

MINUTES
VIRGINIA OUTDOORS FOUNDATION (VOF)
BOARD OF TRUSTEES
CHARLOTTESVILLE, DEPARTMENT OF FORESTRY
May 3, 2018

Attendees:

Trustees:

Eleanor Brown, Chair
Viola Baskerville
Beth Obenshain
John Richardson
Steph Ridder
Tom Slater
Brent Thompson

Attendees:

Jackie Anderson, International Consulting Services (ICS)
Greg Baka, Dominion Energy
Suzan Bulbulkaya, Department of Conservation and Recreation, (DCR)
Jason Bulluck, DCR- Division of Natural Heritage
Trigg Brown, Easement owner
Carrington Brown, Easement Owner
John Burke, Attorney
Bob Hudson, Attorney
Aaron Jonas, Dominion Energy
Rex Linville, Piedmont Environmental Council
Greg Matthew, Dominion Energy
Nan Mahone Wellborn, Conservation Partners
Sarah Richards (DCR)
Mike Santucci, Department of Forestry
Ellen Shepard, Virginia United Land Trusts (VaULT)
John Wheatley, ICS

Staff:

Brett Glymph, Executive Director
Bobbie Cabibbo, Executive Assistant
Anna Chisholm, Administration Director
Leslie Grayson, Deputy Director
Harry Hibbitts, Assistant Director, Stewardship
Martha Little, Deputy Director
Jason McGarvey, Communications and Outreach Manager
Dave Morton, IT Manager
Tamara Vance, Deputy Director
Emily Nelson White, Conservation Program Administrator

Advisors:

Rich Mahevich, Office of the Attorney General (OAG)
Stephen Cobb, OAG
Braxton Williams, OAG

Meeting was called to order by Chair, Mrs. Brown at 10:07 a.m.

ORDER OF BUSINESS

Motion made by Mr. Slater to approve the order of business noting the removal ALB-1372 Request for Review from the agenda; motion seconded Mrs. Baskerville and was passed unanimously.

PUBLIC COMMENTS

Mr. John Burke, attorney, spoke on behalf of his clients, Trigg and Carrington Brown. He shared his concerns regarding a request for internal boundary line adjustments on an easement property that is currently owned by several different owners. Mr. Armistead, one of the owners, has made the request for adjustments on the easement property, located in Bath County. Mr. Burke urges Virginia Outdoors Foundation to uphold the easement as it stands.

CLOSED SESSION

Ms. Obenshain made the following motion: “Madame Chair, I move that the Board go into a closed meeting pursuant to Section 2.2-3711.A.7 for : consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiation or litigating posture of the public body, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel:

- VOF easement BAT-1951

This closed meeting will be attended only by members of the Board. However, pursuant to Section 2.2- 3712 (F), the Board requests the Deputy Attorney General, VOF’s Attorney General counsel, the Executive Director, the Deputy Director of Stewardship, Deputy Director of Acquisition and Owned Lands, Assistant Director of Stewardship (Staunton), the Executive Assistant and The Deputy Director of Easements as it believes their presence will reasonably aid the committee in its consideration of topics that are the subject of the meeting.”

Motion seconded by Ms. Ridder and passed unanimously. Closed session convened at 10:15 a.m.

At 11:20 a.m. the closed session concluded and Bobbie Cabibbo read the certification: “WHEREAS, The Board of Trustees conducted a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and WHEREAS, Section 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law; NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member’s knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.” Mr. Richardson certified aye, Mr. Slater certified aye, Ms. Obenshain certified aye, Mr. Thompson certified aye, Mrs. Brown certified aye, Ms. Ridder certified aye and Mrs. Baskerville certified aye.

PUBLIC COMMENTS

Rex Linville urged the trustees to not broaden the interpretation of easements to include industrial sized solar farms that provide electricity to places other than the easement property itself. He also informed us of workshops taking place May 10th, 16th and 22nd promoting land conservation.

Motion made by Mr. Slater to adjust the order of business and move the Chair's and Executive Director's report after the International Consulting Services presentation; motion seconded by Mrs. Baskerville and passed unanimously.

STRATEGIC PLAN PROCESS PRESENTATION

International Consulting Services has been hired to facilitate a Strategic Plan for Virginia Outdoors Foundation and they presented an outline for the process. That presentation is on file with the permanent record of this meeting.

CHAIR'S REPORT

Mrs. Brown thanked Brett and other trustees for the help provided in maintaining our budget line amount by calling and writing our legislators. She spoke of the Governor's plans for an increase to 2% of the fiscal year budget to be spent on natural resources and the idea of being more strategic and targeted in our land conservation efforts. Secretary Strickler will be at our June 21st meeting. First Lady Pam Northam will be attending a trout release on the VOF owned Bull Run Mountains Natural Area Preserve on May 10th, VOF has been invited to a Governor's event at Malvern Hill on May 15th and VOF recorded its first easement in the city of Richmond.

Brett's report – EnRichmond Foundation is the recipient of AmeriCorps NCCC Southern Region **Sponsor of the Year** for Class XXIV. The work at Evergreen has brought a lot of attention to the preservation needs of other cemeteries. A project for PTF funding the Tucker Family cemetery in Hampton VA, is on this agenda for the Board to review. Hampton is taking a leadership role with the approaching 2019 400- year anniversary of people being brought to America from Africa to enslave them. VOF was well represented at the recent VaULT conference. Brett also introduced Emily Nelson White the Program Manager for the new grant program.

Jason Bulluck, Director of Natural Heritage presentation named the *Assessing Impacts of Large Development Projects on Virginia's Remaining Core Forests* is on file with permanent record of this meeting

MINUTES

Motion made by Ms. Ridder to approve the minutes from the February 15, 2018 Board of Trustees meeting; motion seconded by Mr. Slater and passed unanimously.

Motion made by Mrs. Baskerville to move the Assignment of the King George easement to before the Remington – Gordonsville ROW Request to accommodate the presenter's arrival time; motion seconded by Ms. Ridder and passes unanimously.

FINAL

ASSIGNMENT OF KING GEORGE COUNTY # KGO-00961 EASEMENT TO DEPARTMENT OF CONSERVATION AND RECREATION

Motion made by Mr. Slater to approve the assignment; motion seconded by Mrs. Baskerville and passed unanimously.

REMINGTON - GORDONSVILLE TRANSMISSION LINE EXPANDED RIGHT OF WAY REQUEST

Greg Matthew of Dominion Energy presented Remington-Gordonsville 230 KV Double-Circuit Transmission Line outlining the process, the need and the choices of kinds, height and width of towers. This presentation is on file with the permanent record of this meeting.

Attorney Mr. Hudson representing multiple easement owner John Sheldon Clark urged the trustees to grant the request for expanded right of way.

VOF's Brian Fuller facilitated a presentation which is on file with the permanent record of this meeting.

Motion made by Mr. Slater to approve the applications before us on 12 open-space easements in Orange County to grant additional right of way for the rebuilding and upgrading of the Remington-Gordonsville 230kV electric transmission line upon the voluntary agreement of the landowner, based on the background information and including the conditions provided in the May 3, 2018 Staff Report; motion seconded by Mrs. Baskerville and approved unanimously.

WYT-03795 REQUEST FOR REVIEW

Harry Hibbitts brought us through a presentation outlining a request for a 65,000 sq. ft. barn. The presentation is on file with the permanent record of this meeting. Motion made by Mr. Slater to approve this request including all the stipulations included in the recommendations in the meeting materials; motion seconded by Ms. Obenshain and passed unanimously.

OWNED LANDS

Motion made by Ms. Ridder to approve the resolution for sale of the White House Creek Estate parcel in Lancaster County; motion seconded by Ms. Obenshain and passed unanimously. (Attachment A)

PRESERVATION TRUST FUND SUMMARY

Board suggested that staff send a copy of this report to the delegates where we have a public access project to inform them of the awards and VOF land conservation work that will benefit their constituents, perhaps a copy of the award letter too.

PRESERVATION TRUST FUND - PUBLIC ACCESS - LAND CONSERVATION PROJECTS

Motion made by Mr. Slater to approve the Tucker Cemetery Project including a \$100,000 grant from the Preservation Trust Fund; motion seconded by Ms. Obenshain and passed unanimously

PRESERVATION TRUST FUND - LAND CONSERVATION PROJECTS.

Motion made by Ms. Obenshain to approve the proposed land conservation easements; motion seconded by Mrs. Baskerville and passed unanimously.

FINAL

LAND CONSERVATION PROJECTS

Motion made by Mrs. Baskerville to approve all proposed land conservation easements; motion seconded by Ms. Ridder and passed unanimously.

CLOSED SESSION

Ms. Obenshain made the following motion: “Madame Chair, I move that the Board go into a closed meeting pursuant to Section 2.2-3711.A.7 for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiation or litigating posture of the public body, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel:

- a. RACC v VOF
- b. ALG-03010 – Timber Violation

Section 2.2-3711.A.8 for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel:

- a. Mitigation Funding

And Section 2.2-3711.A.3 for disposition of real property”

- a. Smith Farm

This closed meeting will be attended only by members of the Board. However, pursuant to Section 2.2- 3712 (F), counsel, the Executive Director, the Deputy Director of Stewardship, Deputy Director of Acquisition and Owned Lands, the Executive Assistant and The Deputy Director of Easements as it believes their presence will reasonably aid the committee in its consideration of topics that are the subject of the meeting.”

Motion seconded by Mr. Slater and passed unanimously.

Closed session adjourned at 3:55 p.m. and Bobbie Cabibbo read the following certification “WHEREAS, The Board of Trustees conducted a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and WHEREAS, Section 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law; NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member’s knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.” Mr. Slater certified aye, Ms. Obenshain certified aye, Mr. Thompson certified aye, Mrs. Brown certified aye, Ms. Ridder certified aye and Mrs. Baskerville certified aye.

Motion made by Ms. Obenshain to adopt resolution regarding House Mountain; motion seconded by Mr. Slater and passed unanimously. Attachment (B)

The meeting adjourned at 4:00 pm.

**RESOLUTION
BY THE VIRGINIA OUTDOORS FOUNDATION
BOARD OF TRUSTEES TO
AUTHORIZE SALE OF CERTAIN PARCEL OF LAND**

WHEREAS, the Virginia Outdoors Foundation (VOF) owns certain parcels of land that were donated with the clear intention, or ability, for the parcels to be sold and proceeds to benefit further conservation work; and

WHEREAS, the one lot in White House Creek Estates, Lancaster County (Coll/Ingram Gift), has been listed for sale since 2015; and

WHEREAS, the Virginia Outdoors Foundation passed a resolution in 2011 authorizing the sale of this parcel with proceeds to be used at its Kohl's Island property, a parcel of high conservation value that has management needs that could be funded by proceeds from the sale; and

WHEREAS, the Board of Trustees has adopted procedures regarding the sale of land both with respect to appraisals and to sale methods;

WHEREAS, in 2014 the Board of Trustees authorized staff to proceed with sale of any "sale parcels" that met the following two conditions. 1.) the offer being at least 90% of list price and 2.) the appraised value of parcel does not exceed \$50,000; and

WHEREAS, staff recommends that VOF accept the contract dated March 27, 2018 for the White Creek Estates lot; and now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees this 3rd day of May 2018, That staff be authorized to sell the White House Creek Estates lot and accept offer and terms contained in contract offer.

ADOPTED by a vote of 7 in favor and 0 against



ATTEST: Brett Christina Glymph, Executive Director

**RESOLUTION
VIRGINIA OUTDOORS FOUNDATION (VOF) BOARD OF TRUSTEES
RESOLUTION REGARDING HOUSE MOUNTAIN**

WHEREAS, Virginia Outdoors Foundation is the owner of the House Mountain Reserve (hereafter, “the Reserve”), a tract of land located in Rockbridge County northwest of Lexington; and

WHEREAS, Chapter 525 of the Acts of 1966, Chapter 18, Title 10.1, Sections 10.1-1800 through 10.1-1804 of the Code of Virginia (hereafter, “VOF’s Enabling Statute”), declares it to be the public policy of the Commonwealth to encourage preservation of open-space land and authorizes the VOF to hold real property or any estate or interest therein for the purpose of preserving the natural, scenic, historic, scientific, open-space and recreational lands of the Commonwealth; and

WHEREAS, as owner and manager of House Mountain, VOF has ongoing responsibilities to care for the property in the best interests of conservation and the Commonwealth; and, now therefore, be it

RESOLVED, by the VOF Board of Trustees, this 3rd day of May 2018, that the following is approved and adopted:

VOF staff is authorized to undertake routine management activities on the Reserve, shall continue to provide regular reports to the Board of Trustees and seek Board input and approval for any substantial decisions related to the Reserve. General principles guiding staff work and management of the Reserve shall be:

- Any activities at the Reserve shall be consistent with VOF’s Enabling Statute, specifically to protect the natural, scenic, historic, scientific, open-space and recreational features of the Reserve;
- Any decisions shall be driven by what is in the best conservation interests of the Reserve;
- Staff shall seek input from the Rockbridge community and local government such as, but not limited to, the Rockbridge County Board of Supervisors, Office of Community Development, VMI, W & L, and neighboring property owners, as appropriate;
- VOF shall not conduct or permit any commercial timbering on the Reserve. Additionally, VOF shall not cut any trees on the Reserve until a formal management plan is adopted except under the following circumstances:
 - for maintenance of existing roads, trails, structures and the meadow in saddle area; and
 - to remove trees which pose a threat to the health or safety of the public, the Reserve or neighboring properties.
- VOF shall create and implement a formal management plan for the Reserve and such management plan must be reviewed and approved by the Board of Trustees prior to adoption. Staff shall seek input from the Rockbridge community and local government while developing this plan.

ADOPTED by a vote of 7 in favor and 0 against



ATTEST: Brett Christina Glymph, Executive Director