

FINAL

MINUTES
VIRGINIA OUTDOORS FOUNDATION (VOF)
BOARD OF TRUSTEES MEETING
8/22/18

ATTENDEES

Board of Trustees

Eleanor Brown, Chair
Viola Baskerville
Elizabeth Obenshain
Stephanie Ridder
Thomas Slater
Brent Thompson
Absent: Raul Garcia

Guests:

Joshua Saks, Office of the Secretary of Natural Resources
Rob Farrell, Virginia Department of Forestry
Rex Linville, Piedmont Environmental Council
Paul Howe, Virginia Forestry Association
Carl Garrison, Virginia Forestry Association
Heather Richards, Conservation Fund
Mike Santucci, Virginia Department of Forestry
Easton Loving, Agribusiness Council
Zachary – The Nature Conservancy
Jason Bullock, Division of Natural Heritage
Nan Mahone, Conservation Partners
Ellen Shepherd, Virginia United Land Trusts

Staff:

Brett Glymph, Executive Director
Bobbie Cabibbo, Executive Assistant
Anna Chisholm, Director of Administration
Leslie Grayson, Deputy Director
Jason McGarvey, Communications and Outreach Manager
Emily Nelson White, Conservation Program Administrator
Tamara Vance, Deputy Director

Advisors:

Richard Mahevich, Office of the Attorney General

Consultant:

Jackie Anderson, International Consulting Services

APPROVAL OF THE ORDER OF BUSINESS

Motion made by Tom Slater to approve the order of business; motion seconded by Viola Baskerville and passed unanimously.

PUBLIC COMMENTS

Carl Garrison of the Virginia Forest Association spoke of his concern that the restrictions on commercial timber harvest activities under the Forest CORE Fund program will result in having less acres preserved. He further stated that any good forest plan includes harvesting and Virginia is losing forest acres every year. He believes that the rush to produce these guidelines did not allow for a maximum partnership and a longer comment period. Mr. Garrison distributed a letter which is on file with the permanent record of this meeting.

Paul Howell of the Virginia Forest Association shared his concern that VOF would prohibit commercial timber harvesting from all of its easements. Eleanor Brown responded to him stating that our general support of productive forestland remains the same and that landowners may still retain that right for donated easements, as currently reflected in our template provisions for charitable gifts of easements. In contrast, she further explained that the proposed restrictions on commercial timber harvesting only apply to projects that receive these specific Forest CORE grant funds.

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Heather Richards of the Conservation Fund thanked the staff and trustees for their work in this complicated and competing process. Her concern for the short timeline is great and hopes that going forward VOF will continue to refine the manual and work with stakeholders. The pipelines and mitigation are affecting the wood basket of Virginia and she suggested that VOF reconsider the proposed forest provisions.

CHAIR'S REPORT

Eleanor Brown shared her appreciation of the staff's hard work getting the Forest CORE Fund grant program up and running so that an impact can be seen as soon as possible. This fund is a tremendous opportunity for VOF and we are up for the challenge. On Friday 8/24 Governor Northam will be signing a ceremonial easement to protect the Tucker Family Cemetery in Hampton. She extended an invitation to everyone to attend the event as this project is an important part of our environmental justice program.

EXECUTIVE DIRECTOR'S

Brett reminded everyone of our upcoming meetings on Sept 20 and December 5th and that the October meeting is cancelled. Our newest trustee appointed by Governor Northam is Raul Garcia, a senior legislative attorney with Earth Justice. He sent his regrets through Brett that he could not be at the meeting. Brett also thanked Martha Little and Emily White for coordinating the outreach effort for the Forest CORE grant program, which included meetings with multiple stakeholders, including representatives of every county along the pipeline. The comment period of the Forest CORE Fund Manual will be open on a rolling basis and the program is going to be a phased approach where we will make refinements and adjustments along the way, as necessary. Brett extended her apologies to those who may have felt left out in the stakeholder outreach; it was a function of the timeline as set by the office of Secretary of Natural Resources and she reiterated the critical developments and the timeline to date: the three unique agreements governing the Forest CORE Fund were made in December of 2017; VOF received the funding from MVP in late February; Emily began May 1st and within three months we have developed this new program. Again, she shared her thanks to the staff for expediting the work while using best efforts to do the most outreach possible within the time allotted to VOF.

APPROVAL OF MINUTES

Amend minutes from the 6/21/2018 Board of Trustees minutes to change the amount in the Resolution for Smith Farm to \$48,950. A motion was made by Steph Ridder to approve minutes as amended; motion seconded by Tom Slater and passed unanimously.

FOREST CORE FUND MANUAL APPROVAL

Emily White reported on the preparation and information gathering to assemble the manual which included meetings with (among others) Forest Conservation Group, Department of Environmental Quality, Nature Conservancy, Appalachian Trail Conservancy, Game and Inland Fisheries, the Soil and Water Conservation Districts, leadership and planning districts and local land trusts of pipeline affected counties, VOF staff, and U.S. Forest Service.

Many of the comments from the public and the above-named agencies and groups have been incorporated into the product included in the material. Emily handed out a package that reflects additional changes in response to last minute comments received. The main changes are contained within the scoring matrix. The distributed package is on file with the permanent record of this meeting.

Josh Saks, on behalf of the Secretary of Natural Resources, extended thanks to VOF staff and trustees for their hard work. He reminded all attendees that the agreements negotiated by the Commonwealth were developed for a very specific purpose, to mitigate for the pipeline impacts to intact forest resources and for the goals and objects of the Natural Resources Secretariat. Due to the specificity of this core forestry

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mitigation purpose, the forestry provisions must reflect significant protection of forest resources from fragmentation.

Tom Slater registered his concerns regarding receiving these recent proposed changes at the meeting. He requested that in the future all changes be presented in a timely fashion (10 days before meeting) which would allow all trustees to have ample time to digest materials so that decisions required of them are fully prepared and informed. Brett apologized for the late handouts while recognizing that this process was going on until August 21st (the day and evening before the meeting) and bringing recent changes forward was an attempt to accommodate all partners and synthesize the material for the board of trustees' review.

Motion made by Tom Slater to:

1. Approve the Forest CORE Fund Program-MVP Region including the following:
 - a. Timeline
 - b. Amended manual and appendices (with noted revisions which are included in the summary of changes provided)
 - c. Application (with the acknowledgement that there is anticipated formatting changes)
 - d. Budget Proposal
 - e. Amended Scoring Sheet (with noted revisions which are included in the summary of changes provided)
2. Set Program Funds Available at \$3,000,000 (20%) with the option for the Board to approve more/less (within a certain amount) if the quality of applications necessitates such action.
3. Provide administrative authority to staff to make minor edits/revisions/formatting changes to said approved material before it is released to the public. These administrative changes, including the development of a glossary, are in support of the intent of the program and do not represent a change from that which has been approved by this Board.
4. Subject to the foregoing, it is agreed that at the December 5th meeting, the trustees will be briefed on the application process and the cut-off date for any comments or changes on the program will be at least 10 days prior to the December 5th meeting.

Motion seconded by Ms. Obenshain and passed unanimously.

CLOSED SESSION FOR DISCUSSION AS PROVIDED FOR IN THE CODE OF VIRGINIA §2.2-3711(A)(7)

Motion made by my Steph Ridder:

“Madame Chair, I move that the Board go into a closed meeting pursuant to Section 2.2-3711.A.7 for:

1. consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiation or litigating posture of the public body, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel:
 - a. VOF easement BAT-1951
 - b. RACC v VOF

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

Motion seconded by Tom Slater and passed unanimously.

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Upon ending of the closed meeting, the following certification was read by Steph Ridder:

“WHEREAS, The Board of Trustees conducted a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and WHEREAS, Section 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member’s knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.”

Brent Thompson so certified, Steph Ridder so certified, Eleanor Brown so certified, Viola Baskerville so certified, Tom Slater so certified and Beth Obenshain so certified.

STRATEGIC PLANNING SESSION

Jackie Anderson of International Consulting Services conducted a vision exercise which gathered information from the trustees to further direct the Strategic Plan process. Results are on file with the permanent record of this meeting.

A motion was made by Tom Slater to recognize the contributions of Mr. John Richardson and his dedicated and loyal service to Virginia Outdoors Foundation; motion seconded by Steph Ridder and passed unanimously.

Meeting was adjourned.