

**Board of Conservation and Recreation
Friday, June 30, 2023
Pocahontas State Park, Chesterfield, Virginia**

TIME AND PLACE

The meeting of the Board of Conservation and Recreation took place at 10:00 a.m. on Friday, June 30, 2023 at Pocahontas State Park in Chesterfield, Virginia.

BOARD OF CONSERVATION AND RECREATION MEMBERS PRESENT

Danielle Heisler, Chair	Hunter H. Ihrman
Dexter C. Hurt, Vice Chair	Kat Maybury
Chief Walt "Red Hawk" Brown	Esther M. Nizer
Hon. James Cheng	Camila Simon
Col. Eric Hoggard	Ross Stewart

BOARD OF CONSERVATION AND RECREATION MEMBERS NOT PRESENT

John W. Inge, IV
Cisco C. Minthorn

DCR STAFF PRESENT

Matthew S. Wells, Director
Andrew Smith, Chief Deputy Director
Laura Ellis, Deputy Director for Administration and Finance
Frank Stovall, Deputy Director for Operations
Jason Bulluck, Director, Division of Natural Heritage
Kelly McClary, Director, Division of Planning and Recreation Resources
Derrick Bolen, Special Assistant for Policy
Whitten Cluff, Executive Assistant for Operations
Michael Fletcher, Board Liaison
Taylor Jenkins, Environmental Program Planner
Samantha Wangsgard, Chief Environmental Planner

ESTABLISHMENT OF A QUORUM

With ten (10) members of the Board present, a quorum was established.

CALL TO ORDER AND INTRODUCTIONS

Chairman Heisler called the meeting to order at 10:03 a.m. and asked for introductions.

APPROVAL OF MINUTES FROM JANUARY 6, 2023 AND MAY 4, 2023

BOARD ACTION

Mr. Cheng moved that the minutes from the January 6, 2023, and the May 4, 2023 meetings of the Board of Conservation and Recreation be approved as submitted.

Mr. Hurt seconded and the motion carried.

DIRECTOR'S REPORT – *Matthew S. Wells, DCR Director*

Director Wells advised that, in the interest of time, he would dispense with a full report. He noted that budget negotiations continue in the General Assembly.

BOARD CONSERVATION OF POLICY CONCERNING VIRTUAL MEETINGS – *Michael Fletcher, Board Liaison, DCR*

Mr. Fletcher presented a DRAFT policy concerning virtual meetings.

The Board discussed the section regarding the limitation of meetings, but did not amend the policy.

BOARD ACTION

Mr. Ihrman moved that the Policy Regarding Virtual Meetings be adopted as presented by staff.

Chief Brown seconded and the motion carried.

A copy of the approved policy is included as Attachment A and will be included in the Board Bylaws as Amendment A.

NATURAL HERITAGE PLANNING – *Jason Bulluck, Director, Division of Natural Heritage, DCR*

Mr. Bulluck provided a brief overview regarding Natural Heritage Division's second revision to the Natural Area Preserve Management Guidelines. He noted that this was an update to two previous versions approved by the Board in 2003 and 2013.

There were no questions about the content of the revised Guidelines document.

Chief Brown asked how demolition and waste disposal was handled by the Department.

Mr. Bulluck answered that structure demolition projects, noting the occasional requirement for disposal of hazardous materials is, contracted out. Otherwise, removal of trash and other debris from Natural Area Preserves is typically handled by Stewardship staff, often with the assistance of members of volunteer stewardship committees.

Ms. McClary noted that the agency goes through a standard demolition permit process to award a contract for out-sourced demolition work.

BOARD ACTION

Mr. Cheng moved that the revised Natural Area Preserve Management Guidelines be approved as submitted by staff.

Ms. Nizer seconded, and the motion carried.

CLINCH RIVER STATE PARK MASTER PLAN – *Samantha Wangsgard, Chief Environmental Planner, DCR*

Ms. Wangsgard gave a summary of the Clinch River State Park Master Plan as presented at the May Board meeting.

Ms. Simon asked if there was an active railroad.

Ms. McClary responded that there is an active railroad and that the Department conducts a detailed survey of the land and the access.

Chief Brown asked about the history of indigenous peoples on the park property.

Ms. McClary offered to provide a list of the Advisory Committee Members and to look back at the development of the plan. She advised that she will provide that information if it is available.

Ms. Simon noted that the plan does mention the Cherokee tribe but noted that more emphasis was placed on the European imprint.

Ms. McClary noted that the Master Planning process is a continuum. As additional properties are obtained, the Department will come back to the Board with a revisions to the plan.

Mr. Stovall advised that some of the issues in question would be better addressed in the Visitor Experience Plan and the Resource Management Plan, both of which go into greater detail and are part of the operating plans that parks use to make decisions in the field.

Col. Hoggard asked how the recreation activities for each park are determined.

Ms. Wangsgard noted that for Clinch River the Department conducted a stakeholder engagement survey as well as additional outreach. The survey had over 170 respondents. She noted that no site is necessarily the same and that not all have the same amenities.

Ms. Wangsgard also advised that an advisory team with subject matter experts contributed to the plan. A consultant performed several studies, including a market assessment.

Ms. Nizer clarified that, upon Board approval, the plan goes to the General Assembly for review.

Ms. Wangsgard confirmed that the General Assembly has the opportunity to comment. Those comments would be considered and the plan would be submitted to the Director for final approval.

Director Wells noted that in the internal budget process the agency moved forward with submitting a request for funding for park development.

Mr. Hurt asked if there was a plan to have river services available to provide information on river conditions, safety, and other issues.

Ms. McClary noted that the agency works with localities, the Clinch River Initiative, tourism, and others along the hub sites.

BOARD ACTION

Mr. Ihrman moved that the Board of Conservation and Recreation endorse the Clinch River State Park Master Plan as presented by staff.

Ms. Maybury seconded and the motion carried.

PUBLIC COMMENT

Ms. Nizer commented that at the May meeting parks staff presented the concept of the colorblind view camera being installed at Natural Tunnel State Park. She noted that State Parks has released a video of the project and commented that it was fabulous.

Director Wells advised that two members, Mr. Hurt and Mr. Minthorn, would be rotating off the Board. He thanked them for their service.

Mr. Hurt commented that this had been a great term and a great experience. He advised that he would still be visiting parks.

ADJOURN

There was no further business and the meeting adjourned at 10:55 a.m.

ATTACHMENT A

**BOARD OF CONSERVATION AND RECREATION
POLICY REGARDING VIRTUAL MEETINGS
June 30, 2023**

ESTABLISHMENT OF POLICY

In accordance with § 2.2-3708.1 of the *Code of Virginia* (Code), the Virginia Board of Conservation and Recreation (Board) establishes the following policy regarding remote participation and all-virtual public meetings.

REMOTE PARTICIPATION

It is the policy of the Board that individual Board members may participate in meetings of the Board by electronic communication as permitted by § 2.2-3708.3 of the Code. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or matters that will be considered or voted on at the meeting.

Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the Board to be physically assembled at the primary or central meeting location.

When such individual participation is due to a personal matter, such participation is limited by law to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

Requests for remote participation shall be conveyed to staff of the Department of Conservation and Recreation (DCR), who shall relay such requests to the chair of the public body.

Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the *Code of Virginia*). If a member's participation from a remote location is challenged, the Board shall vote on whether to allow such participation.

The requests for remote participation shall be recorded in the meeting minutes. If the Board votes to disapprove the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity. The minutes shall include other information as required by §§ 2.2-3707 and 2.2-3708, depending on the type of remote participation or all-virtual public meeting.

As provided for in subsection B of §2.2-3708.3 of the Code, there are four circumstances where individual members of the Board may participate from a remote location. The member must notify the Board Chair of one of the following four reasons for remote participation.

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may only use remote participation due to personal matters of up to two meetings per calendar year, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If an individual member remotely participates in a meeting, a general description of the remote location must be included in the minutes. (a specific address is not required). The remote location does not have to be open to the public.

If a member remotely participates due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance, that fact must be included in the minutes. It is not required to identify the specific disability or medical condition.

If a member remotely participates because the member's principal residence is more than 60 miles from the meeting location, the minutes must include that fact.

If a member remotely participates due to a personal matter, the minutes must include the specific nature of the personal matter cited by the member.

If remote participation by a member is disapproved because it would violate the participation policy adopted by the Board, such disapproval must be recorded in the minutes.

ALL-VIRTUAL PUBLIC MEETINGS

It is the policy of the Board that the Board may hold all-virtual public meetings pursuant to subsection C of § 2.2-3708.3. Such all-virtual public meetings are limited by law to two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. An all-virtual public meeting may not be held consecutively with another all-virtual public meeting.

The following provisions for all-virtual meetings under subsection C of § 2.2-3708.3 shall apply.

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a Board chooses to meet shall not be changed unless the Board provides a new meeting notice in accordance with the provisions of § 2.2-3707;
2. Public access to an all-virtual meeting is provided via electronic communication means;

3. The electronic communication means used allows the public to hear all members of the Board participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the Board as well;
4. A phone number or other live contact information is provided to alert the Board if the audio or visual transmission of the meeting provided by the Board fails, the Board monitors such designated means of communication during the meeting, and the Board takes a recess until public access is restored if the transmission fails for the public;
5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the Board for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the Board.
6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those Board meetings when public comment is customarily received.
7. No more than two members of the Board are together in any one remote location unless that remote location is open to the public to physically access it;
8. If a closed session is held during an all-virtual public meeting, the transmission of the meeting to the public resumes before the Board votes to certify the closed meeting as required by subsection D of §2.2-3712;
9. The Board does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and
10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to these requirements is disapproved because such participation would violate the policy adopted pursuant to subsection D of § 2.2-3708.3, such disapproval shall be recorded in the minutes with specificity.

ADOPTION

The Board adopted this Policy at their June 30, 2023, meeting at Pocahontas State Park in Chesterfield, Virginia. The Policy shall be included as Addendum A in the Board approved Bylaws and shall be reviewed biannually.

The Policy shall remain in effect until rescinded by the Board or until nullified or altered by amendments to the *Code of Virginia*.

Danielle Heisler

Board Chair