

**Virginia Land Conservation Foundation Board of Trustees  
Tuesday, July 12, 2022  
Richmond Public Library  
Richmond Virginia**

**TIME AND PLACE**

The meeting of the Virginia Land Conservation Foundation Board of Trustees took place at 1:00 p.m. on Tuesday, July 12, 2022 at the Richmond Public Library.

**VIRGINIA LAND CONSERVATION FOUNDATION BOARD OF TRUSTEES MEMBERS PRESENT**

The Honorable Travis Voyles, Chair

Deputy Secretary Beth Green for the Honorable Matthew Lohr

Mary-Carson Stiff, Vice Chair

Jay C. Ford

Krys White

Susan E. Donner

The Honorable David W. Marsden

Bruce VlK

Elizabeth Andrews

Glenda C. Booth

Matthew S. Wells, DCR Director, *ex officio*

Lisa Quigley

**VIRGINIA LAND CONSERVATION FOUNDATION BOARD OF TRUSTEES MEMBERS NOT PRESENT**

Dr. James F. Casey

Leslie Cockburn

Kat Imhoff

Andrew C. Jennison

Samantha Vargas Poppe

Sonya Powell

The Honorable Richard H. Stuart

**AGENCY STAFF PRESENT**

Suzan Bulbulkaya, DCR

Kimberly Freiberger, DCR

Derrick Bolen, DCR

Dan Harmon, DCR

Jason Bulluck, DCR

Lisa McGee, DCR

Sherry Buttrick, VOF

Kristal McKelvey, DCR

Emi Endo, DCR

Larry Mikkelson, DCR

Gina DiCicco, DCR

Karri Richardson, DHR

Karl Didier, DOF

Frank Stovall, DCR

Laura Ellis, DCR

Allison Tillett, DCR

Rob Evans, DCR

Richard Mahevich, Office of the Attorney

Michael R. Fletcher, DCR

General

**OTHERS PRESENT**

Parker Agelasto, Capital Region Land Conservancy

Jason Powell, Senate Finance Committee

Ellen Shepard, VaULT

**ESTABLISHMENT OF A QUORUM**

With eleven (11) members of the Board present, a quorum was established.

**CALL TO ORDER**

Secretary Voyles called the meeting to order at 1:13 p.m. and asked for introductions for members and staff. Ms. Bulbulkaya also introduced the Inter Agency Team (IAT).

Secretary Voyles noted that with the passage of the state budget, there is a record \$16M to be appropriated for VLCF and \$12M for the land conservation grand program.

#### **APPROVAL OF MINUTES FROM OCTOBER 27, 2021 BOARD MEETING**

Ms. Stiff moved that the minutes from the October 27, 2021 meeting of the Virginia Land Conservation Foundation Board of Trustees be approved as submitted. Ms. Booth seconded and the motion carried.

#### **BRIEF INTRODUCTION TO FOIA** – *Michael Fletcher, FOIA Officer, Board and Constituent Services Liaison, DCR*

Mr. Fletcher gave a brief presentation regarding the Freedom of Information Act (FOIA) as it applies to Board members.

#### **REAL PROPERTY IN SHENANDOAH COUNTY** – *Suzan Bulbulkaya, Land Conservation Manager, DCR*

Ms. Bulbulkaya gave an overview concerning three properties in Shenandoah County. Mr. Andrew Thomas Ogle left the parcels to the VLCF in his last will and testament. The properties are part of a development in the county and are not contiguous.

Ms. Bulbulkaya noted that the fiscal liability of the properties is beyond any benefit to the Foundation. Those include:

- Delinquent and accruing annual taxes and POA dues.
- Costs of due diligence required to accept title to the parcels
  - Surveys
  - Phase I Environmental Site Assessments
  - Title reports and insurance
- Realtor fees to sell the property

Ms. Bulbulkaya presented a draft resolution prepared by the Office of the Attorney General stating that the Board would not accept the properties.

Mr. Ford asked if this was the best way to handle the situation.

Ms. Andrews advised that this did happen on occasion but that the gifts were sometimes to the Commonwealth and not a specific entity. There is no requirement for the Board or the Commonwealth to accept the gift.

Senator Marsden suggested that there be standard language to provide to those who may wish to donate property in a similar manner.

Secretary Voyles advised that the specific motion was before the Board to deal with this property. He noted that the Board could have a detailed discussion of policies and procedures at a future meeting.

**BOARD ACTION**

Mr. Ford moved that the Virginia Land Conservation Foundation Board of Trustees adopt the following Resolution:

**VIRGINIA LAND CONSERVATION FOUNDATION  
BOARD OF TRUSTEES  
RESOLUTION**

Adopted July 12, 2022

WHEREAS, Andrew Thomas Ogle (“Ogle”) devised three parcels of land located in Shenandoah County to the Virginia Land Conservation Foundation (“VLCF”) in his last will and testament (“Will”);

WHEREAS, the three parcels are described as (i) Bryce Mountain Lot 83, Section 9, (ii) Bryce Mountain Lot 201, Section 9, and (iii) Bryce Mountain Lot 127, Section 12 (collectively, the “Property”), all located in the Sky Bryce Association, a homeowner’s association;

WHEREAS, Ogle died in May 18, 2020 and the executor of his estate probated the Will in the Clerk’s Office of the Circuit Court of Shenandoah County on November 16, 2020;

WHEREAS, VLCF never received notice of the devise of the Property nor was aware of the devise of the Property until it received a real estate tax bill from the Shenandoah County Treasurer, and a homeowner’s association assessments invoice from the Sky Bryce Association, Inc.;

WHEREAS, the Property does not further the objectives of VLCF nor does VLCF desire to take ownership of the Property;

NOW THEREFORE BE IT RESOLVED, that the Board hereby officially rejects acceptance of the Property as indicated in the recitals;

RESOLVED FURTHER, that the Director of the Department of Conservation and Recreation (“DCR”), and the Land Conservation Manager of DCR, either whom may act individually, are authorized, in the name and on behalf of the Board and VLCF to make, execute and deliver or cause to be made, executed and delivered, all actions necessary to disclaim any interest VLCF has in the Property and shall work in coordination with the Office of the Attorney General to disclaim the same.

Ms. Stiff seconded and the motion carried unanimously.

**VIRGINIA LAND CONSERVATION FUND FINANCIAL UPDATE** – *Sharon Partee, Director of Finance, DCR*

Secretary Voyles advised that Ms. Partee was unable to attend the meeting. The Financial Update will be provided at the next meeting.

**REQUEST TO SPEND INTEREST FROM VIRGINIA LAND CONSERVATION FUND, PURSUANT TO § 10.1-1020** – *Suzan Bulbulkaya, DCR*

Ms. Bulbulkaya advised that in accordance with §10.1-1020.G, the Department of Conservation and Recreation (Department) was requesting authorization to expend up to \$200,000 for the purposes of addressing existing administrative, web service and database-related expenses incurred by the Department in support of Virginia Land Conservation Foundation Related activities. Specifically, the funding will be used in support of staff working to assist with grant management, tracking and stewardship to include site inspections of VLCF projects, development and management of ConserveVirginia and related data, land conservation database support of the Foundation's mission, and fulfillment of reporting requirements.

**BOARD ACTION**

Senator Marsden moved that the Virginia Land Conservation Foundation Board approve the request from the Department of Conservation and Recreation to expend up to \$200,000 in FY 2023 for use consistent with the legislative authority on the use of interest generated by the Fund. *Code of Virginia § 10.1-1020.G.*

Ms. Booth seconded and the motion carried unanimously.

**UPDATE ON CLOSED VLCF GRANT PROJECTS** – *Larry Mikkelson, Land Conservation Specialist, DCR*

Mr. Mikkelson gave the update regarding existing VLCF grant projects. He noted that seven projects have closed since the October 2021 Board meeting. Nine of the approved projects have been withdrawn.

There are currently 56 open grants:

- There are five open grants from the FY20 VLCF grant round. These remaining grants have been extended until January 1, 2023.
- There are eight open grants from the FY21 grant round.
- There are 17 grants that remain open from the FY21 Round II grant round.
- For the FY22 grant round, 26 of the 30 grants awarded are active.

Mr. Mikkelson reported that the following seven VLCF grants and one Dominion Surry-Skiffes Creek grant have successfully closed since the October 27, 2021 VLCF Board meeting.

1. Clarke County Conservation Easement Authority – Smithfield Farm (FY2020).  
The Clarke County Conservation Easement Authority utilized a VLCF grant to acquire an open-space easement over the Smithfield Farm, a certified Century Farm- located adjacent to the West Virginia state line in Clarke County consisting of 196 acres.  
Grant Award: \$121,875  
Payment Amount: \$121,875  
Match: \$477,789
2. The Conservation Fund – Stanley Land and Lumber (FY2020)

Located at the confluence of Roanoke and Wards Ford Creeks, the Stanley Land and Lumber project now protects 5,004 acres of unparalleled forest habitat in Charlotte County through the creation of a new State Forest. Various sources of federal funding and the VLCF grant in the amount of \$300,000 were used by the Department of Forestry to purchase the land for long-term stewardship and management as Virginia's 26<sup>th</sup> sustainably managed state forest.

Grant Award: \$300,000

Payment Amount: \$300,000

Match: \$12,335,000

3. Department of Conservation and Recreation – Gateway to Cape Charles – Public Access Project (FY2020)

DCR's Natural Heritage Division utilized this VLCF grant, and Federal funds under the Coastal Zone Management program, to acquire this 20-acre property as an addition to the Cape Charles Natural Area Preserve in the town of Cape Charles in Northampton County.

Grant Award: \$237,888

Payment Amount: \$174,541

Match: \$677,101

Remaining Funds: \$63,347 to be returned to the Natural Areas category.

4. Department of Conservation and Recreation – Bush Mill Stream Natural Area Preserve Addition (FY2020)

DCR's Natural Heritage Program purchased a 41-acre property as an addition to Bush Mill Stream Natural Area Preserve in Northumberland County.

Grant Award: \$130,500

Payment Amount: \$125,956

Match: \$0

Remaining Funds: \$4,544 to be returned to the Natural Areas category.

5. Virginia Outdoors Foundation – Camp Kum-Ba-Yah (FY2020: FY2021: FY2022)

VLCF grants totaling \$530,941 helped to make possible the purchase of the 44-acre urban forest known as Camp Kum-Ba-Yah in the City of Lynchburg.

Grant Awards: \$201,134; \$79,807; \$250,000

Payment Amount: \$530,941

Match: \$529,732

6. Shenandoah Valley Battlefields Foundation – Brill (FY2021)

A VLCF grant assisted in the Shenandoah Valley Battlefields Foundation's (SBVF) acquisition of a 72-acre property in Warren County, which intersects the Cultural and Historic Preservation, Protected Landscapes Resilience, and Water Quality Improvement categories of ConserveVirginia.

Grant Award: \$411,807

Payment Amount: \$411,807

Match: \$1,021,182

7. Virginia Outdoors Foundation – Forkland Dairy (FY2021 Round 2; FY2022)

Virginia Outdoors Foundation utilized two VLCF grants, totaling \$1,000,000, to protect one of the last two dairies in Cumberland County with an open-space easement on the 904-acre Forkland Dairy Farm.

Grant Awards: \$500,000; \$500,000

Payment Amount: \$1,000,000

Match: \$850,247

8. American Battlefield Trust – Egger Tract (Dominion Surry-Skiffes Creek)

A VLCF grant through the Dominion Surry-Skiffes Creek settlement agreement helped the American Battlefield Trust acquire the 251.17 acre Egger Tract in York County, with frontage along both the Colonial National Parkway and Interstate 64.

Grant Awards: \$300,000; \$519,999

Payment Amount: \$819,999

Match: \$2,639,138

Mr. Mikkelson advised that the following nine projects were withdrawn since the October meeting.

1. Patrick Henry Memorial Foundation – Red Hill (FY2020)  
Grant Award: \$600,000
2. City of Suffolk Parks and Recreation – Blackwater River Park and South Quay Sandhills Natural Area Preserve (FY2020)  
Grant Award: \$400,000
3. Department of Conservation and Recreation – Wilderness Road Connectivity Property (FY2020)  
Grant Award: \$500,000
4. Northern Virginia Regional Park Authority – River Farm (FY2021)  
Grant Award: \$150,000
5. Department of Wildlife Resources – Eastern Shore Forest Conservation Initiative II (FY2021, Round 2)  
Grant Award: \$400,000
6. Department of Conservation and Recreation – Pickett’s Harbor Maritime Forest & Migratory Bird Protection (FY2021, Round 2)  
Grant Award: \$255,549
7. Department of Conservation and Recreation – The Cedars Natural Area Preserve Northeast Addition (FY2021, Round 2)  
Grant Award: \$164,000
8. Virginia Outdoors Foundation – The Green at the Science Museum of Virginia (FY2021, Round 2, FY2022)  
Grant Award: \$90,000; \$250,000
9. Department of Conservation and Recreation – The Cedars Natural Area Preserve Powell River Addition (FY2022)  
Grant Award: \$50,000

**VLCF FY23 GRANT ROUND** – *Suzan Bulbulkaya, DCR*

Ms. Bulbulkaya reviewed the funding plan for FY23.

**VIRGINIA LAND CONSERVATION FOUNDATION  
GRANT FUNDING PLAN FOR FY23  
July 12, 2022**

| FUNDING CATEGORIES                               |  | FY23 Budget Bill<br>Chapter 2, Item 375<br>A.1.  | Unspent Grant<br>Funds to be<br>Approved &<br>Reallocated | TOTAL Available for<br>Grant Round |
|--|--|--|---|------------------------------------|
| 1.   | I. VOF Open-Space Lands<br>Preservation Trust Fund<br>(25% per § 10.1-1020 C.) | \$4,000,000  |   |                                    |
| 2.   | II. Grant Program  |  |   |                                    |
| 3.   | (i) Farmland Preservation  | \$2,400,000  | 0   | \$2,400,000                        |
| 4.   | (ii) Forest Preservation   | \$2,400,000  | \$400,000   | \$2,800,000                        |
| 5.   | (iii) Historic Area Preservation   | \$2,400,000  | \$600,000   | \$3,000,000                        |
| 6.   | (iv) Natural Area Protection   | \$2,400,000  | \$937,440   | \$ 3,337,440                       |
| 7.   | (v) Open Space and Parks   | \$2,400,000  | \$990,000   | \$ 3,390,000                       |
| <b>TOTAL</b>                                     |  | \$16,000,000   | \$2,927,440   | \$14,927,440                       |
| <i>Summary of Additional Unspent Grant Funds</i> |  |  |   |                                    |
| Forest Preservation                              | \$400,000  | <u>Withdrawn:</u> FY20R2II, Dept. Wildlife Resources, E. Shore Forest Conservation Initiative II <b>\$400,000.</b>   |   |                                    |
| Historic Area Preservation                       | \$600,000  | <u>Withdrawn:</u> FY20 Patrick Henry Mem. Foundation, Red Hill <b>\$600,000.</b>   |   |                                    |
| Natural Area Protection                          | \$937,440  | <u>Unexpended Remainder:</u> FY20 DCR-DNH, Bush Mill Stream NAP Addition <b>\$4,544</b> ; FY20 DCR-DNH, Gateway to Cape Charles NAP <b>\$63,347.</b><br><u>Withdrawn:</u> FY20 Suffolk Parks and Rec., Blackwater R. Park & South Quay Quay NAP Addition <b>\$400,000</b> ; FY21R2II DCR-DNH Pickett's Harbor Maritime Forest <b>\$255,549</b> ; FY21R2II DCR-DNH The Cedars NAP Northeast Addition <b>\$164,000</b> ; FY22 DCR-DNH, The Cedars NAP Powell River Addition <b>\$50,000.</b> |   |                                    |
| Open Space and Parks                             | \$990,000  | <u>Withdrawn:</u> FY20 DCR-State Parks, Wilderness Rd. Connectivity Prop. <b>\$500,000</b> ; FY21 NOVA Parks, River Farm <b>\$150,000</b> ; FY21R2II VOF, The Green at the Science Museum of VA <b>\$90,000</b> ; FY22 VOF, The Green at the Science Museum of VA <b>\$250,000.</b>  |   |                                    |

**Item 375 of Chapter 2 of the 2022 Virginia Acts of Assembly Special Session I**

A.1. Included in the amounts for Preservation of Open Space Lands is \$16,000,000 the first year and \$16,000,000 the second year from the general fund to be deposited into the Virginia Land Conservation Fund, § 10.1-1020, Code of Virginia. No less than 50 percent of the appropriations remaining after the transfer to the Virginia Outdoors Foundation's Open-Space Lands Preservation Trust fund has been satisfied are to be used for grants for fee simple acquisitions with public access or acquisitions of easements with public access. This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia. [**Grant Funds**]

2. Included in the amounts for Preservation of Open Space Lands is \$1,500,000 the first year and \$1,500,000 the second year from nongeneral funds to be deposited into the Virginia Land Conservation Fund to be distributed by the Virginia Land Conservation Foundation pursuant to the provisions of § 58.1-513, Code of Virginia. [**Stewardship Funds**]

Ms. Booth asked how the agency was addressing the area of underserved populations.

Ms. Bulbulkaya replied that DCR is reaching out to localities and to other partners.

Mr. Ford noted that there are many localities where the match is not an option. He asked if the agency had the ability to waive the match.

Director Wells noted that the match is a statutory requirement and that the agency could not legally waive or supply the match.

**PROPOSED TIMELINE FOR APPLICATIONS AND AWARDS** – Suzan Bulbulkaya, DCR

Ms. Bulbulkaya presented the following proposed timeline.

| <b>Proposed FY23 VLCF Grant Schedule</b>  |   |
|---|---|
| <b>July 12, 2022</b>                      | <b>VLCF Board meeting</b> to approve grant manual and initiate the grant round request for proposals (RFP).                             |
| <b>Week of July 12, 2022</b>              | <b>Announce</b> official opening of grant round (update website and send emails).   |
| <b>Week of August 1, 2022</b>             | <b>Virtual Grant Workshop:</b> orientation and program information for grant applicants. Continued outreach to underserved communities. |
| <b>Tuesday, September 6, 2022</b>         | <b>Deadline for application submittal.</b>  |
| <b>Weeks of September 19 and 26, 2022</b> | <b>Interagency taskforce meetings</b> to score projects - usually takes two meetings.   |
| <b>Early October 2022</b>                 | <b>SNR and Director's review</b> of applications and recommendations of IAT.  |
| <b>Late October 2022</b>                  | <b>VLCF Board meeting.</b> Approval of grant awards.  |
| <b>By end of November 2022</b>            | <b>Grant agreements sent to grant recipients.</b> Projects have two years to close.   |

**GRANT MANUAL AND APPLICATION** – Suzan Bulbulkaya, DCR

Ms. Bulbulkaya reviewed the grant manual with edits provided to the Board prior to the meeting. She noted that there were minor edits received after the mailing.

Ms. Booth commented that throughout the manual there were words such as conserve, preserve, and protect which are all a part of the VLCF mission. However in some areas, especially in suburban areas and historic areas there aren't areas to preserve but there is often need to restore.

Ms. Bulbulkaya noted that there is language that provides for infrastructure or restoration. She advised that the Inter Agency Team will consider the language in the Code of Virginia and how it could apply to future grant rounds if funding is available.



Ms. Stiff asked if it would be possible to post modifications to the grant manual online with more time for review prior to Board approval. That would allow time for public feedback.

Ms. Andrews asked if those who have gone through the process were surveyed.

Ms. Stiff noted that in 2021 a subcommittee had an open-ended discussion with stakeholders regarding the process and how it could be improved.

Ms. Green asked how often the due diligence reports must be submitted.

Ms. Bulbulkaya replied that the reports are due before the money is disbursed.

Senator Marsden asked if the agency could provide a summary paragraph of the changes when the edits are sent out.

Ms. Bulbulkaya noted that the version was sent with track changes, but that a summary paragraph could be added.

Director Wells commented that it would be appropriate to post the manual to allow for public comment prior to Board approval.

Ms. Bulbulkaya noted that the agency is looking into web-based applications that will allow for the application process to be put online. Hopefully that will be available for the 2023 (FY2024) grant round.

#### **PUBLIC COMMENT ON GRANT ROUND MATERIALS**

Secretary Voyles called for public comment regarding the grant round materials.

Ms. Shepard expressed appreciation to Senator Marsden and the board for increasing funds and for adapting and including tribes. She noted appreciation for the comments regarding public participation. She commented that, both localities and non-profits would appreciate a reduced match or no required match.

There was no additional public comment.

#### **BOARD ACTION**

Senator Marsden moved that the Virginia Land Conservation Foundation Board of Trustees approve the grant fiscal expenditure plan, the proposed timeline, and the revised grant manual for the FY2022 Grant Round.

Mr. Vlk seconded and the motion carried unanimously.

#### **PUBLIC COMMENT**

Secretary Voyles called for additional public comment.

Mr. Ford asked what was being considered with tribal lands.

Ms. Bulbulkaya replied that it is uncertain how state law applies on sovereign lands. Traditionally, permanent conservation must be done under the Open Space Lands Act or the Conservation Easement Act.

Mr. Ford clarified that there would be no pause in tribal participation.

Mr. Mahevich (OAG) noted that those issues will be explored between now and the next meeting where the applications are formally reviewed. Any proposals that include tribal lands would have a recommendation as to how to accomplish that. Consideration will be given to the entity that is holding the land at the end of the grant process. This applies to both federal and state recognized tribes.

Senator Marsden noted that he had been working with Dominion regarding rooftop solar to take the pressure off of natural resources. The goal is to create 150K acres to meet the requirements of the Clean Economy Act. However there is competition regarding developing around forested lands. There needs to be a balance between protecting forested lands and having a significant amount of property for utility scale solar. He noted that he plans to suggest a public hearing during the next legislative session to hear from conservation organizations regarding these challenges.

Ms. Booth asked that the Board be provided with an updated roster. Mr. Fletcher agreed to send that out.

Ms. McKelvey noted that DCR is working on the 2023 Virginia Outdoors Plan. She invited members to participate in the Virginia Outdoors Survey. Mr. Fletcher will provide the link to the survey on the DCR website.

## **ADJOURN**

Secretary Voyles thanked members and staff for their participation and support of the VLCF.

There was no further business and the meeting adjourned at 2:37 p.m.