

**MINUTES
VIRGINIA OUTDOORS FOUNDATION
BOARD OF TRUSTEES MEETING
Charlottesville, VA
May 21, 2009**

Trustees present:

Chair, Frank M. Hartz, presiding	Charles H. Seilheimer, Jr.
Mark Allen	Jeffrey K. Walker
Dr. M. Rupert Cutler	Harry Atherton

Absent: Trustee Molly Joseph Ward

VOF staff attending:

G. Robert Lee, Executive Director	Kerry Hutcherson, Staff Counsel Stewardship
Leslie Grayson, Deputy Director, Easements	Neal Kilgore, Easement Specialist
Martha Little, Deputy Director, Stewardship	Jason McGarvey, Outreach and Communications Manager
Ruth Babylon, Easement Specialist	Jen Perkins, Easement Specialist
Sherry Buttrick, Easement Manager	Renee Russell, Development Coordinator
Bobbie Cabibbo, Executive Assistant	Bruce Stewart, Staff Counsel Easements
Anna Chisholm, Finance Manager	Estie Thomas, Easement Manager
Sara Ensley, HR Manager	Laura Thurman, Easement Manager
Kristin Ford, Easement Specialist,	
Josh Gibson, Easement Specialist	

Other Attendees:

Rob Farrell, Department of Forestry	Jeremy Stone, Dept of Conservation and Recreation
Rusty Ford, Conservation Partners	Elizabeth Waters, Facilitator of VOF Strategic Planning Process
Peter Glubiak, Attorney	Charlie Westbrook, Blueline Conservation
David Hurt, Conservation Partners	
Rex Linville, Piedmont Environmental	
Sarah Richardson, Dept of Conservation and Recreation	

Public Comments

David Hurt of Conservation Partners spoke concerning what Conservation Partners offers the easement donor and about the excellent relationship with Virginia Outdoors Foundation (VOF).

Peter Glubiak, private practice attorney voiced concerns over process for those easements whose tax credit will be over \$1,000,000. He urged VOF to continue the conversations with other state partners to facilitate the process and help landowners

Approval of the Order of Business

Motion made to approve Agenda as amended and recommended by staff; motion seconded and approved unanimously.

Minutes

Hank Hartz called for the approval of the Minutes for the April meeting. Mark Allen asked that we note in the Minutes he arrived after lunch. Motion made to accept Minutes with that change; motion seconded and approved unanimously.

Director's Reports

Bob Lee presented Budget for FY10.

A Resolution to Adopt the Fiscal Year (FY) 2010 Virginia Outdoors Foundation Budget as presented. A motion made to approve the resolution; motion seconded and approved unanimously.

Leslie Grayson presented list of **Potential Projects**. Martha Little discussed

- the need to continue to write deeds of easement that can be stewarded in perpetuity.
- language in some currently written deeds that could hamper VOF's ability to enforce its easements.

Preservation Trust Fund

Arrington – Washington - +/-380.7 acres Amend to: add ecosystem language. Motion made to award \$9,700 of PTF money to include this easement and the easement to follow and if one does not record, a \$6,000 cap of PTF is imposed; motion seconded and approved unanimously.

Arrington – Washington - 91.5 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously. Motion made to award PTF money in the preceding Arrington easement.

Richardson – Grayson - 359.321 acres Amend to add ecosystem and mitigation language. Motion made approve easement as amended and recommended by staff; motion seconded and approved unanimously. Motion made to award \$6,500 of PTF money; motion seconded and approved unanimously.

Hall/Robertson – Franklin - 237.6 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously. Motion made to award \$9,900 in PTF reimbursements; motion seconded and approved unanimously. The Board noted that the inclusion of up to \$4,800 of PTF money for fencing costs was unusual and only allotted in this situation because the easement required a particularly stringent buffer provision due to the presence of rare species, therefore the fencing was a “cost” of granting the easement.

Hancock – Botetourt – 275.238 acres Note that deed correctly includes restriction of buildings within 500' of Appalachian Trail but proposal sheet does not include that restriction. Motion made to accept easement as presented in deed and recommended by staff; motion seconded and approved unanimously. Motion made to award \$8,000 of PTF money; motion seconded and approved unanimously.

Vest – Floyd – 142.5 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously. Motion made to award \$7,000 of PTF money; motion seconded and approved unanimously.

Viragh – Floyd – 91.2985 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously. Motion made to award \$7,000 of PTF money; motion seconded and approved unanimously.

Landes-Reid – Rockbridge – 491.113 acres Amend to : Motion made to accept easement as amended and recommended by staff; motion seconded and approved unanimously. Motion made to award \$5,700 of PTF money; motion seconded and approved unanimously.

Potential Purchase Projects (PTF)

Gray – Washington – 100/120 acres Motion made to award \$250,000 of PTF money for partial purchase contingent upon acceptance of easement by this Board; motion seconded and approved unanimously.

Clements – Augusta – 112 acres Motion made to award \$58,000 of PTF money for partial purchase contingent upon acceptance of easement by this Board; motion seconded and approved unanimously.

Leech – Rockbridge – 168.72 acres Motion made to award \$138,925 of PTF money for partial purchase contingent upon acceptance of easement by this Board; motion seconded and approved unanimously.

Birch – Middlesex – 640.82 acres Motion made to award \$99,018 of PTF money for partial purchase contingent upon acceptance of easement by this Board; motion seconded and approved unanimously.

Robertson – Highland – 340 acres No vote taken on this project

Blacksburg

Dellis – Bedford – 174.85 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

Flynn – Bedford – 129.398 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

MBC Properties, LLC – Alleghany – 437.10 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

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Radford University Foundation-RECONSIDERATION - Montgomery - 376 acres Amend deed Section 2.4.i. add the words "on site" to paren (including those cut for clearing and those to be used as materials in [add "on site" here] construction)". Motion made to accept easement as amended and recommended by staff; motion seconded and approved unanimously.

Thompson - Floyd - 195.9 acres Amend easement to permit no more than 4 dwellings (2 primary and 2 secondary); require site approval of any new dwelling to ensure dwelling is not visible from State Route 615. Motion made to accept easement as amended and recommended by staff; motion seconded and approved unanimously. The Board acknowledged that one secondary dwelling currently exists and is located close to Route 615, on primary dwelling is under construction and that the "cabin" referenced in the deed would count as one of the four dwellings if constructed as a dwelling.

Charlottesville

Mr. Samuel Coleman, landowner spoke to the board concerning his easement.

Coleman - Prince Edward - +/-338.6 acres The Board discussed "out parcels" in general and concluded that, in this situation, the reasons for omitting parcels from the easement were valid. Motion made to accept easement as offered by Mr. Coleman. (Note: Board approval does not conform to staff recommendations on project proposal sheet); motion seconded and approved with a vote of 5 to 1 with Hank Hartz dissenting.

Crews - Buckingham - 396.44 acres Amend easement to remove from Section II.2.f. the words "other than farm or forest roads" from second sentence. Motion made to accept easement as amended and recommended by staff; motion seconded and approved unanimously.

RMA Lumber Inc. - Buckingham - 386.2 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

Saddleback Farm, LLC - Nelson - 164.606 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

Mr. Larry Mann, Lexington City Attorney spoke concerning Poulos and Peebles Amendment/Reconsideration

Poulos & Peebles Amendment RECONSIDERATION - Rockbridge - 235.83 acres Motion made to accept easement amendments as presented and recommended by staff; motion seconded and approved unanimously.

Richmond

Clarke-RECONSIDERATION - Dinwiddie - 292.17 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

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Goat Hill Farm – Goochland – 320.39 acres Amend easement to extinguish mineral rights and to settle title issue on cemetery – if the cemetery is not part of Goat Hill Farm Corporations’ property then exclude from easement, otherwise include it. Motion made to accept easement as amended and recommended by staff; motion seconded and approved unanimously.

Lloyd – Louisa – 146.78 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

Thetford Agriculture Properties – Hanover – 1,145 acres (Note: This easement is the first VOF easement to apply for a VLCF criteria exemption.) Amend easement to: remove from Section I “watershed preservation” as purpose; and authorize staff to include language necessary to comply with VLCF criteria review requirements regarding riparian buffers. Motion made to accept easement as amended and recommended by staff; motion seconded and approved unanimously.

Danny Smith Holding Co., LLC – Amelia – 509.54 acres Motion made to accept easement as presented and recommended by staff subject to bank subordination; motion seconded and approved unanimously.

Staunton

Garber – Frederick – 245.805 acres Amend easement to: increase 50-foot buffer to 180 feet; in Section II.5. **Forested Buffer** remove limited mowing clause; add language to allow feed plots and wild habitat enhancements. Motion made to accept easement as amended and recommended by staff; motion seconded and approved unanimously.

Warrenton

Rapco, LLC – Rappahannock – 58.506 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

Staunton (cont’d)

Dod – Rockbridge – 71.104 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

Glick-RECONSIDERATION – Rockbridge – 144.91 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

Lynx Properties, LLC – Warren – 98.4924 acres Amend easement to state in Section II.2.iii that the 400’ setback is for **new** buildings. Motion made to accept easement as amended and recommended by staff; motion seconded and approved unanimously.

Mullen-RECONSIDERATION – Shenandoah – 135.962 acres Amend easement to add new oil & gas language without the vegetation screening provision. Motion made to accept easement as amended and recommended by staff; motion seconded and approved unanimously.

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Ochsenbein - Rockbridge - 128.95 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously. *Note: the submission materials for this project were inconsistent with respect to the contour line restriction for new dwellings. The 2,200-foot elevation is the correct contour line above which dwellings may not be constructed.

Showalter - Rockbridge - +/-135 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

Showalter - Rockbridge - 257.509 acres Board recommended the staff correspond with landowner concerning the problem of third-party trash violations. Amend easement to revert to template language in Section II.5.a and Section II.7. Motion made to accept easement as amended and recommended by staff; motion seconded and approved unanimously.

Wise - Augusta - 217.503 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

Hayes BLA - Clarke - 155.9 acres Motion made to accept option #1.b releasing 20 acres from VOF's easement to be encumbered by the adjacent Clarke County Easement; motion seconded and approved unanimously.

Tappahannock

Butler - Caroline - 322 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

Butler - Essex - 858 acres Amend easement to simplify language in Section II.4. Motion made to accept easement as amended and recommended by staff; motion seconded and approved unanimously.

Hall - Northumberland - 8.8 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

Janney - Essex - 173.58 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

Jenkins - Richmond - 181.47 acres Motion made to accept easement as presented and recommended by staff; motion seconded and approved unanimously.

Motion made to go into *Closed Session* for discussion of Real Estate transactions and pending legal matters as provided for in the Code of Virginia §§2.2-(3) and (7) to include the Trustees, Martha Little, Bruce Stewart, Kerry Hutcherson, Leslie Grayson, Estie Thomas, Bob Lee and Fred Fisher; motion seconded and approved unanimously.

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Upon return from closed session, Executive Director, Bob Lee certified by name call that Board of Trustees discussed only matters that convened the closed session and nothing else. Harry Atherton responded yes, Rupert Cutler responded yes, Mark Allen responded yes, Hank Hartz responded yes, Jeff Walker responded yes, Charles Seilheimer responded yes.

Hank Hartz presented *Resolution to Delegate Certain Authorities to Executive Director*. Motion made to approve; motion seconded and approved unanimously.

Discussion of Kohls Island Stewardship issues. It was agreed that signs asking people to stay off the dunes and stating that the property belongs to VOF are just the beginnings of a Management Plan for this property. Mrs. Kohls who willed the property to VOF asked that the property not be open to the public but that specific groups with conservation or educational purpose be allowed access to this island. Kohls Island is home to the endangered tiger beetle and contains rare secondary and tertiary dune systems, which make this habitat worthy of preservation. There is much public use of this beach due to trespassing, with the only public access by water. The public insists that they honor the island by not leaving trash etc. VOF staff monitoring visits to Kohls Island do not find that statement to be accurate.

Motion to adjourn; motion seconded and approve unanimously.