

**Board of Conservation and Recreation  
Friday, January 4, 2008  
Richmond, Virginia**

**Board of Conservation and Recreation Members Present**

Sheryl D. Swinson, Chair  
Gerry Connolly  
Linda Crandell  
E. Carter Nettles  
Jennifer Wagner

Stephen Murray, Vice Chair  
Joy A. Cooley  
Gwen Mason  
Mark E. Smith

**Board of Conservation and Recreation Members Not Present**

Alan D. Albert  
Richard Formato

David G. Brickley

**DCR Staff Present**

Joseph H. Maroon, Director  
Russell W. Baxter, Deputy Director  
David C. Dowling, Director of Policy Planning and Budget  
Ryan Brown, Assistant Director of Policy and Planning  
John R. Davy, Director Division of Planning and Recreation Resources  
Michael R. Fletcher, Board and Constituent Services Liaison  
Rick Myers, Stewardship Manager  
Larry Smith, Natural Area Protection Manager  
Synthia Waymack, Environmental Program Analyst

**Others Present**

Zach Fields, Office of Chairman Connolly

**Call to Order**

Vice Chairman Murray called the meeting to order and declared a quorum present.

**Minutes from November 7, 2007**

Mr. Nettles said that the minutes should more accurately reflect Mr. Elton's distinguished service recognition by the National Association of State Park Directors.

MOTION: Mr. Nettles moved that the minutes of the November 7, 2007 meeting be approved as amended.

SECOND: Ms. Crandell

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DISCUSSION: None

VOTE: Motion carried unanimously

### **Director's Report**

Mr. Maroon gave the Director's report. A copy of his report, entitled "Highlights of 2008: Year-End Review" is included as Attachment #1.

Ms. Mason asked if staff could provide the year-end data on the land conservation goal.

Mr. Maroon said that the Virginia Outdoors Foundation, a leading conservation holder reported that 2007 numbers of acres preserved were close to 2006 numbers.

As part of the discussion of dam safety accomplishments, Mr. Connolly asked if there had been a comprehensive study of all the dams in the Commonwealth.

Mr. Maroon said that a national study was done to look at infrastructure. The study noted great deficiencies within the dam inventory across the country. The American Society of Civil Engineers has given a grade D or D minus to the nation's dams. Many of the issues hold true in Virginia.

Mr. Maroon said that DCR convened a Technical Advisory Committee to work with the agency and to identify major weaknesses within the dam inventory. There are about 1,700 dams in the DCR inventory. Of those about 600 are regulated. As many of the dams are aging, there is need for repairs and the possibility of dam failure. Mr. Maroon said that Virginia is in a unique position in the country having had three of the five highest recorded 24-hour storms.

Mr. Maroon said that the Virginia Soil and Water Conservation Board had authorized the agency to move forward with revisions to the dam safety regulations. The proposed regulations will be before that Board at their next meeting on February 1, 2008. The revisions will move Virginia into a position of leadership on this issue.

Mr. Maroon said that DCR has a very small dam safety staff. He said that the Governor authorized additional positions the previous year, but that the workload for Virginia's inspectors remains much higher than for those in other states.

Mr. Maroon said that he was pleased to announce the progress regarding the Crow's Nest property in Stafford County. There are 1,700 acres in the first phase of the natural area acquisition with the potential for an additional 1,200.

Mr. Maroon said that the Department had a million and a half dollars to begin work on High Bridge Trail State Park. The hope is that the first phase of trail development will be

completed by July 1, 2008. DCR hopes to open over 20 miles of the 34 miles by the summer of 2009.

Mr. Maroon said that DCR has been working with residents regarding the entrance roads to Powhatan State Park. Many of the concerns have been resolved. The County is now in support of the development of the park. The Governor included three million in his budget to begin the first phase of development at the park.

Mr. Maroon said that the Town of Clarksville was interested in the development of a marina at Occoneechee State Park. Discussion with the Army Corps of Engineers and DCR regarding this request are continuing. Another marine has already been approved for Mecklenburg County.

### **Budget Update**

Mr. Maroon gave the following update regarding budget issues.

#### **Department of Conservation and Recreation**

(\* = Proposed in Governor Kaine's budget)

	Total <u>Appropriation</u>	General <u>Fund</u>	Nongeneral <u>Fund</u>	Authorized <u>Staffing</u>
FY08	\$77M	\$50M	\$27M	536
FY09*	\$122M	\$57M	\$65M	548
FY10*	\$103M	\$53M	\$50M	563

#### NON-POINT WATER QUALITY IMPROVEMENT

- \$20M in WQIF Funding for agricultural BMP cost-share tied to Chesapeake Bay Restoration and TMDL Implementation
- Stormwater Management - Increase field inspection staff by 10 NGF positions to help implement consolidated permitting program; permit fees will cover positions; no general funds requested)

#### LAND CONSERVATION

- \$50M VPBA Bonds
- Continued \$3M in Base Budget for Virginia Land Conservation Foundation Grants
- Continued share of vehicle registration fees for VLCF

#### STATE PARKS

- Continue re-benchmarking by adding 15 FTE and \$1.5 M in FY2010
- New State Park Development - capital budget requests for developing first construction phase of High Bridge Trail (\$4.5M) and Powhatan SP on James (\$3M)

#### DAM SAFETY

- \$20M in VPBA bonds for repairs to priority dams owned by DCR State Parks and Soil and Water Conservation Districts
- 2 DS engineer positions requested to help implement enhanced program; no new general funds requested)
- State Loan Program for Dam repairs \$1,350,00 each year added to the existing loan fund for private and public dam owners. (first-ever loan round will close Feb. 1 and will exhaust current funding)

Mr. Nettles asked how much unspent money remained from the last bond.

Mr. Maroon said that he did not have the exact amounts, but most has been spent or committed. He said that the bulk of the money went to new facilities in state parks.

Mr. Larry Smith said that the previous bond provided \$13.2 million for natural areas. All of that has been spent or is obligated.

Ms. Mason asked about the likelihood of another bond for land conservation.

Mr. Maroon said that has been discussed. He noted that Governor Kaine had announced a billion dollar bond for higher education. He said that at this point the decision for conservation has been to go with the Virginia Public Building Authority as funds would be available immediately. He said that, assuming that the Governor gets the authority to move ahead, the funds would be available in the spring rather than later in the year.

### **Legislative Update**

Mr. Maroon reviewed the following proposed legislation:

#### **Proposed Legislation**

##### **Dam Break Inundation Zone**

This legislation provides localities with the authority to address development in dam break inundation zones. The bill directs developers to assist dam owners with required upgrades when a developer causes such upgrades and requires additional disclosure and notification procedures for dam owners.

Mr. Connolly asked if there was a concern regarding liability.

Mr. Maroon said that the developers were primarily concerned whether the dam owners will actually make the necessary repairs.

Ms. Crandell asked if the issue is not that the money is put in escrow but that it is actually used for dam repairs.

Mr. Maroon said that it was both. There is a concern about being required to pay that amount of money, but also to see that it is spent properly.

Mr. Maroon said that dam owners retain liability whether or not this legislation is enacted.

#### **Security of Land Preservation Tax Information**

Through this legislation, the Department of Conservation and Recreation is seeking to maintain the security and privacy of tax information that it receives from the Department of Taxation and private taxpayers pursuant to its responsibilities in conducting reviews of applications for land preservation tax credits. Currently, the Department receives copies of all applications and verifies the conservation value of applications for a credit of \$1 million or more. In the course of carrying out its responsibilities, the Department receives information that would be maintained in confidence if received by the Department of Taxation. However, due to the lack of a specific exemption in the Freedom of Information Act, it is not believed that DCR would be able to exempt such information. This bill would protect private taxpayer information provided to DCR in the same manner that it is currently protected by the Department of Taxation.

#### **Water Quality Improvement Fund - Clarification of Nonpoint Source**

##### **Funding**

Clarifies that General Fund deposits (in addition to those required by law from any annual fiscal year surplus) may be made to the Water Quality Improvement Fund for nonpoint source pollution improvements. This bill amends the Water Quality Improvement Act to specify that the Governor and General Assembly may, at any time, provide additional funding for nonpoint source reduction activities through the Water Quality Improvement Fund in excess of the mandatory surplus deposit.

#### **Lake Anna State Park Easement**

This legislation will allow the Department to grant an easement across a portion of Lake Anna State Park in Spotsylvania County to the owner of a single adjoining parcel in exchange for the extinguishment of a prescriptive easement that was obtained by the landowner prior to the Department's acquisition of the portion of the Park affected by the easement.

#### **Staunton River State Park Easement**

This legislation will allow the Department to grant an easement across a portion of Staunton River State Park in Halifax County to the owner of a single adjoining parcel in exchange for the extinguishment of a prescriptive easement that was obtained by the landowner prior to the Department's acquisition of the portion of the Park affected by the easement.

#### **Park Housing**

Allows the DCR Director to lease residential property, not owned by the Commonwealth, from prospective landlords for the purposes of sub-leasing to

employees who otherwise qualify for leasing state-owned housing if he determines that the availability of state-owned housing is inadequate to meet the on-site security requirements for Department-owned property. Such leases and subleases shall be approved as to form and content by the Attorney General and the Department of General Services.

**SB 40 Mayo River Scenic River**

Designating portions of the North Mayo River and South Mayo River as components of the Virginia Scenic Rivers System.

*Patron:* Reynolds

**HB 109 Regulation of Firearms by state entities**

Prohibits a state agency or commission from adopting any rules, regulations, or policies governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combinations thereof, unless expressly authorized by statute. The prohibition does not apply to correctional facilities or mental health facilities. Any rule, regulation, or policy adopted prior to July 1, 2007, except for those specifically authorized by statute, will be invalid.

*Patron:* Cole

**HB 119 Attorney General to represent Soil and Water Conservation Districts**

Requires the Attorney General to represent Soil and Water Conservation Districts in any suits or actions brought by the districts or district directors. Currently, Commonwealth's attorneys are charged with the responsibility of representing districts and district directors.

*Patron:* Landes

**HB 260 DCR Abandoned Railroad Corridors**

Allows the Department to acquire abandoned railroad corridors for use as greenways, linear parks, or potential transportation corridors.

*Patron:* Fralin

Mr. Baxter said that this bill gives DCR specific authority to purchase railroads that have been abandoned. He said that the bill does not give any authority the Department does not already have.

Mr. Maroon gave an update regarding Virginia's Natural Area Preserve System.

**Rapidly Growing State System**

- In 2001, the Virginia Department of Conservation and Recreation managed 34 State Natural Area Preserves covering nearly 20,000 acres, 18 staff and a GF budget of \$800,000 for managing natural areas.

- Today DCR has 52 natural area preserves on over 42,000 acres, 10 FTE and a general fund budget of \$720,000 to manage a system that has more than doubled in size over the past 6 years.
- 18 of the preserves have public access facilities, typically a gravel parking area, nature trails, boardwalks and wildlife observation decks.
- In addition, the recently announced acquisition of Crow's Nest peninsula (to be completed in Spring 2008) with over 1,700 acres in Stafford County will further add to the management responsibilities of the agency.
- By the end of 2009, DCR is projected to dedicate an additional 15 new natural area preserves representing 12,000 more acres and bringing the total to 67 state natural areas encompassing over 54,000 acres.

### **The Need:**

- While re-benchmarking the current system would require \$1.9 million and 15 additional FTE, the immediate need is for 6 FTE plus operating and management expenses totaling \$850,000 in general funds.
- This funding will enable DCR to re-open North Landing River Natural Area Preserve in Hampton Roads that was once a premier nature preserve that has been closed since 2002 due to budget cuts and to better patrol, inspect and actively manage the state's natural area preserves (prescribed burning, invasive species control, rare species monitoring, wildlife management, managed hunting opportunities, signs, boundaries, roads, trails, boardwalks, etc.)
- DCR will also be able to provide greater public access to six or seven "showcase" preserves. These are Pinnacle NAP in Russell County, Buffalo Mountain NAP in Floyd County, Grassy Hill NAP in Franklin County, Dameron Marsh and Hughlett Point NAPs in Northumberland County, Savage Neck Dunes NAP in Northampton County, and North Landing River NAP in Virginia Beach.
- The funding is also urgently needed for the initial care taking of the 1,700 acre Crow's Nest Natural Area Preserve set to be acquired in Spring 2008.

Ms. Mason said that the subcommittee is anxious to help in this area.

### **Natural Area Management Update**

Dr. Myers gave an update on Natural Area management.

Dr. Myers said that DCR staff had been executing the strategies of the subcommittee. A partners and stakeholders meeting was held on October 22 with key conservation partners. He said that DCR hopes to hold a similar style meeting in the spring.

Dr. Myers said that another part of the strategy is to make natural areas more visible to the public. The DCR Public Communications Office (PCO) is producing palm cards with information.

PCO did attempt to arrange a display booth at the General Assembly, however at the time space is not available.

On Monday, January 7 a meeting was scheduled with Director of Natural Heritage Tom Smith, Public Communications Officer Gary Waugh and Dr. Myers with representatives from natural areas round the state to discuss the development of the natural area reserve communications plan.

Mr. Maroon said that DCR would be happy to share the results of that meeting.

### **Proposed New Natural Area Preserve Names**

Mr. Larry Smith gave a presentation regarding proposed new Natural Area names.

#### **The Channels**

- Location: Washington and Russell Counties
- Owner: Virginia Department of Forestry
- Size: 708 +/- acres
- Natural Heritage Resources: Carolina saxifrage, and outstanding examples of Southern Appalachian northern hardwood Forest, high elevation cove forest and mountain/piedmont calcareous cliff natural communities.

Recommended name: *The Channels Natural Area Preserve*

#### **Bullpasture Meadows**

- Location: Highland County
- Owner: Department of Game and Inland Fisheries, Highland Wildlife Management Area
- Size: 177.62 acres
- Natural Heritage Resources: rare fish and mussel species including the endangered James spinymussel; rare dragonflies and the state rare Riverine tiger beetle; significant cave and karst area.

Recommended name: *Bullpasture Meadows Natural Area Preserve*

#### **Rattlesnake Swamp**

- Location: Isle of Wight County



- Owner: Isle of Wight County, with a conservation easement held by The Nature Conservancy
- Size: 500+/- acres; 5.5 river miles
- Natural Heritage Resources: old-growth cypress-tupelo swamp forest

Recommended name: *Rattlesnake Swamp Natural Area Preserve*

### **South Quay Sandhills**

Location: Suffolk

Owner: Conservation Forestry, LLC, with a conservation easement held by The Nature Conservancy; and International Paper, with a conservation easement held by DCR.

Size: 2315+/- acres

Natural Heritage Resources: longleaf pine sandhills, numerous rare plant and animals species, Atlantic white cedar pocosin, cypress-tupelo swamp forest.

Recommended name: *South Quay Sandhills Natural Area Preserve*

### **Sweet Spring Hollow**

Location: Montgomery County

Owner: Private

Size: 232 +/- acres

Natural Heritage Resources: numerous rare plants including smooth coneflower, Addison's leatherflower; globally rare Ridge and Valley dolomite woodland community and watershed protection for two globally rare fish species – Roanoke logperch and orangefin madtom.

Recommended name: *Sweet Spring Hollow Natural Area Preserve*

### **Crows Nest**

Location: Stafford County

Owner: Department of Conservation and Recreation/Stafford County

Size: 2900 +/- acres

Natural Heritage Resources: bald eagle, short-nose sturgeon, American ginseng; Habitat for about 60 species of neotropical migratory songbirds, nearly 60% of which are experiencing population declines, including ten species that are high global priority species of Partners In Flight; 2200 acres of mature hardwood forest including two forest types that are recognized as globally rare by the international network of Natural Heritage Programs.

Recommended name: *Crows Nest Natural Area Preserve*

MOTION: Ms. Mason moved that the Board of Conservation and Recreation recommend that the Director approve the suggested Natural Area Preserve names as presented by staff.

SECOND: Mr. Connolly

DISCUSSION: None

VOTE: Motion carried unanimously

### **By-laws**

Mr. Dowling said that he had given a brief overview of suggested changes to the By-laws at the November meeting. He noted that a revised version had been mailed to members and that comments received had been incorporated.

Mr. Connolly said that if there were no substantive changes to the By-laws as sent out by staff that he would prefer to move ahead with adoption.

MOTION: Mr. Connolly moved that the By-laws for the Board of Recreation be approved as amended by staff.

SECOND: Ms. Crandell

DISCUSSION: Mr. Nettles expressed a concern regarding Article 8 that indicates pre-approval by the Director is needed for overnight accommodations. He said that the state law provides for all reasonable and necessary expenses to be covered. He said he was not aware that other DCR Boards had this provision.

Mr. Maroon said that this has been done in practice while not outlined in the By-laws of each Board. He said that this was in reality an attempt to clear appropriate rates in advance as Board members were not expected to be familiar with state lodging rates in every area.

Mr. Connolly said that he was satisfied with the document as long as a policy statement was developed and on file regarding overnight accommodations.

VOTE: Aye: Connolly, Cooley, Crandell, Mason, Murray, Smith, Swinson, Wagner

No: Nettles

Motion carried.

### **Virginia Outdoors Plan Presentation**

Mr. Davy gave an update regarding the 2007 Virginia Outdoors Plan.

#### **Virginia Outdoors Plan**

Virginia's 9<sup>th</sup> comprehensive outdoor recreation, land conservation and open space plan.

- Staff assessed implementation of the 2002 *VOP*.
- Outdoor recreation facilities inventory in 2005.
- 40 public meetings were held in 2005 DCR.
- Virginia Outdoors Survey with VCU in 2006.
- Statewide Technical Advisory Committee (TAC), appointed by the director of DCR.
- Researched trends and issues identified in the public meetings.
- Individual meetings and interviews with agency partners.
- Draft text and maps posted in late 2006.
- 40 public meetings were held in 2006 DCR.
- Input from the public meetings and written comments were considered.
- Internal review of the text and maps.
- Final posted on DCR website.
- Final document printed.

#### VOP Themes

- Outdoor Recreation
- Land Conservation
- Green Infrastructure
- Official guidance document for the Virginia Land Conservation Foundation (VLCF)
- Blueway planning and development.
- Virginia watersheds and their management.
- Environmental education aimed at conservation ethics and nature-deficit disorder.
- Health based lifestyles related to outdoor recreation and community design.
- The impact of climate change on outdoor recreation.
- Transportation programs supporting outdoor recreation and livable/walkable communities.
- Crime Prevention Through Environmental Design (CPTED) techniques and principles.

*2006 Ranking of Outdoor Recreational Activities*

<u>Rank</u>	<u>Activity</u>	<u>% Population Participating</u>
1	Walking for Pleasure	69%
2	Driving for Pleasure	54%
3	Visiting Historic Sites	50%
4	Swimming	40%
5	Visiting Nat. Areas, Parks	40%
6	Sunbathing on Beach	32%
7	Fishing	25%
8	Picnicking	25%
9	Using a playground	25%
10	Boating	23%
11	Jogging	22%
12	Bicycling	19%
13	Visiting Gardens/Arboretums	18%
14	Camping	16%
15	Hiking/Backpacking	14%
16	Basketball	12%
17	Golf	12%
18	Fitness Trail	10%
19	Soccer	8%
20	Snow Skiing/Boarding	7%
21	Tennis	7%
22	Hunting	7%

How important is it to have access to outdoor recreation opportunities?

9%	not important
42%	important
49%	very important

What are the most needed outdoor recreation opportunities in Virginia?

Public Access to state waters	49%
Trails for hiking, walking, bicycling	47%
Access to Natural areas	40%

What are the top three reasons for having a system of state parks?

Conserving and protecting our natural resources - 59%

Providing places for people to explore and enjoy their natural and cultural heritage - 59%

Providing places for people to enjoy a variety of outdoor recreation activities which contribute to a health lifestyle - 54%

Did you visit a Virginia State Park in the past year?

Yes	40%
No	54%
Don't Know	6%

What prevented you from visiting a Virginia State Park?

Lack of Information	31%
Too far from home	19%
Other	18%
Lack of Desired Activities	12%
Too crowded	12%
Too expensive	10%
Safety Security Concerns	7%

How important is it to protect Virginia's natural and open space resources?

Very important	66%
Important	27%
Don't Know	6%
Not important	1%

Are open space and natural resources adequately protected?

Don't know	48%
No	30%
Yes	22%

When spending public monies to protect Virginia's open space resources from development, which strategy do you feel is best?

Outright purchase from willing sellers of the property & then manage as natural area or park for public use.	71%
Purchase of easements that reduce development rights, leaving the land in private ownership with some public use allowed.	23%
Purchase of easements that reduce development rights, leaving the land in private ownership with no public use allowed.	6%

### **The need for adequate funding**

Chapter I: Vision for Virginia

Chapter III: Land Conservation

Chapter VI: Grant Opportunities for Outdoor Recreation, Open Space and Conservation

### **General trends related to demographics**

Chapter VIII.

- Sedentary work styles
- Longer work hours affects public health
- Commuting time
- Busy lives and over-scheduled family activities
- Increasing cultural diversity
- Insufficient urban open space
- Greater division between the socio-economic status of citizens
- Increasing crime
- Aging population

### **Nature-deficit disorder**

Chapter I.

Chapter II.

Chapter VII-H. Environmental and Land Stewardship Education

### **Benefits of parks, recreation and open space**

Chapter V: Economic Benefits of Recreation, Tourism and Open Space

Chapter VIII. Health and wellness benefits of outdoor recreation

Chapter IX-D: Local and Regional Parks and Recreation

### **Environmental impacts due to the loss of open space lands to development**

Chapter III. Land Conservation

Chapter IV. Green Infrastructure

Chapter VII-C. Historic and Landscape Resources

### **Bicycle and pedestrian facilities**

- Chapter IX-B-6. Transportation Programs
- Walkable, livable communities with safe routes to schools
- Rails to Trails and Rails with Trails
- Support for bicycle commuters
- Educate motorists and bicyclists.

### **Trails and greenways**

Chapter VII-A. Trails and Greenways

**Land conservation**

Chapter III. Land Conservation

Chapter IV. Green Infrastructure

Importance of green infrastructure planning

Chapter I. Vision

Chapter II.

Chapter III. Land Conservation

Chapter IV. Green Infrastructure

Resource Agencies

- Federal (National Parks, National Forests & National Wildlife Refuges)
- State (DGIF, VMRC, DOF, DNH, Transportation Programs)
- Local & Regional Parks and Recreation
- Private Sector

What's Next

- Postcard announcement distribution
- Printed version and CDs late February
- Begin implementation and distribution discussion meetings early March

Ms. Crandell said that the staff was to be commended for the development of the Virginia Outdoors Plan with particular note to the planning and execution of the public hearing process.

**LWCF Grant Recommendations**

Mr. Davy said that the Land and Water Conservation Fund provides limited funding to address land acquisition. He said there were 10 very worthwhile applications. He noted that a significant amount of other funding was dedicated to these projects. The maximum grant award was \$100,000.

Ms. Waymack reviewed the Land and Water Conservation Fund Grant Recommendations. She noted that the property must be maintained in perpetuity and cannot be converted to another use.

The five recommended projects were:

<b>Applicant Name</b>	<b>Project Name</b>	<b>Location</b>	<b>Total Project Cost</b>	<b>LWCF Grant Request</b>
Craig County	Field of Dreams	Craig County	\$244,504.00	\$100,000.00
Roanoke County Dept. of Parks,	Taylor Tract Park and Trail System	Roanoke County	\$162,620.00	\$77,700.00

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Recreation and Tourism				
Town of Wachapreague	Wachapreague Seaside Community Park	Wachapreague	\$170,242.00	\$85,121.00
County of Augusta	Verona Park	Augusta County	\$438,000.00	\$50,000.00
City of Virginia Beach, Department of Parks and Recreation	Acquisition of Lake Lawson Phase II - Lake Lawson and Lake Smith Natural Area	Virginia Beach	\$2,500,000.00	\$100,000.00

**MOTION:** Mr. Mark Smith moved that the Board of Conservation and Recreation recommend approval of the Land and Water Conservation Fund projects as presented by staff.

**SECOND:** Ms. Mason

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

### **State Park Project Fund**

**MOTION:** Mr. Mark Smith moved that the Board of Conservation and Recreation recommend approval of the following State Parks Project Fund Project:

Project 08-01 New River Trail State Park

Jackson Ferry Equestrian Complex - \$50,000 (estimated)

Park is requesting authority to raise and expend an estimated \$50,000 towards this project. This will be an ongoing project.

**SECOND:** Mr. Connolly

**DISCUSSION:** None

**VOTE:** Motion carried unanimously

### **Other Business**



Mr. Nettles said that he attended an event sponsored by the Association for the Preservation of Virginia Antiquities (APVA). He said that he would like to see the Board or Department present an award to recognize the work of land trust associations in the Commonwealth.

Mr. Maroon said that efforts were already underway for an award in that regard and that the Governor's Environmental Excellence Awards, established by Governor Wilder were being revitalized and would be presented at the Environment Virginia conference at VMI in April.

Ms. Mason asked if there was a mechanism for Board participation.

Mr. Baxter said that the information is available on the DEQ website. He said that staff would forward that information to members following the meeting.

### **Public Comment**

There was no additional public comment.

### **Next Meeting**

Friday, May 2, 2008

### **Adjourn**

There being no further business, the meeting was adjourned.

Respectfully submitted,

Sheryl D. Swinson  
Chair

Joseph H. Maroon  
Director

Attachment #1

### **Highlights of 2007: Year-End Review**

- DCR's involvement in the state's 400th anniversary events included a re-enactment of the English colonists' first steps in America at First Landing State Park. This was a signature event in the year-long commemoration that was attended by more than 8,000 people.
- Related to the 2007 commemoration was DCR's completion of "John Smith's Adventures on the Pamaunk Flu." This water trail along the York, Pamunkey and Mattaponi rivers interprets the interaction between John Smith and early settlers and the Native Virginia tribes in the area. It was produced as a complement to the existing, award-winning "John Smith's Adventures on the James River" water trail that DCR completed in October 2006.
- Virginia's State Parks achieved a milestone by serving over 7 million visitors and hosting special programs such as the "Blowin' the Dust Off" Tour by one of Virginia's finest musicians, Steve Bassett, along with Michele Nixon & Drive.
- DCR also hosted the National Association of State Park Directors conference in Williamsburg, where a groundbreaking agreement between state park directors and the National Park Service was reached that targeted initiatives to reconnect America's youth to the outdoors.
- The children in nature theme was also picked up in DCR's 2007 *Virginia Outdoors Plan (VOP)*, which is soon due out for release. This document is developed by DCR's planning and recreation resource planners to help all levels of the private and public sector meet the needs of outdoor recreation, land conservation and open space planning. The *VOP* provides guidance for the protection of lands through the Virginia Land Conservation Foundation, and serves as the official statewide comprehensive open space plan.
- Conserving Virginia's lands remains a top priority. As of October 31, 2007, Virginia had protected 171,000 acres towards Governor Kaine's goal of preserving an additional 400,000 acres of land by 2010.
- DCR staff discovered and corrected an error of about 120,000 acres in the year 2000's baseline of acres to be preserved in the Chesapeake Bay watershed. This resulted in a total 360,000 acres still needing to be protected to reach the Bay land conservation goal by 2010. (It did not affect progress on the Governor's goal.)

- DCR did its part this year by acquiring nearly 600 acres for state parks and natural areas in 2007. We also assumed new responsibilities associated with the land preservation tax credit program, administered \$6.2 million in grants to acquire lands or conservation easements through the Virginia Land Conservation Foundation, and helped sponsor the Governor's Land Conservation Forum in Southern Virginia.
- To provide the public with land conservation information, our Natural Heritage Program launched the Land Conservation Data Explorer, an online tool that allows the public to search and map information on all conserved lands. DCR also improved its Land Conservation website.
- Several advancements were made in water quality. The Department's Chesapeake Bay Local Assistance program staff have been working with the 84 Tidewater Virginia localities that fall under the Chesapeake Bay Preservation Act. All localities have met the first two stages of compliance and agency staff are now preparing to work with localities to review their local codes and address areas where those codes conflict with Bay Act requirements and the protection of water quality.
- DCR and the Virginia Soil and Water Conservation Board have also revised the process for approval of local erosion and sediment control programs. This change reflects the next step in improving our oversight of and assistance to local implementation of this important pollution prevention program.
- A number of advancements were also made on the agricultural front for healthier waters. In November, DCR signed an agreement with Virginia's poultry companies to reduce 30 percent the amount of phosphorus found in poultry litter by 2010. One way this will be achieved is through the addition of enzymes, such as phytase, to poultry feed that allows the birds to better absorb the phosphorus in their food.
- Even more significant was the availability of \$18 million – the most ever in any single year - in our agricultural cost-share incentive program that was used to help farmers put conservation practices on the ground. This year, with the cooperative partnership of the local soil and water conservation districts, we focused more of the funds on five priority practices.
- In our policy and regulatory areas, DCR continued significant efforts to revise regulations for the management of water quality and water quantity under our Stormwater Management Program. We are also close to finalizing amendments to Virginia's dam regulations to enhance the Dam Safety Program and to improve public safety.
- Beginning in December 2007, DCR revamped an existing fund and started our first solicitation of applications for loans to assist private owners and local

governments with qualified dam rehabilitation, dam break inundation zone mapping, and floodplain mitigation and reduction projects.

- We undertook along with the Board of Conservation and Recreation a year-long review of the Commonwealth's Natural Area Preserve System. That rapidly expanding system is now up to 52 nature preserves totaling over 42,000 acres.
- The close of the year brought exciting news about the pending acquisition of the Crow's Nest property in Stafford County, which promises to be a jewel in the system.
- We opened major new state park facilities including cabins at Bear Creek Lake, Occoneechee, James River, Kiptopeke and Claytor Lake and meeting facilities at Bear Creek Lake and Claytor Lake and dedicated the newly renovated meeting hall at Westmoreland in honor of former delegate and secretary of natural resources Tayloe Murphy and his wife Helen.

Attachment #2

## **DRAFT**

### **BOARD OF CONSERVATION AND RECREATION**

#### **By-Laws**

**Adopted: 6/25/96**

**Revised: January 4, 2008**

#### ARTICLE I           NAME

The name of this organization is the Board of Conservation and Recreation hereinafter referred to as the "Board."

#### ARTICLE II           AUTHORIZATION

The Board was established pursuant to Title 10.1, Chapter 1, Article 2, Sections 10.1-105, 10.1-106, and 10.1-107 of the Code of Virginia (1950) as amended, hereinafter referred to as the "Code." The Board was reorganized and established as a policy board in the executive branch in accordance with § 2.2-2100 and is the successor to the Board on Conservation and Development of Public Beaches and the Virginia State Park Foundation pursuant to Chapter 89 of the 2003 Virginia Acts of Assembly.

#### ARTICLE III           MISSION

The Board shall assist the Department of Conservation and Recreation in working with Virginians to conserve, protect, and enhance their lands, to improve the quality of the Commonwealth's rivers and streams and the Chesapeake Bay, and to promote the stewardship and enjoyment of natural, cultural and outdoor recreational resources.

The Board shall assist and advise the Governor and the Director of the Department of Conservation and Recreation, hereinafter referred to as the "DCR Director" on activities of the Department in accordance with ~~section~~ §10.1-107 of the ~~Code of Virginia~~ Code and shall assist the Department in the duties and responsibilities described in Subtitle I (§10.1-100 et seq.) of Title 10.1 of the Code. ~~The Board shall have the authority to promulgate regulations necessary for the execution of the Virginia Stormwater Management Act, Article 1.1 (10.1-603.1 & seq.) of Chapter 6 of Title 10.1.~~

#### ARTICLE IV           LOCATION

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The office of the Board shall be in the Department of Conservation and Recreation at 203 Governor Street, Suite 302, Richmond, Virginia.

ARTICLE V POWERS AND DUTIES

The Board shall have all of the rights, powers, and duties bestowed by and be subject to the limitations and restrictions set forth in ~~Sections~~ §§10.1-105, 10.1-106 and 10.1-107 of the Code, or as may be conferred elsewhere in the Code or in the Virginia Acts of Assembly. Such rights, powers, and duties shall include:

- A. Upon the request of the Governor, or the DCR Director, the Board shall institute investigations and make recommendations.
  
- B. The Board may formulate recommendations to the DCR Director concerning:
  - 1) Requests for grants or loans pertaining to outdoor recreation;
  - 2) Designation of recreational sites eligible for recreational access road funds;
  - 3) Designations proposed for scenic highways and Virginia byways;
  - 4) Acquisition of real property by fee simple or other interests in property for the Department including but not limited to, state parks, state recreational areas, state trails, greenways, natural areas and natural area preserves, and other lands of biological environmental, historical, recreational or scientific interest;
  - 5) Acquisition of bequests, devises and gifts of real property, and the interest and income derived there from;
  - 6) Master plans, and substantial acquisition or improvement amendments to master plans as provided in §10.1-200.1 of the Code;
  - 7) Naming of Virginia State Parks and Natural Area Preserves;
  - 8) Department budget requests related to its areas of responsibility as provided for in §2.2-2100; and
  - 9) Other areas consistent with the Board's mission and those other areas as requested by the Director.
  
- C. The Board shall have the authority to promulgate regulations necessary for the execution of the Public Beach Conservation and Development Act, Article 2 (§10.1-705 et seq.) of Chapter 7 of this Title. The Board shall:
  - 1) Review the financial need of localities for the implementation of the Act;
  - 2) Determine successful applicants for funds from the Public Beach Maintenance and Development Fund;

- 3) Determine the equitable allocation of funds among participating localities accept for allocations provided for in the current general appropriations act; and
- 4) Oversee local implementation of approved projects.

D. The Board is authorized to conduct fund-raising activities as deemed appropriate and will deposit such revenue into the State Parks Projects Fund pursuant to subsection D of §10.1-202.

E. The Board shall provide advice to the Department regarding the Department's lead responsibility for the Commonwealth's nonpoint source pollution management program (§10.1-104.1) and shall encourage and promote nonpoint pollution control and prevention, including nutrient control and prevention (§10.1-2125). The Board shall provide advice and guidance to the Secretary of Natural Resources in the development of written guidelines that govern the application for and the distribution and conditions of the Water Quality Improvement Grants (§10.1-2129).

#### ARTICLE IV MEMBERSHIP

##### Section 1 Number, Appointment

The Board shall consist of ~~nine~~ 12 members appointed by the Governor.

##### Section 2 ~~The Board Members~~ shall serve at the pleasure of the Governor and no Board Member shall serve more than two consecutive full terms. ~~A~~ However, a Board Member whose term has expired shall continue to serve until their successor has been appointed.

All Board members shall be responsible for the timely filing of annual Conflict of Interest forms with the Department and the Secretary of Commonwealth's Office. Any Board Member who finds he/she has a conflict of interest on any issue before the Board shall recuse themselves from voting on the matter.

#### ARTICLE VII OFFICERS

##### Section 1 The Board shall elect from its membership a Chairman, Vice-Chairman and such other officers as it deems appropriate and such officers shall serve until the end of the fiscal year and thereafter shall be elected annually.

The Chairman may serve multiple terms, consecutive or otherwise, if elected by the Board.

##### Section 2 DUTIES OF THE CHAIRMAN

The Chairman shall preside at all meetings of the Board at which he/she is present and shall vote as any other member. He/She may appoint, with the concurrence of the Board, subcommittees of not less than three to consider and deal with special interests and problems related to programs of the Department, and call special meetings as required, ~~and shall in general~~ act as the Board's spokesman, and perform such other duties as it may direct.

Section 3 DUTIES OF THE VICE-CHAIRMAN

The Vice-Chairman shall serve as Chairman under resignation or death of the Chairman until the Board elects a new Chairman.

The Vice-Chairman shall, in the absence of the Chairman, have authority to perform all duties and exercise all powers of the Board Chairman and shall perform other duties as the Board may direct.

Section 4 DUTIES OF THE EXECUTIVE SECRETARY

~~The Board shall elect from its membership or appoint a non-member to~~ The DCR Director or his designee shall serve as the Executive Secretary to the Board. The Executive Secretary will be responsible for administrative requirements of the Board and for maintaining the official minutes and other records of the Board.

ARTICLE VIII REIMBURSEMENT OF EXPENSES

~~The~~ Upon request, Board members shall be reimbursed pursuant to applicable state reimbursement regulations for actual expenses incurred in the discharge of their duties. Reimbursement for overnight accommodations must be pre-approved by the DCR Director.

ARTICLE IX MEETINGS

The Board shall meet at a time and place to be determined by the Board. Additional meetings may be held as determined by the Chairman or the DCR Director. The Board shall meet at least ~~four~~ three times per year. The first regular meeting shall be held in the period from July 1 to December 31 of each year. All meetings of the Board shall be conducted in accordance with the Virginia Freedom of Information Act.

Section 2 NOTICE



Meeting notices will be published on the Regulatory TownHall by the DCR Director or his designee. At least three weeks' notice will be given to all Members in writing or by telephone or FAX stating the time, place and purpose of the meeting. Special called meetings shall provide at least one week's notice of meeting to all Members, the DCR Director, DCR staff as necessary, and to those members of the public who have requested notification. Special meeting notice shall be given in writing, or by telephone or by FAX stating the time, place and purpose of the meeting.

### Section 3 MINUTES OF THE MEETING

~~Minutes must be provided to the DCR Director~~ Draft minutes shall be developed by the Executive Secretary within 30 days-10 working days following any meeting using the prescribed format in DCR Policy and Procedure Number 116 and shall be posted to the Regulatory TownHall. Minutes shall be finalized and posted within 3 working days of approval by the Board.

### ARTICLE X QUORUM

A quorum for the conduction of business of the Board is a majority of the qualified members and does not include unfilled vacancies.

### ARTICLE XI INDEMNIFICATION

Every Board member (including heirs, executors, and administrators) shall be indemnified by the Virginia Department of Treasury's Division of Risk Management of the Commonwealth of Virginia against all judgments, fines, settlements and costs including attorney's fees imposed upon or incurred by such Board Members in connection with or resulting from any action, suit, proceeding or claim to which such Board Member is or may be made a party by reason of being or having been a member of the Board except in relation to matters as to which such Board Member shall have been finally adjudged in such action, suit or proceeding to be guilty ~~or~~ of a malum per in se offense or liable for gross negligence, fraud or self-dealing in the performance of such Board Member's duties.

### ARTICLE XII AUDIT

The ~~accounts and~~ records of the Board shall be subject to audit by the DCR Director or his designee and by the Auditor of Public

Accounts or his legal representative on an annual basis. The Board's fiscal year shall be the same as the Commonwealth's.

ARTICLE XIII APPOINTMENTS

The Board may request the DCR Director to appoint competent individuals to serve in advisory capacities to assist the Board in carrying out its duties.

ARTICLE XV AMENDMENTS

These By-laws may be amended by a two-thirds vote of the entire membership at any regular meeting provided that the members are notified of the nature and effect of any proposed amendment in advance of the meeting.

~~These By-laws will be reviewed on a biennial basis by the Board and the DCR Director.~~ These By-laws will be reviewed at five-year intervals by the Board and the Director or more frequently as may be found to be necessary. The By-laws shall be on file, available for review and copying at the Virginia Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, Virginia 23219.

