved with the additional language that the wetlands mitigation be for restoration only, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#40 – Chichester “Glencairne Farm” of 79.15 acres in Stafford County – This easement will protect a Centennial Farm and contribute to the water quality of the Chesapeake Bay by providing 50 foot riparian buffers on Claiborne Run with is a tributary of the Rappahannock River. The property has been in the same family since the 1800’s and is the site of “Glencairne”, a house built in 1780, and a family cemetery which is the burial site of one of the founders of the Daughters of the American Revolution. The existing family house, Glencairne, is not to exceed 6,000 square feet and the secondary dwelling is not to exceed 3,500 square feet. Mr. Seilheimer moved to approve the easement with the addition of the 50 foot riparian buffers, 6,000 square foot size limit on the main house, and 3,500 square foot size limit on the secondary. Dr. Cutler seconded, and the easement was approved unanimously as amended.

#41 – Claterbaugh Family Limited Partnership of 720.78 acres in Bath County – This easement will contribute to the open spaces and help maintain the rural character of the area by allowing no division, only three dwellings, and a 400 foot set back from Scenic Road Route 42. The easement provides a 50 foot no-plow riparian buffer on the Cowpasture River which is in the Chesapeake Bay watershed. Laura Thurman recommended the easement be approved contingent on receiving a clear title. Dr. Cutler moved to approve the easement as written contingent on clear title, Mr. Seilheimer seconded, and the motion passed unanimously.

#42 – Cloverfields Trust of 275 acres in Albemarle County – deferred until 11:30 a.m.

#43 – Cobb/Day of 181 acres in Southampton County – This easement will protect the scenic views of the driving public with a 600 foot building set back on Route 659 and Route 660 and

contribute to the water quality of the area with 100 foot riparian buffers on Mill Swamp and all perennial creeks or streams on the property. Bruce Stewart said that there were two changes: 1) paragraph 15. (i) add “with prior written approval of the Grantee considering the impact of the proposed rights of way or easement on the Open-Space Values of the Property”; and, 2) delete subparagraph 17. (iii) regarding notice. Mr. Seilheimer moved to approve the easement as amended, Mr. Allen seconded, and the easement was approved unanimously as amended.

#44 – Coles of 127.33 acres in Pittsylvania County – This easement will protect the scenic views for the driving public on Route 685, Chalk Level Road, with 500 foot building set backs. It will also contribute to the water quality of the area with 50 foot forested riparian buffers on Whitehorn Creek. Sherry Buttrick noted that clear title has not been received and the easement will have to be approved contingent on clear title. She added that there is an old stage coach road that will be protected with additional language in paragraph 5. Dr. Cutler moved to approve the easement with the additional language and contingent on clear title, Mr. Walker seconded, and the easement was approved unanimously as amended.

#45 – Cowles “Yadkin Farm” of 127.1 acres in Albemarle County – This easement will protect water quality in the area with 100 foot riparian buffers on both banks of a tributary to Buck Mountain Creek, a major tributary to the South Fork of the Rivanna Reservoir, a public water source for the City of Charlottesville and in the Chesapeake Bay watershed. The stream is further protected with a 200 foot no build zone on both banks. Sherry Buttrick said that the landowners wanted to change the maximum size of the farmhouse to 5,000 square feet and a size limitation for the barn apartment of 1,400 square feet. Mr. Seilheimer moved to approve the easement with those changes, Mr. Walker seconded, and the easement was approved unanimously as amended.

\$46 – Cowpastrue River LLC of 111.22 acres in Bath County – This easement will help protect the water quality of the Cowpasture River with a 100 foot forested riparian buffer which will contribute to the water quality of the Chesapeake Bay. The scenic views from the river will be protected with a dwelling envelope. It will also create a buffer for the protection of a natural area that hosts a rare plant species identified by the Virginia Department of Conservation and Recreation’s Division of Natural Heritage (DNH). Dr. Cutler moved to approve the easement as written, Mr. Seilheimer seconded, and the easement was approved unanimously.

#47 – Crane of 225 acres in Greene County – This easement will preserve a large tract of wooded land in an area of intact forest that supports a diversity of wildlife with mountain glades identified by DNH with no timbering within 50 feet of rocky glades and no build zones above the 1,400 foot contour line. This easement also contributes to the water quality of the Chesapeake Bay with a 70 foot riparian buffer above the 1,400 foot contour line and 35 foot riparian buffer below the 1,400 foot contour line on each bank of the tributary of the Lynch River. Mr. Seilheimer moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously.

#48 – Crigler of 131.44 acres in Madison County – This easement will contribute to the open space and agricultural character of the area. Ms. Imhoff expressed concern over no size limitation on the main dwelling. Sherry Buttrick said that Dr. Crigler had agreed to include no

willful demolition language and a limit of 5,000 square feet of above ground living area to protect the farm house. Dr. Cutler moved to approve the easement with those additions, Mr. Walker seconded, and the easement was approved unanimously as amended.

#49 – Crouch of 92.31 acres in Scott County – This easement will protect open space, provide wildlife habitat, and contribute to the scenic and rural character of the area. It also contributes to the water quality in the area with 100 foot riparian buffers on the unnamed stream on the property. Mr. Allen moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#50 – D. W. Tipton Trust of 92 acres in Scott County – This easement will help protect the scenic and rural character of the area and the scenic views from Natural Tunnel State Park. Mr. Walker moved to approve the easement as written contingent on clear title, Mr. Seilheimer seconded, and the motion passed unanimously.

#51 – Delano of 104.77 acres in Westmoreland County – This easement will preserve a typical Northern Neck Farm that has been in the Grantor’s family since 1806. Estie Thomas recommended additional language for the parcel on the “Waveland” tract to be the smallest permitted by County regulations at the time of the division. Dr. Cutler moved to approve the easement with the recommended additional language, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

#52 – Estate of Willie Edward Dowell “Strawberry Hill Farm” of 329.92 acres in Albemarle County – This property lies within the Southwest Mountains Rural Historic District and the easement will protect the scenic views from Virginia Byway Route 231 with a 1,200 foot set back no build zone. This easement also contributes to the water quality of Mechunk Creek with 35 foot riparian buffers on both banks. Ms. Imhoff asked why there was no size limit on the main house. Sherry Buttrick replied that the landowner did not want a size limitation on the main dwelling but had offered the 1,200 foot set back to protect the view shed. Mr. Seilheimer moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#53 – Eastwood Management, LLC “Drake Mountain” of 258.46 acres in Fauquier County – This easement will protect the slopes, ridgeline, and peak of Drakes Mountain. The property is the site of the headwaters of Horner’s Run, a tributary of Carter’s Run and the Rappahannock River, and springs/tributaries of Broad Run and Occoquan River. The easement allows no division and no structures other than those necessary for maintenance and management of the property as a natural area. The easement protects the view of the driving public on Virginia Scenic Byway 691 and U.S. Route 17. The property is adjacent to other VOF easements and will be deeded in fee to The Nature Conservancy to become an addition to the Wildcat Mountain Natural Area Preserve. Leslie Grayson said that this easement would have revised language for paragraphs 3 and 5 to meet the federal requirements on retained mineral rights. Mr. Seilheimer moved to approve the easement as amended, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#54 – Coggins Point Farm, Inc. of 490.33 acres in Prince George County – This easement contributes to the water quality of the James River (and Chesapeake Bay) with 100 foot riparian buffers from the high-tide line of the James, Powell Creek, a large pond on the property, an unnamed stream. The easement protects the view shed for the boating public and is adjacent to the James River National Wildlife Refuge. Bruce Stewart recommended the following changes: Deed of *Gift* of Easement; in the second sentence of paragraph 10 – “Any such disturbed ground shall be restored to its original contours and re-vegetated upon completion of the ground disturbing activities; substitute for paragraph 11 Enforcement the following: “Representatives of Grantee may enter the Property from time to time for purposes of inspection and enforcement of the terms of this easement after permission from or reasonable notice to the owner or the owner's representative. Grantee has the right to bring an action at law or in equity to enforce the restrictions contained herein, provided that no action shall be brought against a predecessor in title for violation of a restriction or restrictions committed by a current owner of the property. This right specifically includes the right to require restoration of the Property to a condition of compliance with the terms of this easement as existed on the date of the gift of the easement, except to the extent such condition thereafter changed in a manner consistent with the Restrictions; to recover any damages arising from non-compliance, and to enjoin non-compliance by *ex parte* temporary or permanent injunction. If the court determines that Grantor failed to comply with this easement, Grantor shall reimburse Grantee for any reasonable costs of enforcement, including costs of restoration, court costs and reasonable attorney’s fees, in addition to any other payments ordered by such court. Grantee does not waive or forfeit the right to take action as may be necessary to insure compliance with this easement by any prior failure to act, and Grantor hereby waives any defenses of waiver, estoppel or laches with respect to any failure to act by Grantee”; delete paragraph 18 on notice, the notice provisions in Paragraphs 11 and 12 being adequate; in paragraph 22 the first sentence – “The parties hereto agree and understand that any value of this easement claimed for tax purposes” ...and in the next to last sentence “The parties hereto intend that the easement conveyed herein shall be ...”; and in the last sentence of paragraph 22 – “By its execution hereof Grantee acknowledges and confirms receipt of this Easement and further acknowledges that the Grantee has not provided any goods and services to the Grantor in consideration of the Grant of this Easement.” Tamara Vance suggested deleting the language “without utilities and limited to a single story, but a portable generator may be installed with approval of the Grantee, which shall not be unreasonable withheld or delayed” from paragraph 7. (iii). Mr. Stewart agreed. Dr. Cutler moved to approve the easement as amended, Mr. Allen seconded, and the easement was approved unanimously as amended.

Ms. Imhoff announced that the Board would consider the Bullard easement (#35) out of order to accommodate the family. Tamara Vance presented the proposal of 447 acres in Pulaski County on Claytor Lake. The easement will protect scenic views of the boating public on Claytor Lake and contribute to the water quality of Claytor Lake with 50 foot riparian buffers with fencing at 15 feet from the lake shore to keep cattle out of the lake. The easement will provide open space relief on a highly developed lake front. The easement would provide five parcels, five primary dwellings not to exceed 4,500 square feet without prior approval, five secondary dwellings not to exceed 2,000 square feet without prior approval, a large no build zone along the lake front, and five docks. The easement also provides a no build zone to protect the views from I-81. The landowners have also requested a retreat building of no larger than 10,000 square feet that must

have prior written approval if in view of the lake. Ms. Vance explained that the proposed easement exceeds VOF Guidelines by one parcel, one main dwelling, and one secondary but that the conservation values of the property are protected by the well defined no build zones. She recommended two changes: in paragraph 8, delete “or unauthorized acts of third parties. Grantors shall take reasonable action to prevent and to mitigate the effects of such causes.”; and from paragraph 10 delete, “and that the conditions or circumstances on or surrounding the Property have changed to such a degree that it has become impossible to fulfill the conservation purposes of this Easement” from the last sentence in the first paragraph. The large retreat or educational building is acceptable with siting controls as proposed. Dr. Cutler thanked the family for conserving this very special part of the Commonwealth. Ms. Imhoff asked if the family wanted to address the Board. Ms. Bullard thanked the Board for the opportunity to preserve their family farm and explained that the requested educational building was a way for family members to make a living and stay on the land. Mr. Seilheimer moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

#55 – Estes/Zorn of 214 acres in Madison County – This easement protects two separate parcels; the mountain tract of approximately 76 acres and the farm tract of approximately 136 acres. The easement would provide protection for the view approaching Shenandoah National Park and the water quality of the Rapidan River with 35 foot riparian buffers. Ms. Imhoff asked that “reasonably enlarged” be defined as 50% of the current square footage of the existing single family dwelling on Parcel No. 1 with prior VOF approval if larger. Mr. Seilheimer moved to approve the easement with the existing dwelling enlarged by 50% of its current size with prior VOF approval if larger, Mr. Walker seconded, and the easement was approved unanimously as amended.

#56 – Ewald “The Forest” of 73 acres in Hanover County – This easement will contribute to the water quality of the Pamunkey River and the Chesapeake Bay with 35 foot riparian buffer on Laurel Creek. It will also protect the view from the home of Patrick Henry, Scotchtown. The easement includes no willful demolition language for the protection of a house built in 1693. Estie Thomas recommended approval with one windmill and replacement of paragraph 16 with VOF template enforcement language. Dr. Cutler moved to approve the easement with the recommended amendments, Mr. Walker seconded, and the easement was approved unanimously as amended.

#57 – Fairfield Farms, Inc. of 450 acres in Middlesex County – This easement will contribute to the water quality of the Piankatank River, a major tributary of the Chesapeake Bay, by limiting development and run-off. It will also protect the view of the driving public on Route 33. Estie Thomas reported that the size of the primary single family dwellings should be 4,500 square feet not the 5,000 in the easement as presented. Dr. Cutler pointed out that the Management of Forest provision did not contained the standard 30-day notice language and did have language that VOF could not monitor or enforce. He suggested the addition of the 30-day notice language and the deletion of the last sentence in 4.c. and all of 4.d. Mr. Seilheimer recommended that the standard VOF notification language be substituted for the existing paragraph 8. Mr. Seilheimer moved to approve the easement with the following changes: change the size of allowed signs to 9 square feet; add 30-day notice to Management of Forest; delete the last sentence in 4.c.; delete 4.d.; change the primary single family dwelling size to 4,500 square feet; and substitute VOF

notification language for paragraph 8. Dr. Cutler seconded and the easement was approved unanimously as amended.

#58 – Foster “Phelps Creek Angus Farm” of 881.5 acres in Campbell County – This easement protects the water quality of the Staunton River with a 100 foot riparian buffer along approximately one and a half mile of river bank and a 35 foot riparian buffer on Whipping Creek. Ms. Imhoff asked if the landowners would add a limit on the size of the primary dwellings. Sherry Buttrick reported that the owners have agreed to 5,000 square feet on the primaries with VOF approval for anything larger. Mr. Seilheimer moved for approval of the easement with a size limit of 5,000 square feet on the primary dwellings with VOF approval of anything larger, Mr. Walker seconded, and the easement was approved unanimously as amended.

#59 – Frantz of 124.67 acres in Craig County – This easement will contribute to the protection of the views from the Jefferson National Forest and is adjacent to other VOF easements. Dr. Cutler moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously.

#60 – Gap View Farm, LLC of 752 acres in Bland and Giles Counties – This easement will protect the view from the Appalachian Trail and Jefferson National Forest with extensive no build zones. It will contribute to the water quality of the area with 35 foot no plow zones on Kimberling Creek, Hiram Thompson Branch, Parris Thompson Branch, and any other perennial stream on the property. Neal Kilgore explained that landowner has seven grandchildren and wants to leave each a parcel. Dr. Cutler moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#61 – Garnett “Elmwood” of 664 acres in Essex County – This property is part of Elmwood which is on the Virginia Landmarks Register and the National Register of Historic Places. This easement would contribute to the water quality of the Rappahannock River and Chesapeake Bay with 100 foot riparian buffers on Baylor Creek and Elmwood Creek. The protection of this property also contributes to the rural and agricultural character of the area. The property is adjacent on both sides to other VOF easements. Mr. Seilheimer moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously. (See later action on page [24](#).)

#62 – Graves Mill Land, LLC A-1 of 244.76 acres, #63 - A-2 of 251.46 acres, #64 - A-3 of 207.87 acres, #65 - A-4 of 361.44 acres, and #66 - B of 288 +/- acres in Madison County – This property is a total 1,347 acres and comprises a large block of open-space that provides scenic values for the entrance to Shenandoah National Park. The easements will contribute to the water quality of the Rapidan River and Chesapeake Bay with 50 foot riparian buffers on both banks of the Rapidan. These easements allow no subdivision, one main house, and one secondary dwelling of not greater than 3,000 square feet. (Easement B allows two secondary dwellings, both existing.) The main dwelling does not have a size limit but extensive no build zones adequately protect the scenic values. Mr. Seilheimer moved to approve all five easements as written with the understanding that if the Rapidan River runs through property B, the riparian provision will be added. Dr. Cutler seconded the motion and it passed unanimously.

#67 – Graves “Glenarvon” was deferred for the arrival of the attorney.

Ms. Imhoff turned the meeting over to Mr. Allen while she temporarily left the room.

#68 – Guy of 80 acres in Warren County – This property lies in the view shed of Massanutten Mountain in the George Washington National Forest and the Raymond R. “Andy” Guest, Jr. Shenandoah River State Park. This easement will contribute to the water quality of the Shenandoah River and Chesapeake Bay with 50 foot riparian buffers on the South Fork of the Shenandoah River. This easement also protects the scenic values of the area with a no build zone on the river. Mr. Seilheimer moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#69 – Harris Hollow, LLC of 167.14 acres in Rappahannock County – This easement will protect the views from Shenandoah National Park, State Route 622, and the Big Devils Stairs trail head. It will contribute to the water quality of the Rappahannock River and Chesapeake Bay with a 50 foot riparian buffer along Turkey Run, a 100 foot buffer along the edge of the Rush River, and a 30 foot buffer along the edge of Crim’s Run. Leslie Grayson said that the landowner wanted to remove a small section at the highest elevation of the no build zone for possible future use with VOF siting and design review of any structures. Mr. Seilheimer moved to approve the easement with that change, Mr. Walker seconded, and the motion passed unanimously.

#70 – Hartman/Brandemuehl of 71.89 acres in Botetourt County – This highly visible forested property protects the scenic views of the public from the Appalachian Trail, the Blue Ridge Parkway, Interstate 81, and the City of Roanoke. The easement allows no division, no structures, and no commercial timbering. This property is contiguous with a proposed easement from Hollins University and will protect Tinker Mountain from future development. Dr. Cutler said that Hollins University, Mr. Hartman, and Mr. Brandemuehl were awarded the Outstanding Viewshed Protection Project from Scenic Virginia in 2006 and moved to approve the easement as written. Mr. Seilheimer seconded and the motion passed unanimously.

#71 – Herzog/Herndon of 448 acres in Craig County – This farm has been in the same family for over 200 years. It lies directly adjacent to the Jefferson National Forest. This easement will contribute to the water quality of the area with 35 foot riparian buffer on two miles of Johns Creek. Protection of this property helps preserve the views of the driving public along Virginia Secondary Route 611 and Virginia Byway 311. Tamara Vance added that the landowner wanted to amend the easement to restrict the use of mobile homes on the property. Mr. Seilheimer moved to approve the easement with the addition of the restriction on mobile homes, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#72 – Hoffman “Belle Meade” of 130.63 acres in Rappahannock County – This highly visible property is located along Virginia Byway 231 near Old Rag Mountain. This easement will contribute to the water quality of the Rappahannock River and Chesapeake Bay with 35 foot riparian buffers on Kilby’s Creek and other perennial and intermittent streams on the property. The scenic values of the area will be protected by set backs and no build zones. Leslie Grayson explained that the easement exceed VOF Guidelines for secondary dwellings but with VOF

siting review and approval and no build zones the scenic values are well protected. Dr. Cutler asked if there was a stewardship issue with the protection of the beaver pond. Ms. Grayson said that the landowners wanted to provide riparian buffer for the pond. Mr. Seilheimer moved to approve the easement with the deletion of the beaver pond language, Dr. Cutler seconded, and the easement was approved unanimously as amended.

#73 – Hollins University Corporation of 108.27 acres in Botetourt County – This easement is contiguous with the previously approved Hartman/Brandemuehl easement (#70) and provides further protection for Tinker Mountain. Dr. Cutler moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#74 – Houser of 96.52 acres in Page County – This property is in the view shed of the Shenandoah National Park’s Stony Man overlook. The easement will contribute to the water quality of the Shenandoah River and Chesapeake Bay with 50 foot riparian buffers on both banks of a portion of East Hawksbill Creek. The easement exceeds VOF Guidelines for secondary dwellings but provides VOF siting review and approval as well as a 100 foot set back from State Route 689. Mr. Walker moved to approve the easement as written, Dr. Cutler seconded, and the motion passed unanimously.

#75 – Hudson of 78.41 acres in Bedford County – This property is a third generation farm and is the site of an early 1900’s stone farmhouse. This easement will contribute to the water quality of the area with a 100 foot forested riparian buffer along Otter Creek. The scenic values of the area will be protected with a 250 foot set back on both sides of Route 715. Tamara Vance explained that there exists a natural division of the property by Route 715. She also explained that the easement should be approved contingent on the attorney’s ability to settle an issue with mineral rights. Dr. Cutler moved to approve with the provision that the mineral rights issue be resolved, Mr. Seilheimer seconded, and the easement was approved unanimously.

#76 – Hylander of 293.48 acres in Grayson County – This property lies within the historic Spring Valley and is the site of the T. C. Vaughn House built in 1875, the old Spring Valley general store and post office. This easement will contribute to the water quality in the area with 50 foot riparian buffers on Knob Fork Creek and an unnamed intermittent stream on the property. Mr. Seilheimer moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

Hank Hartz joined the meeting in progress.

#77 – Jeane of 50 acres in Russell County – This easement will protect views of the driving public on Route 671 and Virginia Byway 58 and contribute to the rural character of the area. The easement also provides protection for the water quality of Copper Creek with 50 foot riparian buffers on an unnamed tributary. Neal Kilgore recommended a 200 foot no timbering buffer around the cave opening on the property. Mr. Seilheimer asked why commercial timbering was allowed on 50 acres. Mr. Kilgore explained that there were 20 acres of forest on the property. Tamara Vance said that she had recently been in a seminar with Department of Forestry personnel and had learned that a parcel as small as nine acres could support commercial timbering. The Department of Forestry’s general rule of thumb for commercial timbering is 15

acres. Bob Lee wanted to clarify that the number of dwellings on the property would only be two. Mr. Seilheimer moved to approve the easement with additional language for 200 foot no land disturbance or timbering buffer around the opening of the cave and added language to paragraph 6.(i) “one of which is the existing dwelling”. Dr. Cutler seconded the motion and the easement was approved unanimously as amended.

Ms. Imhoff rejoined the meeting and recused herself from consideration of agenda item #42. Mr. Allen remained in control of the meeting.

#42 – Cloverfields Trust of 275 acres in Albemarle County – This property lies in an area heavily protected by existing VOF easements, is located in the Southwest Mountains Rural Historic District, fronts on a designated Virginia Byway, and is the last of the original Meriwether land grant. The easement contributes to the water quality of the area with 100 foot riparian buffers on an unnamed tributary of Mechunk Creek. Estie Thomas reported that the landowners have agreed to include a no build set back of 1,000 feet from Virginia Byway 22. The easement allows for three parcels, three principal single family dwellings, three secondary dwellings not to exceed 2,500 square feet, three guest houses not to exceed 1,500 square feet, a single story rustic cabin, and an apartment to be located within a farm building. Mr. Hartz said he had researched the Albemarle County website and found that you could have 18 by right divisions on 275 acres. Mr. Seilheimer suggested adding 1,000 foot no build set back from Louisa Road (SR 22) with VOF siting approval on any dwelling in front of the existing 1800’s structures, that one of the secondary dwellings be located within a free standing building other than a house, and allow the rustic cabin. Forbes Reback, attorney for the landowners, told the Board that the present owners of the property have no intentions of dividing the property but want the flexibility for future generations. Mr. Reback asked that run in sheds be allowed in the 1,000 foot no build set back. After considerable discussion, Mr. Seilheimer moved to approve the easement with the following amendments: VOF siting approval on all dwellings; 1,000 foot no build set back from Louisa Road (SR 22) with the preference of no dwellings between the 1,000 foot set back and the existing 1800’s buildings (run in sheds for horses allowed); each parcel may have one primary dwelling, one secondary dwelling not to exceed 2,500 square feet, and one dwelling not to exceed 1,500 square feet that is located within a free standing building other than a house one of which may be a rustic cabin. Dr. Cutler seconded the motion and the easement was approved unanimously as amended with Ms. Imhoff abstaining.

Dr. Cutler left the meeting and Ms. Imhoff resumed the Chair.

#67 – Graves “Glenarvon” of 1,371 acres in Fluvanna County – This property is one of the few intact late 18th Century James River plantations and is listed on the Virginia Landmarks Register and the National Register of Historic Places. It adjoins another VOF easement and contains approximately 2.4 miles of shoreline on the James River, a major tributary of the Chesapeake Bay. Forbes Reback distributed a letter to the Board asking that, if this easement is not approved, the Board schedule a meeting in December to reconsider the easement. Ms. Imhoff suggested that some of the goals of the landowner might be better served in a Baseline Documentation Report and asked Mr. Reback if there was a way to bring the easement into alignment with VOF Guideline and template language the Board may be willing to approve the easement conditionally. Mr. Reback said that William Winston, acting as agent for the

landowner, had very particular ideas regarding the forestry provision in the easement. Tamara Vance said that VOF staff had analyzed the proposed forestry language and found it to be unacceptable and unenforceable. Ms. Vance asked if the Board could authorize the Chairman to approve the easement if it was in standard VOF template language and met VOF Guidelines. Mr. Seilheimer moved that the Board approve the terms of the easement and authorizes the Chairman to approve the easement if it is in VOF template form and meets VOF Guidelines. Mr. Walker seconded with the reservation that this may be setting a bad precedent. Ms. Imhoff called for the vote. Ms. Imhoff and Mr. Seilheimer voted in favor; Mr. Hartz, Mr. Walker, and Mr. Allen voted against. The easement was denied.

The Board broke for lunch at 12:25 p.m. and reconvened at 12:55 p.m.

Ms. Imhoff informed the Board that the attorney for the Garnett “Elmwood” easement (#61) had called Estie Thomas and requested that the easement be amended to include the VOF standard sub-surface language. Ms. Thomas explained that the attorney had discovered that the landowners still have a lease agreement with Texaco/Exxon and she recommended the amendment. Mr. Seilheimer moved to approve the easement as amended, Mr. Allen seconded, and the easement was approved unanimously as amended.

#78 – JJM Holdings, LLC of 213.78 acres in Rappahannock County – Leslie Grayson presented the easement explaining that the landowner insisted on having three parcels on 214 acres which exceeds VOF Guidelines. The property is located at the juncture of two Virginia Byways, 231 and 522. She said that she worked with the landowner to limit the total square footage to the equivalent allowed on two parcels. The easement also provides VOF siting review, screening, and a 1,000 foot no building set back from Route 522 to protect the views of the driving public. The easement also contributes to the water quality of the Rappahannock River and Chesapeake Bay with 50 foot riparian buffers on Beaver Dam Creek and the other perennial and intermittent streams on the property. Staff recommended approval of the easement contingent on reducing the size review threshold of one of the single family dwellings from 4,500 square feet to 3,500 square feet. Mr. Allen moved to approve the easement consistent with staff recommendation. Mr. Walker seconded and the easement was approved unanimously as amended.

#79 – Jones of 512.8 acres in Spotsylvania County – The property contains managed wood lands and frontage and wetlands on Plentiful Creek and Lick Branch, tributaries to Lake Anna. The easement allows only two parcels with a primary and secondary dwelling each. It also contributes to the water quality of Lake Anna with 100 foot riparian buffers on Plentiful Creek and Lick Branch and 50 foot riparian buffers on the unnamed streams on the property. Mr. Seilheimer moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously.

#80 – Kavounas of 178.8 acres in Albemarle County – This property lies in the Southwest Mountains Rural Historic District and the Albemarle County Mountain Overlay area. The easement provides 50 foot forested riparian buffers on each bank of the perennial creeks and streams on the property. Ms. Imhoff asked Sherry Buttrick to address the lack of size limitation on the main houses. Ms. Buttrick explained that the entire property lies in the Mountain Overlay area. Mr. Seilheimer asked if the owners would accept siting review. Ms. Buttrick

recommended a size limitation of 4,500 square feet with VOF approval if larger would be the most appropriate solution considering the location of the property. Mr. Seilheimer moved to approve the easement with VOF siting review of any dwelling over 5,000 square feet, Mr. Hartz seconded, and the easement was approved unanimously as amended.

#81 – Keel “High Fields Farm” of 128.82 acres in Greene County – This property contributes to the scenic view shed of the Shenandoah National Park and the scenic views of the driving public on Routes 667 and 621. The easement contributes to the water quality of the South River with a riparian buffer between the South River and South River Road. The river is also protected with a 400 foot no build set back from South River Road (SR 621). The easement also provides a 35 foot riparian buffer on the unnamed streams on the property. Estie Thomas recommended approval with review of agricultural structures of larger than 2,500 square feet on the smaller parcel. Mr. Allen moved to approve the easement with staff recommended amendment, Mr. Walker seconded, and the easement was approved unanimously as amended.

#82 – Keller of 150 +/- acres in Washington County – This property contributes to the scenic view of the driving public on Routes 675 and 829 which will be protected with a designated building zone. The easement contributes to the water quality of the area with a 35 foot riparian buffer on the unnamed tributary to the Middle Fork Holston River. Mr. Seilheimer moved to approve the easement as written, Mr. Hartz seconded, and the motion passed unanimously.

#83 – Kemper of 304 acres in Bath County – This property shares a boundary with the Thomas Jefferson and George Washington National Forests. It is next to another property being presented for a conservation easement. The easement contributes to the water quality of the area with a 50 foot riparian buffer on nearly a half mile of the Cowpasture River. According to the DNH, this stretch of the Cowpasture River contains an endangered fish. Laura Thurman presented replacement language for 2.(b) Buildings and Structures to read, “Notwithstanding the foregoing, no building or structure shall be constructed within 500 feet of the Cowpasture River except (i) gazebos, so long as the cumulative ground area of the gazebos does not exceed 400 square feet, private docks and steps, and (ii) structures reasonably necessary to construct and maintain private roads, bridges, culverts, waterlines, and drainage lines, or utility lines serving permitted buildings or permitted activities described in Paragraph 7.” She also noted that the Notice of Transfer language would be changed to standard VOF template language and the Legal Expenses language would be deleted. Mr. Hartz moved to approve the easement with the stated changes, Mr. Allen seconded, and the easement was approved unanimously as amended.

#84 – Kundrun “Bridlespur Farm” of 282.61 acres in Albemarle County – This property is surrounded by other VOF easements and is located on Virginia Byway Route 22 in the Southwest Mountains Rural Historic District. The easement allows for the existing primary dwelling to be “reasonably enlarged”. The landowner has also requested a separate agreement allowing the building of an indoor riding ring and stable complex with a maximum of 35,000 square feet in ground area. Ms. Buttrick said that she had worked with the landowner to make the riding/stable complex a one time special use agreement for this owner only. After discussion, Ms. Buttrick said that the landowner would not have a problem including the riding/stable complex in the easement. Mr. Seilheimer moved to approve the easement with the

inclusion of the provision for the riding ring/stable complex, Mr. Hartz seconded, and the easement was approved unanimously as amended.

#85 – Kuroski “Edgemont” of 54.11 acres in Powhatan County – This property has approximately 1,600 feet of frontage on SR 630 and contributes to the open space values of the area. The easement contributes to the water quality of the James River and Chesapeake Bay with a 100 foot riparian buffer on the perennial creek which flows into Stagger’s Branch, a tributary of Deep Creek which flows into the James River. The easement also protects the 1764 house with no willful demolition language. Mr. Walker moved to approve the easement as written, Mr. Hartz seconded, and the motion passed unanimously.

#86 – L & P Land Company, LLC of 99.2 acres in Albemarle County – This property lies on Buck Mountain Creek and is highly visible from Route 776. The easement contributes to the protection of the driving public with a 300 foot building set back from Route 776. It also contributes to the water quality of the Rivanna Reservoir and the Chesapeake Bay with a 100 foot riparian buffer on Buck Mountain Creek and a 50 foot riparian buffer on an unnamed tributary. Water quality is further protected by a 300 foot building set back from Buck Mountain Creek. Mr. Seilheimer moved to approve the easement as written, Mr. Hartz seconded, and the motion passed unanimously.

#87 – Lanier of 123 +/- acres in Rockbridge County – This property is contiguous with other proposed easements with over a half mile of frontage on the Maury River. The water quality of the Maury River is protected with a 100 foot riparian buffer and a 35 foot riparian buffer on the unnamed seasonal tributary. This easement protects the existing historic dwelling with no willful demolition language and requires the secondary dwelling to be built out of the view shed of the Maury River. The property contributes to the open space character of the area. Laura Thurman reported that she is working on a building envelope for the secondary dwelling. Mr. Seilheimer moved to approve the easement with the addition of the building envelope or VOF siting approval. Mr. Hartz seconded and the easement was approved unanimously as amended.

#88 – Legge of 176 +/- acres in Madison County – This property is visible from Old Rag Mountain and partially visible from Virginia Byway Route 231. Sherry Buttrick reported that there would be an addition of a 35 foot riparian buffer on an intermittent stream on the property with an exception for a garden within the 35 foot riparian buffer. Mr. Hartz moved to approve the easement with the exception for the garden, Mr. Walker seconded, and the easement was approved unanimously as amended.

#89 – Linda Yancy Ingram Revocable Trust “Threlkeld Farm: of 229.88 acres in Culpeper County – This property is located north of Brandy Station in the Brandy Station Agricultural and Forestal District. The easement contributes to the water quality of the Rappahannock River and Chesapeake Bay with a 40 foot riparian buffer on Ruffan’s Run, a tributary of the Hazel River. Jennifer Perkins recommended approval with the addition of siting approval for new dwellings with consideration of their proximity to existing dwellings. Mr. Hartz moved to approve the easement with the addition of VOF siting approval, Mr. Walker seconded, and the easement was approved unanimously as amended.

#90 – Little Mountain Ranch of 1,801.67 acres in Highland County – This easement will protect the ridge line of nearly all of Little Mountain and its drainage into the Jackson River. The water quality of the area will be protected with 100 foot riparian buffers on each bank of the Jackson River, 100 foot riparian buffer on the spring fed pond, and 50 foot riparian buffer on the seasonal streams on the property. The easement allows five parcels. Laura Thurman reported that the land owner had changed the no build zone to the 2,400 foot contour line in the southern portion of the property instead of 2,200 and no new dwellings within 300 feet of SR 220. She also said that there is an oil and gas lease on the property from 1980 and recommended approval contingent on the lease being settled. Mr. Hartz moved to approve the easement as amended contingent on the oil and gas lease settlement. Mr. Seilheimer seconded and the easement was approved unanimously as amended.

#91 – Little Parsons Run Land Trust of 100 acres in Albemarle County – This property fronts on Miller School Road (SR635) and is visible from Interstate 64 at the back. The easement contributes to the water quality of the Rivanna Reservoir and Chesapeake Bay with a 50 foot riparian buffer on the southern bank of Stockton Creek. The scenic view of the driving public on SR635 is protected by a 400 foot no build set back. Mr. Hartz moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously.

#92 – Marshall of 53.32 acres in Pittsylvania County – This property is farmland with frontage on State Route 360 near Danville. The easement contributes to the water quality of the area with a 50 foot riparian buffer on Fall Creek Stream. Pittsylvania County identifies this area as within the Ringgold Growth Area in the County's Comprehensive Plan. The property is near the Route 360/Route 29 interchange and Route 360 may be widened and/or extended in the future. Sherry Buttrick reported that Delegate Marshall and the County of Pittsylvania wanted to exclude the portion of the property on Route 360 at a depth consistent with the existing frontage parcels to avoid problems in the future. Ms. Buttrick recommended amending the easement as described which would reduce the total acreage by two to three acres. She also said that she had explained to the land owner that with the exclusion of the acres on Route 360 the secondary would be deleted from the easement and he agreed. Mr. Hartz moved to approve the easement amended to exclude the frontage on Route 360 and no secondary dwelling, Mr. Allen seconded, and the easement was approved unanimously as amended.

#93 – McClung of 102.69 acres in Rockbridge County – This property fronts on the Maury River for nearly a mile. The easement will contribute to the water quality of the municipal water source for the City of Lexington with a 50 foot riparian buffer on the Maury River. It will also preserve the open space values of the area. Laura Thurman added that it is nearly impossible to site the secondary dwelling so it cannot be seen from the Maury River so the last sentence in the Buildings and Structures provision will have to be deleted. Mr. Seilheimer moved to approve the easement amended to delete the siting restriction on the secondary dwelling, Mr. Hartz seconded, and the easement proposal was approved unanimously as amended.

#94 – Middlebrook Farms, LLC of 242.34 acres in Augusta County – This property is a working farm and contains the Henry Mish barn, a brick and frame barn built in 1849 and listed on the Virginia Landmarks Register and the National Register of Historic Places. The primary dwelling dates from 1819 and both the barn and house are protected by no willful demolition language in

the easement. The scenic views of the driving public on SR 876 are protected by an extensive no build area. The easement contributes to the water quality of the area with 50 foot riparian buffers on both banks of Back Creek, a tributary of the Middle River. Mr. Walker moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously.

#95 – Miller of 135 acres in Montgomery County – This farm is located in an Agricultural and Forestal District and contains a house built in the 1820's. This easement will contribute to the scenic and rural character of the area. The easement will also contribute to the water quality of the area with 35 foot no plow zones on both banks of Meadow Creek. After discussion, the following changes were proposed; in paragraph 7, delete “such as an open-space park” and in paragraph 8, delete “or unauthorized acts of third parties” from the next to last sentence. Mr. Allen moved to approve the easement with the recommended changes, Mr. Walker seconded, and the easement was approved unanimously as amended.

Tamara Vance asked that #35, the Bullard easement, be amended by deleting the “or unauthorized acts of third parties” language for consistency. The Board concurred by acclamation.

#96 – Morgan of 57.77 acres in Louisa County – This property is partially located in the Green Springs Historic District and contributes to the scenic enjoyment of the driving public on State Route 613 with a 500 foot no build zone. The easement will contribute to the water quality of the area with 35 foot riparian buffers on both banks of the perennial stream on the property, a tributary of Foster's Creek. Mr. Allen moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#97 – James C. Murray, II Trust of 272.2 acres in Albemarle County – This property consists of significant road frontage on SR637, SR692 and SR691. The open space values of the property are protected by two 10 acre building envelopes. Water quality is protected by 35 foot riparian buffers on the unnamed perennial streams and lake on the property. Sherry Buttrick recommended approval as written with language added to limit the size of the farm building on the 40 acre parcel to 4,500 square feet. After discussion, paragraph 6. Grading, Blasting, Mining, section (iii) was amended with the deletion of the word “significant” and the phrase “provided Grantee shall not unreasonably withhold approval” from the next sentence. Mr. Walker moved to approve the easement as amended, Mr. Hartz seconded, and the easement was approved unanimously as amended.

#98 – Nagle of 89 acres in Albemarle County – This property adjoins other VOF easements in the area. The easement will contribute to the water quality of the area and Chesapeake Bay with 100 foot riparian buffers on both banks of Will Woods Branch, a tributary of Mechums River. Mr. Seilheimer moved to approve the easement as written, Mr. Hartz seconded, and the motion passed unanimously.

#99 – O'Connell, Cacci, Wright, and Estes of 171 +/- acres in Madison County – This property fronts on Graves Mill Road, an entrance corridor for the Shenandoah National Park. The property also borders the Rapidan Wildlife Management Area. The easement contributes to the

water quality of the area with 50 foot riparian buffer on the Rapidan River. Mr. Allen moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#100 – Olinger of 627.9 acres in Greene County – This property is a significant tract of open space with about 5,200 feet of frontage on Route 29. This easement will contribute to the scenic views of the driving public and the water quality of the Rapidan River and Chesapeake Bay with 35 foot riparian buffers on each bank of Big Run, a tributary of the Rapidan River. Mr. Hartz moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#101 – Owens of 157.57 acres in Fauquier County – This property is located on the western slopes of Wildcat Mountain and contains the slopes and knob of England Mountain (elevation 918 feet). The easement will contribute to the water quality of the Rappahannock River and Chesapeake Bay with 50 foot riparian buffers on Black Cotton Branch, a tributary of Carter’s Run. The scenic values of the area will be protected by designated building envelopes, a 250 foot no build set back from Route 691, and a significant no build zone above the 600 foot contour line. Mr. Seilheimer moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously with Mr. Hartz abstaining

#102 – Paschall of 113.87 acres in Greene County – This property adjoins the Potomac Appalachian Trail Club easements and is located within one mile of the Shenandoah National Park and the Rapidan Wildlife Management Area.. This easement will contribute to the water quality of the area with 35 foot forested riparian buffers on Collects Run. DCR’s Division of Natural Heritage has determined that two rare plants, the Glade Spurge and Large Purple Fringed Orchid, are growing within two miles of the property. Mr. Walker suggested changing the Buildings and Structures paragraph 6.(ii) by deleting “during the leafy seasons of the year”. Mr. Hartz moved to approve the easement with the amended Building and Structures language, Mr. Allen seconded, and the easement was approved unanimously as amended.

#103 – Payne of 126.04 acres in Rockbridge County – This property borders the Thomas Jefferson – George Washington National Forest and is visible from the Little North Mountain Wildlife Management Ares. It is bisected by SR602 and provides scenic views for the driving public. The scenic values will be protected with designated building envelopes and a 200 foot no build zone from the centerline of SR602. Livestock will not be allowed access to Walker’s Creek. Mr. Seilheimer moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#104 – Penick of 280 +/- acres in Rockbridge County – This property has over a mile of frontage on the Maury River which will be protected with a 100 foot riparian buffer. The property lies within the drainage area of four named caves. There is a 100 foot buffer on the rim of the sinkhole shown on the USGS topographical map. Mr. Hartz moved to approve the easement as written, Mr. Seilheimer seconded, and the motion passed unanimously.

#105 – Persinger-Carter, LLC of 386.22 acres in Alleghany County – This property borders the George Washington National Forest and contains shale barrens identified by DCR’s Division of Natural Heritage as the habitat for state and federally endangered plants. The easement will

protect water quality and trout habitat with 50 foot riparian buffers on Potts Creek, Cast Steel Run, and Blue Spring Run. The farm is listed by the USDA as a Bicentennial Farm with the current main dwelling renovated in 1916 and a 1700's cabin. Laura Thurman reported that the landowner has met with the 500-Year Forest Foundation for listing. Mr. Seilheimer moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously.

#106 – Phemister of 79 acres in Rockbridge County – This property provides scenic views for the driving public on State Routes 602 and 625. The easement will contribute to the water quality of the area with 100 foot riparian buffers on Alone Mill Creek. Mr. Hartz moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#107 – Potomac Appalachian Trail Club of 222.33 acres in Frederick County – This forested property provides of a diversity of woodland species and the scenic and recreational values of the Tuscarora Trail, a State Recreation Trail. The easement will contribute to the protection of the area's water quality with 50 foot riparian buffers on any and all streams on the property. Laura Thurman told the Board that this easement would have to be approved contingent on clear title. Mr. Seilheimer moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously.

#108 – Carter “Glencairne” of 440 acres in Hanover County - This property borders the home of Patrick Henry, Scotchtown. This easement will protect the view from Scotchtown and contribute to the water quality of the area with 200 foot riparian buffers on the Newfound River, a tributary of the Pamunkey River in the Chesapeake Bay Watershed. Estie Thomas recommended approval with the following amendments: replace paragraph 8 with the standard VOF template Enforcement language and, in paragraph 15.(c) delete “and (d) any activity or improvement necessary to comply with any applicable law, ordinance, or regulation in connection with any permitted use or improvement”. Mr. Seilheimer moved to approve the easement as amended, Mr. Walker seconded, and the easement was approved unanimously as amended.

#109 – Jeannette Robinson, et al. of 190 acres in Bath County – This property borders the Thomas Jefferson – George Washington National Forest and is visible from SR 694 in Little Valley. This easement will provide protection of the views of the driving public with only two dwellings sited within specified building envelopes. The easement will also contribute to the water quality of the area with 50 foot riparian buffers on the unnamed seasonal tributaries of Little Valley Run. Mr. Hartz moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#110 – Rogers “Hidden Valley” of 227.57 acres in Loudoun County – This property has approximately 2,200 feet of frontage on Virginia Byway SR 704 within the Goose Creek Historic District. The existing main house has been identified as being eligible for listing on the Virginia Landmarks Register and the National Register of Historic Places and is protected with no willful demolition language. This property lies in the Hillbrook Agricultural District. The scenic views from Route 704 will be protected by a 300 foot no build set back and the water quality of the area will be protected with a 35 foot riparian buffer on an unnamed tributary of Goose Creek. Mr. Seilheimer moved to approve the easement as written, Mr. Hartz seconded, and the motion passed unanimously.

#111 – Rogers “Yellowwood” of 151.12 acres in Loudoun County - This property has approximately 2,300 feet of frontage on Virginia Byway SR 704 within the Goose Creek Historic District and is adjacent to the “Hidden Valley” easement just approved. The existing main house has been identified as being eligible for listing on the Virginia Landmarks Register and the National Register of Historic Places and is protected with no willful demolition language. This property lies in the Hillbrook Agricultural District. The scenic views from Route 704 will be protected by a 700 foot no build set back and a no build zone above the 550 foot contour line. The water quality of the area will be protected with 35 foot riparian buffers on two perennial streams, tributaries of Goose Creek. Mr. Seilheimer moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#112 – Severin “Reaching Oaks” of 58.42 acres in Fauquier County – This property is located just north of the Buckland Mills Battlefield and in the view shed of US Route 29. The scenic views of the driving public will be protected with two specified building envelopes. The easement will contribute to the water quality with a 100 foot forested riparian buffer on the perennial stream on the property. The easement also provides provisions for the management and protection of the forest on the property. Mr. Seilheimer moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#113 – Shirley Plantation, LLC of 121.36 acres in Charles City County – This property has open and forest land surrounding historic Shirley Plantation which was established in 1638 and is listed on the Virginia Landmarks Register and the National Register of Historic Places. The property has remained in the same family since the 1600’s and contains the Great House that was completed by 1738. This easement will protect the scenic views from the James River and historic Bermuda Hundred across the river. This easement will contribute to the water quality of the James River with a 100 foot riparian buffer from the high tide line of the river. Bruce Stewart recommended the following changes: add “Gift of” Easement in the first paragraph; delete “which approval shall not be unreasonably delayed or withheld: from paragraph 3.(ii); delete paragraph 7.C.; from paragraph 8 delete “consistent with Grantor’s tourism activities with respect to the Easement Property”, “that are consistent with Grantor’s tourism activities with respect to the Easement Property”, and “same” and “such approval not to be unreasonably withheld” from the last sentence; delete paragraph 27; in paragraph 31 change “any portion” to “all”, delete “that a portion of” from the next to last sentence, and add “and further acknowledges that the Grantee has not provided any goods and services to the Grantor in consideration of the grant of this Easement”. Mr. Hartz moved to approve the easement with the suggested changes, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

#114 – Smith of 50 +/- acres in Giles County – This property contains approximately a mile of frontage on the New River. The scenic values and water quality of this section of the river will be protected by a 50 foot riparian buffer. The property also has a small amount of frontage on Sinking Creek which will also be protected with a 50 foot riparian buffer. This easement will also protect the scenic views of the driving public at Eggleston Bridge (SR 730). In addition, any timbering within 50 feet of the top of Eggleston Cliff will be done so as to avoid negatively impacting the rare plant habitat (Canby’s Mountain Lover). Tamara Vance recommended two changes: in paragraph 8, delete “or unauthorized acts of third parties. Grantors shall take

reasonable action to prevent and to mitigate the effects of such causes.”; and from paragraph 10 delete, “and that the conditions or circumstances on or surrounding the Property have changed to such a degree that it has become impossible to fulfill the conservation purposes of this Easement” from the last sentence in the first paragraph. Mr. Hartz moved to approve the easement with the recommended changes, Mr. Walker seconded, and the easement was approved unanimously as amended.

#115 – Smith “Haden Loop Farm” of 162 acres in Botetourt County – This property consists of prime farmland bordering the James River with slopes leading up to Big Hill. The easement will protect approximately a half mile of road frontage and the views of the driving public on SR 702. The scenic views of the boating public and water quality of the James River will be protected by a 50 foot riparian buffer and a significant no build zone. The James River is in the Chesapeake Bay Watershed. Mr. Walker moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously.

#116 – Smith “Home Farm” of 191.47 acres in Botetourt County – This property is a mix of open pasture and some forested slopes leading to Rocky Hill on the James River. The easement will protect the views of the driving public on nearly a mile of road frontage with a 300 foot no build set back on both sides of SR 702. The easement will also contribute to the water quality of the James River with a 50 foot riparian buffer. Mr. Walker moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously.

#117 – Smith “River Farm” of 139.6 acres in Botetourt County – This property is prime farmland bordering the James River on two sides. The easement will protect the habitat for an endangered vascular plant, the Common Clammy Weed. This easement will also contribute to the water quality of the James River and Chesapeake Bay with 50 foot riparian buffers on two banks of the James. Laura Thurman reported that the landowner has agreed to add a 200 foot building set back on the two banks of the James River. Mr. Walker moved to approve the easement with the added building set backs, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

#118 – Smith “Woods Island” of 79.5 acres in Botetourt County – This easement will protect an island in the James River which contains habitat for an endangered vascular plant, the Common Clammy Weed. The easement will contribute to the water quality of the James River and Chesapeake Bay with a 50 foot riparian buffer around the island. Mr. Hartz moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously.

#119 – Spotts of 299.17 acres in Pulaski County – This property consists of a mixture of prime farmland and woodlands on the south slope of Little Walker Mountain within the Jefferson National Forest Proclamation Boundary. The easement will protect the views of Little Walker Mounting and the scenic views of the driving public along SR 637. Mr. Hartz moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#120 – Stallings “Glencairne” of 168.93 acres in Hanover County – This property is adjacent to the property in agenda item #108 and extends the protected area around Scotchtown, the home of Patrick Henry. This easement will contribute to the water quality of the Pamunkey River and

Chesapeake Bay with 200 foot riparian buffers on the Newfound River. Estie Thomas recommended approval with the following amendments: replace paragraph 8 with the standard VOF template Enforcement language and, in paragraph 15.(c) delete “and (d) any activity or improvement necessary to comply with any applicable law, ordinance, or regulation in connection with any permitted use or improvement”. Mr. Allen moved to approve the easement as amended, Mr. Hartz seconded, and the easement was approved unanimously as amended.

#121 – The Wilderness, LLC of 730 acres in Bath County – This property is bordered for over two miles by the George Washington National Forest and over two miles of frontage on SR629. This easement will protect the view sheds from the National Forest and of the driving public with set back of 700 feet for any new dwellings. The easement will also contribute to the water quality of the Chesapeake Bay with 35 foot riparian buffers on Mill Creek and its eight tributaries on the property. The primary dwelling on the property was built in 1797 and is protected with no willful demolition language. Mr. Hartz moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#122 – Whitmire/Gradison of 55.44 acres in Page County – This property is bordered by SR 654 and the South Fork of the Shenandoah River. The property lies in the view shed of Shenandoah National Park, Skyline Drive, and George Washington National Forest. The easement will contribute to the water quality of the Shenandoah River with a 35 foot riparian buffer. The Virginia Department of Game and Inland Fisheries recognized this area as an active wildlife corridor between Shenandoah National Park and the George Washington National Forest. Mr. Walker moved to approve the easement as written, Mr. Allen seconded, and the motion passed unanimously.

#123 – Whitworth of 158.15 acres in Grayson County – This property consists of a mix of woodlands and open pastures on generally rolling terrain. The southern border of the property lies along Willie Knob, rising to approximately 3,000 feet elevation. The northern border of the property runs along the Little River which is protected in the easement with 50 foot riparian buffers. This easement will protect the views of the driving public on State Routes 626 and 627. Ms. Imhoff asked if size limitations needed to be added for the dwellings. Ms. Vance said that due to the rolling nature of the property, dwellings could easily be sited out of the view of the public. Mr. Seilheimer moved to approve the easement as written, Mr. Walker seconded, and the motion passed unanimously.

#124 – Woodriff of 116 acres in Orange County – This property consists of productive farmlands and lies within the Madison-Barbour Rural Historic District. This easement will contribute to the water quality of the area with a 35 foot riparian buffer on Hen & Bacon Run. Ms. Imhoff asked for VOF review and approval on the siting of the primary dwellings. Mr. Hartz moved to approve the easement with the addition of site approval on the primary dwellings, Mr. Walker seconded, and the easement was approved unanimously as amended.

#125 – Woolford/Stanford of 80.27 acres in Giles County – This easement will protect a steeply wooded property extending to the top of John’s Creek Mountain in the Greater Newport Rural Historic District which is listed on the Virginia Landmarks Register and the National Register of Historic Places. This easement will protect the view shed of the Jefferson National Forest and

the views of the driving public on SR 602. After discussion, the Building and Structures provision was amended as follows: add to 6.(i) "if replaced at a different site, the dwelling will be limited to 4,500 square feet, and amend the last sentence in provision 6. to read, "The secondary dwellings permitted in 6(ii) above shall be designed, sited or screened with vegetation to minimize their visibility from SR 602 (Clover Hollow Road) in any season of the year. If any secondary dwelling will be visible from SR 602, prior written approval from VOF will be required." Mr. Walker moved to approve the easement with the amended Buildings and Structures language, Mr. Allen seconded, and the easement was approved unanimously as amended.

Tamara Vance asked that the Whitworth property in Grayson County (#123) be reconsidered to add a no-build zone on Willie Knob. Mr. Hartz moved to approve the easement as amended, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

Ms. Imhoff then lead a general discussion on several policy issues. The Board agreed to meet in December to reconsider agenda item #67, Glenarvon, if the easement followed VOF guidelines and contained standard VOF template language. The Chair will review the easement for compliance if resubmitted.

Mr. Seilheimer asked staff to compile a list of landowners who have expressed an interest in placing conservation easements on their properties.

A tentative agenda for the January 2007 Policy meeting was developed as follows:

- Discussion of holding landowners and attorneys to VOF Guidelines
- Revised Template for adoption
- Ethics Policy
- 2007 Staff Workload
- Invite Senator Wampler to address the Board regarding proposed site for prison in Grayson County
- Invite Richmond-based conservation partners

Mr. Imhoff called for a closed session at 3:20 p.m. to discuss legal and personnel matters as provided for in the Code of Virginia §2.2-3711 A. 1. and 7. Mr. Seilheimer so moved, Mr. Walker seconded, and the motion passed unanimously. A roll call vote certifying that only exempted business was discussed during the closed session was taken at 3:40 p.m. Ms. Imhoff voted yes, Mr. Seilheimer voted yes, Mr. Walker voted yes, Mr. Allen voted yes, and Mr. Hartz voted yes. The meeting was adjourned.

Respectfully submitted,

Patricia A. Cleary
Executive Assistant

A RESOLUTION TO SET MEETING DATES FOR CALENDAR YEAR 2007 FOR
THE BOARD OF TRUSTEES OF THE VIRGINIA OUTDOORS FOUNDATION

WHEREAS, The Virginia Outdoors Foundation (VOF) Board of Trustees typically meets at least four times a year to consider easement proposals and matters of land conservation policy; now, therefore be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this 15th day of November 2006, That the following dates be, and are hereby, adopted for VOF Board of Trustees meetings in the calendar year 2007.

January 25 th , 2007 Policy and Legislation Coordination	Richmond
March 7 th and 8 th , 2007 Policy and Easement Consideration	TBA
June 6 th and 7 th , 2007 Policy and Easement Consideration	Charlottesville
September 5 th and 6 th , 2007 Policy and Easement Consideration	Charlottesville
November 14 th and 15 th , 2007 Policy and Easement Consideration	Charlottesville

ADOPTED by a vote of 6 to 0



ATTEST:
G. Robert Lee, Executive Director

A RESOLUTION TO ADOPT A NEW 401K RETIREMENT PLAN FOR VIRGINIA
OUTDOORS FOUNDATION EMPLOYEES

WHEREAS, the Virginia Outdoors Foundation (VOF) currently offers a Simple IRA retirement plan for its employees with a 3% contribution to all employees; and

WHEREAS, it was a goal of VOF to continuously improve its retirement plan for employees; and

WHEREAS, VOF has the opportunity to increase the wealth of its retirement plan by offering to its employees a Fidelity Mutual 401k Plan; and

WHEREAS, our financial advisors Robinson, Farmer, Cox (RFC) have determined that the Fidelity Mutual 401k Plan is the best option for VOF employees; and

WHEREAS, the Fidelity Mutual 401k Plan has low administrative costs of approximately \$2,450 annually; and

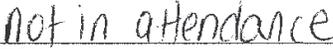
WHEREAS, with the Fidelity Mutual 401k Plan, VOF can offer a 2% contribution and up to a 4% match (2% employer contribution and up to 2% additional employer contribution to match employee contributions) to all eligible employees; and

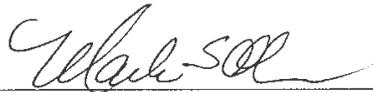
WHEREAS, with the Fidelity Mutual 401k Plan, VOF shall implement a 2-year vesting period to ensure accountability of VOF contributed funds; and

WHEREAS, the Board of Trustees appoints George Robert Lee, VOF Executive Director, to be the Trustee of the Fidelity Mutual 401k Plan; and now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees this 15th day of November 2006, That the Fidelity Mutual 401k Plan be, and is hereby adopted, with the following Board of Trustees signatures attesting the appointment of George Robert Lee, VOF Executive Director, as the Trustee of the Plan:


Katherine L. Imhoff, Chairman

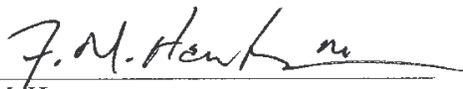

J. William Abel-Smith



Mark S. Allen



Dr. M. Rupert Cutler



Frank M. Hartz



Charles H. Seilheimer, Jr.



Jeffrey K. Walker

ADOPTED by a vote of 6 to 0



ATTEST:
G. Robert Lee, Executive Director