MINUTES
VIRGINIA OUTDOORS FOUNDATION
QUARTELY MEETING OF THE BOARD OF TRUSTEES
VIRGINIA DEPARTMENT OF FORESTRY, 2ND FLOOR BOARD ROOM
CHARLOTTESVILLE, VIRGINIA
SEPTEMBER 5th, 2007 1:00 PM

Trustees present: Chairman, Mr. Frank M. Hartz, presiding; Mr. J. William Abel Smith; Dr. M. Rupert Cutler; Mr. Charles H. Seilheimer, Jr.; Mr. Jeffrey K. Walker; and Ms. Molly Joseph Ward. Mr. Mark Allen was absent. Virginia Outdoors Foundation (VOF) staff attending: G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Martha Little, Deputy Director for Stewardship; Ms. Trisha Cleary, Executive Assistant; Ms. Sherry Buttrick, Easement Manager; Ms. Estie Thomas, Easement Manager; Ms. Laura Thurman, Easement Manager; Ms. Ruth Babylon, Easement Specialist; Ms. Jennifer Perkins, Easement Specialist; Mr. Neal Kilgore, Easement Specialist; Mr. Josh Gibson, Easement Specialist; Mr. Philip Reed, Easement Specialist; Ms. Kristin Ford, Easement Specialist; Ms. Sara Ensley, Human Resources Manager; Mr. John Peters, Stewardship Specialist; Mr. Bruce Stewart, Staff Counsel; Ms. Anna Chisholm, Finance Manager; Ms. Abbe Kennedy, Stewardship Assistant; Ms. Anna Clayton Logan, Easement Assistant, and Ms. Nancy Ambler, Special Counsel for Communications and Development. Also in attendance were Mr. Frederick S. Fisher, Special Assistant Attorney General and Ms. Brett Ellsworth, Assistant Attorney General.

Mr. Hartz convened the meeting at 1:00 p.m. After introductions, Mr. Hartz called for public comments. George Beadles of Chesterfield County reported that at a recent public hearing on Chesterfield County's comprehensive plan the Moody property was discussed.

Dr. Cutler moved to approve the minutes of the June Board meeting as submitted. Mr. Abel Smith seconded and the motion passed unanimously. Mr. Walker abstained from the vote as he was not in attendance at the June meeting.

Mr. Hartz then asked Mr. Lee to give the Executive Director's Report to the Board. Mr. Lee updated the Board on the progress of easements in the calendar year 2007. Mr. Lee reported that of the approximately 30,000 acres approved during calendar year 2007, very little has been recorded and only about $3 million of the $100 million Land Preservation State Income Tax Credit has been claimed. He stated that new processes and procedures for filing for State Tax Credits will preclude many of the easements approved at the November Board meeting from being certified for sale or transfer in 2007. Mr. Lee addressed the new fiscal year and the state's one-time allocation of $950,000. He stated that if those funds do not become part of the VOF Base Budget for FY09 and beyond there will be a need to reduce staff to address budget constraints. As the State addresses revenue reduction, it is both necessary and proper for VOF to look for additional funding sources. He reported that he has engaged the part-time temporary services of Nancy Ambler, a retired state government executive and a Virginia licensed attorney, to assist in communications and development work on behalf of VOF. Staff is working on the Fall Newsletter and the legislatively mandated Annual Report to the Governor and General

Assembly. The VOF website has been substantially reformatted and enhanced since the last Board of Trustees meeting and more refinements are still in process. Mr. Lee said that Southern Virginia is the only major region that does not have a VOF office. Now, through collaboration with our friends at the Department of Conservation and Recreation (DCR), we have located shared office space in Clarksville for a Southern Virginia VOF office. He anticipates announcing Clarksville staff by the Governor's Southern Virginia Land Conservation Conference to be held in December 2007. Mr. Lee also reported that the Stewardship Division is making commendable progress in relationships with easement owners and continue to work toward the Land Trust Alliance's recommended stewardship standards and practices. Staff is still researching Title Insurance issues and Bruce Stewart has promulgated improved title report instructions and procedures as VOF continues to examine the cost/benefit of enhanced Title assurances. He said that VOF had received a request from the Office of the Secretary of Natural Resources and the Director of DCR that we advance the 2008 Board of Trustees meetings by one month so that the new easement and tax certification offices will have more time at year end to complete mandated reviews and registrations. A tentative 2008 meeting calendar will be a part of the November Board agenda. He was happy to report that the Piedmont Environmental Council and the Valley Conservation Council have begun addressing some of the easement demand that VOF staff can not get to for the foreseeable future. Also, Warren and Goochland Counties have begun to take easements in accordance with the Open-space Land Act enabling legislation. He concluded by saying that he regrets that VOF cannot serve all of the potential donors in 2007 but we remain committed to quality control and quality assurance for all of the projects that have been or will be approved during the remaining months of 2007.

Mr. Hartz announced that the Personnel and Audit Committee needed more time to work on the Staff Code of Ethics and that agenda item would be pulled from consideration. As always, easements would be taken out of order to accommodate land owners and other interested parties.

Mr. Hartz called for the Deputy Directors reports. Leslie Grayson reported that the waiting list had been divided into two categories – properties under 100 acres and properties over 100 acres in size. She reported that there were 119 possible projects on the "under 100 acres list" representing 7,200 acres and 57 possible projects on the "over 100 acres list" comprising 12,600 acres. She also reported that staff has been working on the numerous details, including costs, of obtaining title insurance for VOF easements. Fred Fisher, Brett Ellsworth and Bruce Stewart are continuing research regarding the process, costs, and analyzing the merits of title insurance. , As an interim measure, VOF will be sending a letter to attorneys requesting more detailed title information, including a longer time period title search for potential easement properties submitted for Board review.

Tamara Vance reported that the Blue Ridge Parkway is planning a 75th Anniversary Celebration and would like to set goals for the protection of an additional 7,500 acres of view shed in Virginia. She anticipates a kick-off meeting in the Spring of 2008.

Martha Little reported that there is now a Stewardship page on the VOF website. She added that staff had developed application procedures for conversion/diversion requests and those procedures could be found on the Stewardship page of the website.

Mr. Hartz reported that he, Bob Lee, and Mr. Seilheimer attended the meeting of the General Assembly Joint Legislative Subcommittee studying long-term funding sources for the purchase of development rights to preserve open-space land and farmlands on August 30th, 2007, at which meeting Bob Lee gave a presentation.

Mr. Hartz called on Bob Lee to present the cooperative agreement proposed between VOF, the County of Northampton, and the Eastern Shore Soil and Water Conservation District. He explained that Northampton County wanted to start a purchase of development rights program but did not have the resources to administer such a program. The cooperative agreement would allow the county to conserve open-spaces with VOF holding the easements and monitoring performed by the Soil and Water Conservation District. Mr. Seilheimer moved to approve the cooperative agreement, Dr. Cutler seconded, and the motion passed unanimously. (See attachment #1.)

Martha Little told the Board that there were outstanding issues between Columbia Gas and a property owner that could not be resolved before the meeting and asked that the Board defer consideration of the Columbia Gas Eastern Market Expansion matter until the November Board meeting.

Bob Lee presented the proposal to transfer VOF held conservation easements on certain historic battlefields to the Virginia Department of Historic Resources. He explained that in the past DHR had not wanted to take easements on properties not listed on the Virginia Landmarks Register and National Register of Historic Places. Through discussions with DHR, it was determined that battlefield easements would be best served at DHR. DHR has recently expanded its conservation easement program and can supervise activities requiring archeological approval. After discussion, Dr. Cutler moved to approve the transfer of certain battlefield easements with landowner agreement, Mr. Seilheimer seconded, and the motion passed unanimously. (See attachment #2.)

Tamara Vance presented the proposed transfer of the DCR conservation easement on Glenarvon to VOF and recommended approval. Mr. Abel Smith moved to approve the transfer, Mr. Seilheimer seconded, and the motion passed unanimously. (See attachment #3.)

Mr. Hartz recognized Neal Kilgore to present the easement proposals for the Abingdon office.

A1 – Harold D. and Wanda L. French of 72 acres in Dickenson County – Neal Kilgore explained that the landowner had decided not to request Preservation Trust Fund (PTF) money and the easement would be amended to reflect that change. This easement would contribute to the open-space, scenic, and rural character of the area. The easement allows no division, one single family dwelling, farm building review at 4,500 square feet, 35 foot riparian buffers on the unnamed intermittent and perennial streams and no plowing allowed for 100 feet. Dr. Cutler moved to approve the easement, Mr. Walker seconded, and the motion passed unanimously.

A2 – The Edmund Pendleton, Jr. Revocable Living Trust of 156.88 acres in Wythe County – This property borders the Jefferson National Forest and contributes to the area available for uninterrupted wildlife habitat. A 100 foot forested riparian buffer will protect intermittent and

perennial streams on the property. The easement allows two parcels and two single family dwellings. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Mr. Hartz called for consideration of the Preservation Trust Fund (PTF) proposals.

#1 – Agnes Bartlett of 91.7 acres in Grayson County requesting $5,000 in reimbursements – Josh Gibson presented the easement that would allow for no division, one single-family dwelling, and 100 foot riparian buffer on Eagle Bottom Creek with livestock to be excluded within two years of recordation of the easement. The property lies within a Source Water Protection Area contributing to the municipal water source of Town of Fries. Mr. Seilheimer moved to approve the easement with $5,000 in PTF funds, Dr. Cutler seconded, and the motion passed unanimously.

#2 – Susan, Maurice, and Mary Bowen of 157.93 acres in Warren County requesting $19,000 in PTF funds – Kristin Ford presented this 4th generation farm that has been continuously farmed for 100 years. The easement allows for two parcels, one of which will have no residences; no willful demolition of the 1840 dwelling; one secondary dwelling; 100 foot no-build zones on Fairground and Rockland Roads, and riparian buffers on Willow Brook, a tributary of the Shenandoah River. Mr. Seilheimer reported that the PTF Committee recommended reimbursing $12,000 to the landowners and moved to approve the easement and $12,000. Dr. Cutler seconded and the motion passed unanimously.

#3 – Cash of 229.69 acres in Rockbridge County requesting $4,700 in reimbursement – Laura Thurman presented the easement that allows for no division, one existing primary dwelling, two existing secondary dwellings with smaller size limitations than usual, and a 50 foot riparian buffer on the unnamed creek. She said the Enforcement clause had been changed to VOF template language. Mr. Hartz asked that the sentence, "Where no vegetated buffer area exists as of the date of this easement mowing within buffer areas is permitted" be deleted from the Riparian Buffer provision due to enforcement difficulty. Ms. Thurman explained that the landowner currently has two hay fields within the buffer zone. Leslie Grayson pointed out that the hay fields could be documented in the Baseline Documentation Report. Mr. Seilheimer moved to approve the easement and $4,700 in PTF funds with the understanding that staff would work with the landowner to clarify the Riparian Buffer language. Dr. Cutler seconded and the motion passed unanimously.

#4 – Cave Hill Dairy of 213.13 acres in Botetourt County requesting $21,200 in reimbursement – Ms. Thurman presented the property that is adjacent to the Appalachian Trail and bordered by National Park Service property. The easement will protect the scenic views from the AT and contribute to the water quality of the area with 50 foot no-plow riparian buffers on the two seasonal streams located on the property. The easement allows no division and no structures. Mr. Seilheimer reported that the PTF Committee recommended $12,000 in reimbursement. Dr. Cutler moved to approve the easement and the recommended $12,000, Mr. Walker seconded, and the motion passed unanimously.

#5 – Richie and Katrina Farmer of 334 acres in Carroll County requesting $24,000 in reimbursement – Neal Kilgore presented the proposed easement explaining that the landowner had been purchasing parcels to accumulate the 334 acres. The easement allows three parcels, three primary dwellings, three secondary dwellings, a 150 foot no-build zone on Route 709, and a riparian buffer that excludes livestock at 35 feet in forested areas and no plowing at 100 feet in pasture and cropland. Protection of this property will contribute to the scenic and rural character of Carroll County and the water quality of Beaverdam and Crooked Creeks with riparian buffers that exclude livestock. Mr. Seilheimer reported that the PTF Committee recommended reimbursement of $12,000. Mr. Hartz asked that the landowner's income and the complexity of the survey be taken into consideration and allow $16,000 for the reimbursement. Dr. Cutler moved to approve the easement and $16,000 in PTF funds, Mr. Walker seconded, and the motion passed unanimously.

#6 – Hecht of 257.74 acres in Rockbridge County requesting $7,600 in reimbursement – Laura Thurman presented the easement that allows for two parcels, two primary dwellings with one existing, two secondary dwellings also with one existing, a no build set back of 500 feet from Dutch Hollow Road, and a 35 foot no-plow riparian buffer that excludes livestock and horses on Dutch Hollow Branch. The new primary and secondary buildings are to be built within defined building envelopes. The easement will protect the scenic values in the Middlebrook/Brownsburg corridor and contribute to the water quality of the area. Mr. Seilheimer reported that the PTF Committee recommended a reimbursement of $5,100 because PTF funds should not be used for accounting fees ($2,500 on the application). Mr. Seilheimer moved to approve the easement and $5,100 in PTF funds, Mr. Abel Smith seconded, and the motion passed unanimously.

#8 – Jarrels of 127 acres in Rockingham County requesting $6,000 in reimbursement – Ms. Thurman presented the proposed easement which conforms to VOF guidelines and will protect the views for the driving public on over 3,000 feet of road frontage on Routes 668 and 669. The landowner has also enrolled in the CREP program. The easement allows for no division of the property, one primary dwelling, and one secondary dwelling. Mr. Seilheimer moved to approve the easement and the requested $6,000, Mr. Abel Smith seconded, and the motion passed unanimously.

#11 – Long/Painter of 181.68 acres in Shenandoah County requesting $4,500 in reimbursement – Ms. Thurman presented the easement which conforms to VOF guidelines and will help protect the scenic and rural character of the county. The easement allows for two parcels, two primary dwellings, one secondary dwelling, a no-build set back of 200 feet from Route 614, a 100 foot no-plow riparian buffer for a portion of Painters Run, and a 100 foot no-build buffer around the sink hole on the property. This property is a local landmark and its protection contributes to the scenic and rural character of the area. Mr. Seilheimer reported that the PTF Committee recommended funding $4,500. Dr. Cutler moved to approve the easement and $4,500, Mr. Walker seconded, and the motion passed unanimously.

#12 – Mish Brothers of 710.6 acres in Augusta County requesting $7,000 in reimbursement – Ms. Thurman presented the easement which allows six parcels, six primary dwellings, five secondary dwellings, a 300 foot set back for any new dwellings from I-81 to protect the scenic views, no willful demolition of the existing historic dwelling, and 50 foot no-plow buffers on

Broadhead Creek and South River tributaries contributes to the protection of the area's water quality. The property contains a billboard that will be removed when the lease expires in 2043. The landowners have also retained oil and gas mining rights and omitted from the easement land containing a cell tower and billboard, their father's house, and the two houses belonging to the brothers. After discussion, Mr. Walker moved to approve the easement but deny any funds due to the financial gain of the extended billboard lease. Mr. Seilheimer seconded and the motion passed unanimously.

#7 – George W. and Julie W. Hudson of 78.84 acres in Pulaski County requesting $4,500 in reimbursement – Neal Kilgore presented the easement that allows for no division, one primary dwelling not to exceed 4,500 square feet in above ground enclosed living area, farm buildings with VOF review above 4,500 square feet, one farm "processing" building no larger than 2,500 square feet for farm-related goods, and retains gas and oil rights. Mr. Kilgore said that the Industrial or Commercial Activities clause will be amended to agree with the retained gas and oil rights and the farm "processing" building. Mr. Hartz suggested that the "processing" building be set back 200 feet from the road unless prior VOF approval was obtained. Mr. Seilheimer moved to approve the easement with the amended Industrial or Commercial Activities language and the 200 foot set back for the farm "processing" building (with VOF approval for any location within the buffer) with $4,500 in PTF funds. Dr. Cutler seconded and the motion passed unanimously.

#9 – Wayne and Wanda Kenny of 107 acres in Carroll County requesting $4,000 in reimbursement – Mr. Kilgore presented the easement that will contribute to the open-space and rural character of the area in very close proximity to Galax. The easement allows two parcels, two dwellings not to exceed a total of 6,000 square feet. To protect farmland, dwellings are not to be constructed beyond 200 feet of Route 849, a 35 foot riparian buffer in the forested area of the property (this will be amended in the easement), and a 100 foot no-plow riparian buffer on the pasture/cropland area of the property. Protection of this property will preserve open spaces within a quarter mile of the Galax city limits in a rapidly developing area. Mr. Seilheimer moved to approve the easement as amended and $4,000 in PTF funds, Mr. Walker seconded, and the motion passed unanimously.

#10 – Wayne and Wanda Kenny of 213 acres in Carroll County requesting $6,000 in reimbursement – Mr. Kilgore presented the easement essentially the same as #9. Mr. Kilgore informed the Board that the landowner is omitting two small parcels of 3.5 acres and ¾ acre, each with a house, for his children and grand children. Mr. Hartz pointed out that the landowner has circumvented VOF's guidelines by omitting the two small parcels thereby achieving four parcels and six houses on 213 acres. After discussion, Dr. Cutler moved to approve the easement with the riparian buffer amended to 35 foot, one less secondary dwelling than requested, and $6,000 in PTF funds, Mr. Seilheimer seconded, and the motion passed with Mr. Hartz voting against due to the two parcels omitted from the easement.

#13 – Rosen of 122 acres in Rockingham and Augusta Counties requesting $214,000 for reimbursement and partial purchase – Ms. Thurman presented the easement on this working farm which contains over 70% soils classified as prime or of statewide importance. The easement will protect the views along Route 690 and Lee Highway (Route 11). Both counties support placing the property under easement. Ms. Thurman informed the Board that the property appraised for

approximately $1.2 million dollars. The after easement value would be about $502,000 with Farm and Ranch Land Protection Program (FRPP) granting $200,000. Ms. Thurman requested that PTF match the FRPP grant of $200,000 and the landowner donating $102,000 of the value. The landowner also requested reimbursement of $3,500 for legal fees. Dr. Cutler moved to approve the easement and $203,500 for purchase and reimbursement (VOF will pay $6,000 for an appraisal), Mr. Walker seconded, and the motion passed unanimously.

#14 – Roger D. and Mary J. Tolley of 229.21 acres in Rockbridge County requesting $4,500 in reimbursement – Laura Thurman presented the proposed easement that will protect views from Route 611 and contribute to the scenic quality and rural character of the valley. It will also contribute to the protection of the water quality in the area with 50 foot forested riparian buffers on two perennial tributaries of the South Buffalo River. The easement allows two parcels, two primary dwellings, two secondary dwellings, farm building review at 3,000 square feet, and a ½ percent impervious surface cap. Mr. Seilheimer moved to approve the easement as presented and $4,500 in PTF funds, Mr. Walker seconded, and the motion passed unanimously.

#15 – Fred and Phyllis Williams of 238 acres in Scott County requesting $5,000 in reimbursement – Neal Kilgore presented the easement that allows two parcels, two single-family dwellings, no-build zones of 200 feet from Hill Station Ally Road (Route645) and above the 2,100 foot elevation, and a 100 foot no-plow zone along the perennial and intermittent streams. Mr. Seilheimer moved to approve the easement and $5,000 in funds, Mr. Walker seconded, and the motion passed unanimously.

Mr. Hartz announced that the Board would consider Blacksburg easements with the easement staff present and if any landowners or their representatives attend the following day, the easements could be reconsidered. He called on Josh Gibson to present the easements he had prepared.

B1 – Beaver Creek Preservation Partners, LLC of 203 acres in Henry County – Josh Gibson presented the easement that allows for two parcels, two primary dwellings, one secondary dwelling, no buildings to be built in view of King's Mountain Highway or Beaver Creek Plantation house (eliminating the proposed no-build zone above the 800 foot contour line), and 100 foot riparian buffers on all perennial waterways on the property. Protection of this property will preserve the views from historic Beaver Creek Plantation and help protect the quality of the public drinking water for the City of Martinsville. Dr. Cutler moved to approve the easement as amended, Mr. Walker seconded, and the motion passed unanimously.

B4 – Louise F. Kegley of 116.39 acres in the City of Roanoke – Mr. Gibson presented the easement to be co-held with the Department of Historic Resources due to the presence of "Monterey", a historic house on the National Register of Historic Places and the Virginia Landmarks Register. He told the Board that the property contained 85% soils of state-wide importance, located at the base of Read Mountain. The easement allows one division with one parcel to be no smaller that 100 acres, one existing primary dwelling "Monterey", one additional primary dwelling to be located in a defined building envelope, one existing secondary dwelling, and one additional secondary dwelling for the family if "Monterey" is converted into a museum. The easement provides a 35 foot riparian buffer along Tinker Creek with livestock excluded. Dr.

Cutler moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

B5 – Julia Milton of 552.5 acres in Montgomery County – Mr. Gibson presented the easement that conforms to VOF guidelines and provides for five parcels, five primary dwellings, five secondary dwellings, and 100 foot no-plow riparian buffers on all perennial streams contributing to the protection of a public drinking water source in Montgomery County. The property also contains approximately 50% (280 acres) soils of state-wide importance and lies within a geographic area known to contain habitat for two federally endangered species of mammals. A portion of the property lies within the North Fork Valley Rural Historic District as designated by the Virginia Department of Historic Resources. Mr. Walker moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

B7 – Lynn and Mary Reese of 135 acres in Montgomery County – Mr. Gibson presented the easement that allows two parcels with one parcel to be no less than 115 acres, two primary dwellings, one secondary dwelling, no buildings above the 2,300 foot contour line, and 35 foot forested riparian buffer with livestock exclusion on the intermittent stream. All of the dwellings are limited in size and restricted in location to reduce the impact on the conservation values of the property. The riparian buffer on the unnamed intermittent tributary of the North Fork Roanoke River will contribute to the water quality of the habitat of a rare fish species. The property is also within a geographic are known to contain a rare mammal species. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

B12 – Roger Tuggle of 162.03 acres in Patrick County – Mr. Gibson presented the easement that allows two parcels, two primary dwellings, one secondary dwelling, and 100 foot vegetated riparian buffers along Joint Crack Creek and the Smith River. The easement will protect the scenic views from Route 622 and the Smith River, a state-designated Scenic River. The reach of the Smith River adjacent to the property is known to contain two federally endangered aquatic species. The property also contains over one mile of a DCR Division of Natural Heritage designated Stream Conservation Unit. Dr. Cutler moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Mr. Walker moved to adjourn the meeting. Mr. Hartz adjourned the meeting at 4:37 p.m. to be reconvened at 9:00 a.m. the following morning.

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Trustees present: Chairman, Mr. Frank M. Hartz, presiding; Mr. J. William Abel Smith; Dr. M. Rupert Cutler; Mr. Charles H. Seilheimer, Jr.; Mr. Jeffrey K. Walker; and Ms. Molly Joseph Ward. Mr. Mark Allen was absent. VOF staff attending: G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Martha Little, Deputy Director for Stewardship; Ms. Trisha Cleary, Executive Assistant; Ms. Sherry Buttrick, Easement Manager; Ms. Estie Thomas, Easement Manager; Ms. Laura Thurman, Easement Manager; Ms. Ruth Babylon, Easement Specialist; Ms. Jennifer Perkins, Easement Specialist; Mr. Neal Kilgore, Easement Specialist; Mr. Josh Gibson, Easement Specialist; Mr. Philip Reed, Easement Specialist; Ms. Kristin Ford, Easement Specialist; Ms. Sara Ensley, Human Resources Manager; Mr. Bruce Stewart, Staff Counsel; Anna Chisholm, Finance Manager; Abbe Kennedy, Stewardship Assistant; and Anna Clayton Logan, Easement Assistant. Also in attendance were Mr. Frederick S. Fisher, Special Assistant Attorney General and Ms. Brett Ellsworth, Assistant Attorney General.

Mr. Hartz called the meeting to order at 9:00 a.m. He asked if there was any public comment, there being none, he called for the remaining Blacksburg easements. He explained that if the easements meet or exceed VOF Guidelines (ranking of 1) no explanation would be required; if it has been ranked a 2, explain why it does not meet guidelines; and if ranked a 3, a full discussion would be required.

B2 – Robert and Judy Bowman of 144.07 acres in Montgomery County – Ruth Babylon presented the proposal as a 2 because the property falls short by 6 acres for two parcels but the landowners have agreed to keep one parcel no larger than 10 acres. The landowners are requesting two primary dwellings and one secondary dwelling with no new dwellings being visible from Hopper Lane. This property is adjacent to AFD 5 Montgomery County Agricultural and Forestal District and its preservation contributes to the agricultural character of the region. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

B3 – Debbie and Larry Bright of 219.97 acres in Floyd County – Ms. Babylon said that this easement is a 2 due to a small section of Oldfield Creek having no fencing. The easement allows two parcels, two primary dwellings, two secondary dwellings, farm building review at 4,500 square feet, and a 1% impervious surface cap. The easement provides riparian buffers but the landowner wants to be able to water his cattle in the creek during times of extreme drought. Dr. Cutler moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

B6 – Patsy Painter of 241.75 acres in Wythe County – Ms. Babylon presented the easement that exceeds guidelines due to no division on 241 acres (ranking 1). The easement allows for one primary dwelling, two secondary dwellings, and 100 foot no-plow riparian buffers on both sides of Thorn Creek. The property is a working beef cattle farm and its protection will provide scenic view for the driving public on Route 707 and contribute to the rural character of the area. Mr. Seilheimer moved to approve the easement, Mr. Abel Smith seconded, and the motion passed unanimously.

B8 – River Ridge Land and Cattle (EAST) of 185.37 acres in Grayson County – Ms. Babylon distributed two changes to the easement: 1) the existing single-family dwelling may be repaired, renovated or replaced in the same location, but shall not exceed 3,000 square feet of above ground livable space (reduced from 4,000 square feet); and 2) adding provision for private driveway across the property to access another property owned by the grantor. Otherwise the easement is ranked 1. Protection of this property will contribute to the water quality and scenic views of the New River. Dr. Cutler moved to approve the easement as amended, Mr. Walker seconded, and the motion passed unanimously.

B9 – River Ridge Land and Cattle (WEST) of 99.33 acres in Grayson County – Ms. Babylon presented the easement, ranked 2 because it is shy of 100 acres by .7 acres. This easement is separated from #B8 by a Department of Game and Inland Fisheries public boat landing and will continue protecting a three mile stretch of the New River with 100 foot riparian buffers. The easement allows no division, one primary dwelling, one secondary dwelling, and no new dwellings within the viewshed of the New River. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

B10 – Saddle Creek Stock Farm, LLC of 259.74 acres in Grayson County – Ms. Babylon presented the easement (ranked 2) that allows three parcels on 259 acres which does not meet guidelines. The landowner offered extra measures to mitigate the third parcel: three single-family dwellings, two will be no larger that 2,500 square feet, one will be no larger than 1,700 square feet, and the remaining secondary dwelling will be no larger than 1,000 square feet (better than guidelines for two parcels); two of the three primary dwellings must be built below the 3,500 contour line; restrictions on the type and color of the dwelling exteriors; and limited clearing of trees around dwelling sites. Ms. Babylon explained that this property completes 1,500 contiguous acres under easement on Buck Mountain with no more than a total of 13 parcels and 15 dwellings ever allowed. Mr. Walker moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

B11 – Emilie Temeles of 219.94 acres in Bedford County – Ms. Babylon presented the easement (ranked 2) that allows two parcels, two primary dwellings, and two secondary dwellings. She reported that she had recently learned that Bedford County does not allow secondary dwellings on a property unless it is either a mobile home or specifically for a family member. Ms. Babylon proposed to amend the easement to allow three parcels with one primary dwelling each, reducing the number of dwellings allowed by one. The landowner offered to designate the 40 acres on the east side of Route 684 as one of the parcels. She further recommended restricting the size of two of the dwellings to 4,500 square feet and the third to 3,500 square feet. Dr. Cutler moved to approve the easement amended to incorporate Ms. Babylon's changes, Ms. Ward seconded, and

the motion passed unanimously. Mr. Hartz suggested that the Whereas clause citing water quality be removed because the easement does not provide riparian buffers.

B13 – Little (Tomiak) of 94.20 acres in Wythe County – Tamara Vance presented the amendment with a change in ownership and terms. The new landowners (Tomiak) want to improve the easement by eliminating the cell tower, fencing livestock out of the riparian buffer, increasing the size of the riparian buffer to 100 feet in exchange for an additional 150 square feet of living space in the single family dwelling. Ms. Vance recommended approval of the strengthened easement. Mr. Abel Smith moved to approve the amended easement as presented, Ms. Ward seconded, and the motion passed unanimously.

B14 – William R. Gardner, Jr. of 228 acres in Floyd County – Tamara Vance presented this reconsideration explaining that when originally approved, FRPP and DCR grant funds were not enough for the purchase of the easement. Due to more funds becoming available, both agencies want the project to go forward. The property is habitat for a federally endangered and state threatened butterfly and the state endangered bog turtle. Dr. Cutler moved to approve the easement as presented, Ms. Ward seconded, and the motion passed unanimously.

S8 – Thomas J. Lockhart of 300.65 acres in Warren County – Kristin Ford presented this easement (landowner present) that allows two parcels, three primary dwelling (two exist, one to be built 6,000 square feet), no secondary dwellings, 1,000 square feet of canoeing/camping structures, 50 foot no-plow riparian buffer and extensive no-build zone along the Shenandoah River, and a ½ percent impervious surface cap (ranking 2). This easement will protect approximately 1.6 miles on the South Fork of the Shenandoah River and important viewsheds from Hogback Overlook in the Shenandoah National Park. It will also protect a portion of an important wildlife corridor between the Jefferson-George Washington National Forest and the Shenandoah National Park. Mr. Abel Smith moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

C1 – Eugene P. and Edward Eugene Brooking of 155.86 acres in Orange County – Sherry Buttrick presented the easement (ranking 3) that allows two parcels, two primary dwellings, one secondary dwelling, farm building review at 4,500 square feet, no buildings or structures with 400 feet of Route 633, and a 35 foot forested riparian buffer on the Rapidan River. Ms. Buttrick reported one change in the last paragraph of the Buildings and Structure restriction, "Grantee *may* (instead of shall) approve such increase." The easement will contribute to the protection of the water quality of the Rapidan River and the drinking water supply for the Town of Orange. Mr. Seilheimer moved to approve the easement as amended, Mr. Walker seconded, and the motion passed unanimously.

C2 – Campbell County Land and Cattle Company, Inc. of 490.15 acres in Campbell County – Ms. Buttrick presented the easement (ranking 3) that allows three primary dwellings, no willful demolition of the historic house, one secondary dwelling, 35 foot riparian buffer with livestock exclusion within four years, and a 265 foot no build zone from Leesville Road. She reported that the following changes were necessary: delete "primarily" from 2.(iv) "a farm building or structure shall mean a building or structure originally constructed and used ~~primarily~~ for the activities specified . . ."; amend farm building definitions to permit a workshop; and amend the

"qualified mineral interest" language in the Grading, Blasting, Mining restriction. The easement on this property will protect the scenic view for the driving public on Leesville Road and contribute to the water quality of the Staunton and Roanoke Rivers. Dr. Cutler moved to approve the easement as amended, Mr. Abel Smith seconded, and the motion passed unanimously.

C3 – Diana Dodge of 518 acres in Orange County – Kristin Ford presented the easement (ranking 3) that allows five parcels, five primary dwellings of no larger than 6,000 square feet each, five secondary dwellings, 600 foot set back for all dwellings from Liberty Mills Road, 300 foot set back for farm buildings, a 20,000 square foot indoor riding ring, a 35 foot vegetated riparian buffer on Blue Run and the Rapidan River, and a 2% impervious surface cap. Ms. Ford said that the primary dwelling size was larger than usual but the set back mitigated the visual impact to the property. She recommended approval with the following changes: enforcement language changed to VOF template language and changing the 2% cap to a firm limit. Mr. Hartz asked why she supported the 2% impervious surface cap. Ms. Ford replied that she feared that the easement would not go forward without it. Several Board members said that they could not support the easement with the 2% cap. After discussion, Mr. Walker moved to approve the easement with the VOF template enforcement language and a 1% impervious surface cap, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

C4 – Fairview Hills Farm, LLC of 428.14 acres in Albemarle County – Sherry Buttrick presented the easement (ranking 3) that allows for four parcels with the core of the farm being one of 270 acres, four primary dwellings (two not to exceed 6,500 square feet), four secondary dwellings, farm building review at 6,000 square feet, building set back of 150 feet from Route 600 and Route 700, and a 1% building cap. Ms. Buttrick reported that the donor has so far declined placing riparian buffers on the Rivanna River and Preddy Creek but discussion are ongoing. Ms. Buttrick recommended 35 foot no-plow riparian buffers on the Rivanna and Preddy Creek allowing the small unnamed streams to be used for livestock. Mr. Seilheimer moved to approve the easement amended to add the 35 foot no-plow riparian buffers on the Rivanna River and Preddy Creek, Dr. Cutler seconded, and the easement was approved unanimously as amended.

C5 – C. Matthew and Crystal Brown Fariss of 217.69 acres in Campbell County – Sherry Buttrick presented the easement (ranking 3) that allows for two parcels, two primary dwellings, one secondary dwelling, farm building review at 5,000 square feet, and 50 foot no-plow riparian buffer on Falling River with livestock exclusion. Ms. Buttrick reported that senior staff objected to the "three acre" harvest of mature trees in the Management of Forest restriction. After discussion, staff recommended approving the easement with the following changes: delete "permanent" from the first sentence in the Building and Structures restriction; add "within a 90 day period" to the Industrial or Commercial Activities restriction; and revert to the VOF template forestry and riparian language. Mr. Seilheimer moved to approve the easement with the recommended changes, Dr. Cutler seconded, and the easement was approved unanimously as amended.

C6 – Farrell Trusts of 305.87 acres in Albemarle County – Sherry Buttrick presented the easement (ranking 2) that allows for four parcels on three hundred acres, four primary dwellings,

two secondary dwellings, no new dwelling to be visible from Ortman Road, and 100 foot no-plow riparian buffers on streams and ponds on the property. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

C7 – The Yates Carr Garnett Trust of 154.31 acres in Albemarle County – Sherry Buttrick presented the easement (ranking 3, landowners present) that allows two parcels, two primary dwellings, two secondary dwellings, farm building review at 4,500 square feet, no buildings within 600 feet of Woodlands Road, and 35 foot no-plow riparian buffers on all streams (including intermittent) and ponds. The rank of 3 is due to the desire of the landowners to allow small-scale incidental commercial and/or industrial operations relating to agriculture. Ms. Buttrick explained that the landowners are requesting a 2% impervious surface cap to allow for future agricultural needs. After discussion of the 2% cap, Mr. Garnett addressed the Board saying that his family has deep farming roots in the community and they want to continue farming. He said that although his family owns 150 acres, they compete with operations of 400 to 1,000 acres and the 1% cap is more restrictive on the smaller operations. He said that in order to compete with the larger operations, he has to lease property and maintain a base of operation on his family farm. After further discussion, Mr. Walker moved to approve the easement with amended Industrial or Commercial Activities/farm building or structures language and a 1.5% impervious surface cap. The Board deferred voting on the easement until the amended Industrial or Commercial Activities/farm building or structures language could be explained to the landowners. Bruce Stewart met with the landowners to explain the proposed changes to their easement. Mr. Hartz was informed that the Garnetts understood and agreed to the proposed changes in their easement. Mr. Seilheimer seconded the motion made earlier by Mr. Walker and the easement was approved unanimously with the amended Industrial or Commercial Activities language and allowing a 1.5% impervious cap.

S3 – EVP, LLC (Plein) of 272.44 acres in Page County – Kristin Ford presented the easement (ranking 2) that allows for three parcels and one additional parcel to be conveyed only to a historic entity which would provide protection for the historic "White House", three primary dwellings, three secondary dwellings (one of which must be co-located in another structure), no willful destruction of the existing historic dwellings, 900 foot building setback from Route 211, and a 200 to 800 foot riparian buffer on the Shenandoah River. Ms. Ford recommended approval of the easement as the setback from 211, riparian buffer, and building envelope mitigates the number of parcels and dwellings. Dr. Cutler moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

C8 – Edith C. and Frank Carlton Harris, Jr. of 190 acres in Appomattox County – Sherry Buttrick presented the easement (ranking 2) that allows no division, one single-family dwelling, no secondary dwellings, farm building review at 4,500 square feet, and 100 foot no-plow riparian buffers on Phelps Branch and North Creek which will contribute to the water quality of the James River and therefore the Chesapeake Bay. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

C9 – Douglas and Amelia Hellman of 144.37 acres in Orange County – Mr. Buttrick presented the easement (ranking 3) that allows two parcels, two primary dwellings, no secondary dwellings, farm building review at 4,500, no build areas as described in Schedule B, and 35 foot

no-plow riparian buffers on the intermittent streams. She reported that a language change in the Building and Structures section would define the indoor riding ring as being "within" the footprint of the existing outdoor riding ring and the old barn cannot be rebuilt as anything but a barn. Mr. Seilheimer moved to approve the easement with the recommended amendments, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

C10 – Lucado of 190 acres in Appomattox County – Sherry Buttrick presented the easement (ranking 3) that allows two parcels, two primary dwellings, one lodge of no larger than 1,200 square feet, one cottage of no larger than 800 square feet, and farm building review at 4,500 square feet. Ms. Buttrick said that the attorney would need to use the current template definition of farm building; remove "rustic hunting" from the description of lodge; remove "rustic" from the description of cottage; and return the forestry and commercial use language to VOF template language. Dr. Cutler moved to approve the easement with recommended amendments, Ms. Ward seconded, and the easement was approved unanimously as amended.

Mr. Seilheimer instructed staff to communicate to attorneys that the Board wants to see adherence to VOF template language in the future.

C11 – Eugene O. and Gayla M. Mills of 98.83 acres in Nelson County – Ms. Buttrick presented the easement (ranking 3) that allows no division, one primary dwelling, one secondary dwelling, farm building review at 1,000 square feet, ½ percent impervious surface cap, and 100 foot riparian buffer on Meadow Creek. Ms. Buttrick reported that after staff discussion, the 20% provision in the Riparian Buffer section was too difficult to monitor and would be removed. Mr. Seilheimer moved to approve the easement with the Riparian Buffer language amended to allow mowing in the non-forested sections of the buffers, Mr. Walker seconded, and the easement was approved as amended.

C12 – J. Hudson and Patsy C. Reese of 110 acres in Halifax County; C13 – Rosemary E. and Julius H. Reese, Jr. of 432.29 acres in Halifax County; and C14 – Patsy Carr Reese of 249.3 acres in Halifax County (all ranked as 3) – Ms. Buttrick explained that the three properties are owned by the same family and the easements contain similar terms. Ms. Buttrick said that the last paragraph in the Buildings and Structures section requiring the Grantor to submit plans for any permitted structure over 1,000 square feet in size will be deleted and the farm building review will change to 5,000 square feet. Mr. Hartz said that he could not support the commercial sporting clay shooting allowed in the easement. Dr. Cutler moved to approve the first easement with the deletion of the last paragraph in the Buildings and Structures section, changing the farm building review to 5,000 square feet, and the removal of "sporting clay shooting" from the Industrial or Commercial Activities section. Mr. Walker seconded and the easement was approved unanimously as amended.

Mr. Seilheimer moved to approve the remaining two Reese easements (C13 and C14) with the same changes as above. Dr. Cutler seconded the motion and the easements were approved unanimously as amended.

C15 – William and Inga O. Rogers of 101.16 acres in Madison County – Sherry Buttrick presented the easement (ranking 3) that allows for no division, one primary dwelling, one

secondary dwelling, one existing stable apartment, farm building review at 4,500 square feet, a 35 foot vegetated buffer on the stream, and a restricted building zone of 800 feet from Route 231. Ms. Buttrick reported that the Enforcement language would be changed to VOF template language. Dr. Cutler moved to approve the easement with the amended Enforcement language, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

C16 – Joseph S. and Jennifer t. Sansone of 201.02 of Madison County – Kristin Ford presented the easement (ranking 1) that allows for two parcels, three primary dwellings, no secondary dwellings, no willful demolition of the 1840 house, 35 foot riparian buffer, and no-build zones of 200 feet from Route 642 and above the 1,000 foot contour line. Mr. Abel Smith moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

C17 – Norman and Harriett Slezak of 99.38 acres in Greene County – Ms. Ford presented the easement (ranking 3) that allows for no division, one primary dwelling, one secondary dwelling, farm building review at 4,500 square feet, a no-build zone above the 1,000 foot contour line, a 35 foot no-plow riparian buffer on the pond and intermittent stream, and a 35 foot vegetated buffer below the pond. The project was ranked a 3 due to being slightly under 100 acres and non-template enforcement language. Ms. Ford stated that the staff recommendation is that the enforcement language be amended to VOF template language and recommended approval with that change. Mr. Walker moved to approve the easement with the amended enforcement language, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

C18 – Randy Ray Soderquist of 209.6 acres in Madison County – Sherry Buttrick presented the easement (ranking 3) that allows for two parcels, two primary dwellings (one exists not visible from the road with no size limit), two secondary dwellings, farm building review at 4,500 square feet, one existing shop/home office of 75’ x 110’, and a 100 foot no-plow riparian buffer on the Robinson River. Ms. Buttrick said that the word “materially” needed to be deleted in two places in the Buildings and Structures paragraph (v). Mr. Seilheimer moved to approve the easement with the amended Buildings and Structures language, Mr. Walker seconded, and the easement was approved unanimously as amended.

C19 – Kundrun – Bridlespur and Tall Oaks Farms of 372.03 acres in Albemarle County – Sherry Buttrick presented the amended easement that adds Bridlespur Farm to an existing easement on Tall Oaks (ranking 3). The combined easement will allow for three parcels, three primary dwellings, six secondary dwellings (three existing, three new limited to 1,500 square feet), a stable and indoor riding facility of no more than 35,000 square feet, an existing outdoor riding ring of up to 20,000 square feet, farm building review at 6,000 square feet on parcel one and two, farm building review at 4,500 square feet on parcel three, and no new building within 500 feet of Route 22. Ms. Buttrick recommended approving two new secondary instead of three. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

C20 – Thomas B. and Carol C. McIntosh of 103.45 acres in Albemarle County – Sherry Buttrick presented the easement that was deferred at the June 2007 meeting due to non-template language. The revised easement has been reviewed and allows for no division, one primary dwelling (existing), one secondary dwelling, farm building review at 4,500 square feet, building

setbacks of 500 feet from Routes 671 and 688 and 300 feet from Peavine Hollow Road, cell tower(s), and 100 foot no-plow riparian buffer on the intermittent stream. Mr. Seilheimer moved to approve the easement amended to a singular cell tower, Dr. Cutler seconded, and the easement was approved unanimously as amended.

C21 – Norton Family, LLC "Norfields Farm" of 274.84 acres in Louisa County – Ms. Buttrick presented the easement that had been approved as a PTF project at the June 2007 Board meeting. Due to issues with the co-holding entity, the landowner decided to present his easement as a donation instead of a PTF project for reimbursement. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed with Mr. Hartz voting against.

C22 – South River Land Preservation Group II, LLC of 262.32 acres in Greene County – Sherry Buttrick presented the easement that reunites the Crowe and Merrill easements approved in June 2007. The two parcels were originally one farm and the buyer wants to have them governed by one easement. Mr. Seilheimer moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

R1 – William R. Gardner, Jr. of 449 acres in Hanover County – Phillip Reed presented the easement (ranking 2) that allows four parcels, four primary dwellings, four secondary dwellings, farm building review at 4,500 square feet, and 100 foot forested riparian buffer along creeks and the Little River. The rank of 2 is a result of acreage discrepancy between the easement and the tax parcels. Mr. Reed explained that tax maps are seldom accurate. This easement will protect diverse habitats, contribute to the water quality and scenic values of the Little River, and provide scenic views along Route 690. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

R2 – Judkins of 219.85 acres in Surry County – Mr. Reed presented the easement (ranking 1) that allows for two parcels, two primary dwellings, no secondary dwellings, farm building review at 4,500 square feet, 200 foot no-build zone along Route 31, and a 100 foot forested riparian buffer along Crouches Creek. Protection of this farm will keep a sixth generation farm intact, contribute to the water quality of the James River and the Chesapeake Bay, and provide scenic views for the driving public on Route 31. Mr. Seilheimer moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

R3 – Marian and Samuel Moody of 95.5 acres in Hanover County – Mr. Reed presented the easement (ranking 3) that allows for no division, two primary dwellings not to exceed a total of 6,500 square feet, farm building review at 4,500 square feet, 500 foot no-build buffer along Route 715, and 50 foot no-plow riparian buffers on the creeks. The easement is ranked 3 due to additional language in the opening paragraph that reads, "The Property shall remain available for agriculture and livestock production. The out buildings constructed in existing agricultural fields are only for the use of farmers." Additional language in the Enforcement clause reads, "This right specifically includes the right to require restoration of the Property, except for the main house, the secondary house or any farm buildings or structures, to a condition of compliance with the terms of this Easement as existed on the date of the gift of the Easement, except to the extent such condition thereafter changed in a manner consistent with the Restrictions;". Mr.

Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

R4 – William Levi Old, III of 158 acres in the City of Suffolk – Mr. Reed presented the easement (ranking 3) that allows two parcels, two primary dwellings, two secondary dwellings, farm building review at 4,500 square feet, 100 foot riparian buffers along the Nansemond River, Knotts Creek, and the other water ways that exist within the property's forested areas, and 35 foot no-plow open field buffers. The property contains two miles of tidal shoreline, a historic homestead, and one of the last working waterfront farms located in the rapidly developing Hampton Roads area. The buffer language is unique on this property due to a historic lawn and infrequently mowed riparian areas along the Nansemond River to allow for wind movement, provide insect control, and retain historic views. This easement extinguished at lease 400 development lots, 70 of which could be waterfront. Mr. Reed recommended approval with the removal of the Means of Notice, Consent Procedure, and Estoppel Certificate language. After discussion, it was also determined that the easement needed to reinstate VOF template language for the Utilities, Boundary Line Adjustment, and Enforcement clauses. Mr. Seilheimer moved to approve the easement with the above listed changes, Mr. Walker seconded, and the easement was approved unanimously as amended.

R5 – G. Smith "Edgewood Farm" of 395 acres in Hanover County – Mr. Reed presented the easement (ranking 2) on an active working farm that allows four parcels, four primary dwellings, no secondary dwellings, farm building review at 10,000 square feet, 1% impervious surface cap, 200 foot no-build buffer on Route 738, and 35 foot riparian buffers. The property is home to a historic house, "Edgewood", built after the American Revolution which will be protected with no willful destruction language. The easement is ranked a 2 due to just being shy of 400 acres with four parcels but is mitigated by allowing fewer houses than guidelines for three parcels. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

R6 – H. Smith "Mica Mine Farm" of 523.05 acres in Hanover County – Mr. Reed presented the easement (ranking 3) on this active hay and grain operation. The easement allows for three parcels, three primary dwellings, three secondary dwellings, farm building review at 12,000 square feet, 1% impervious cap, 200 foot no-build buffer along Route 738, and 100 foot riparian buffers on creeks and the Little River. Staff recommended one additional farm building of 16,000 square feet and then review of farm buildings at 4,500 square feet with siting approval if not located within 200 feet of existing structures. Mr. Seilheimer moved to approve the easement as recommended, Mr. Walker seconded, and the easement was approved unanimously as amended.

R7 – Swanns Point, LLC of 847.52 acres in Surry County – Mr. Reed presented the easement (ranking 3) that allows for two parcels, two primary dwellings (one of which is a lodge of no larger than 12,000 square feet and the other a 5,000 square foot dwelling), farm building review at 4,500 square feet, 200 foot no-build buffer along Swanns Point and Southwark Roads, and 100 foot forested riparian buffer along the wooded creeks and the James River. The property borders a VOF easement on Four Mile Tree and will create a 1,200 acre block of protected land and a mile of James River shoreline. The easement is ranked a 3 due to the requested lodge. Mr. Reed

explained that the language describing the lodge should read, “12,000 above ground livable space”. Senior Staff also asked that the 12,000 square feet be a hard cap. The property is owned by a group who want to use the property for hunting and fishing and they do not want a lot of small houses on the property. After a discussion about the riparian buffer language, it was decided that Mr. Reed would work with Senior Staff to refine the language that will allow limited timber harvesting (up to 20%) in the buffers. Dr. Cutler moved to approve the easement with the amended lodge and riparian language, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

R8 – Chatham Farm, LLC of 277.53 acres in Northampton County – Bruce Stewart presented the easement (ranking 3) that allows for three parcels (two of which will be no larger than 22 acres), four primary dwellings, three secondary dwellings, no willful demolition of the historic house “Chatham”, farm building review at 4,500 square feet, a winery building of no larger than 8,800 square feet unless the secondary known as Bleak House is attached to the winery in which case it may be enlarged to 12,300 square feet in ground area, 1% impervious surface cap, and 100 foot riparian buffers on Church Creek and 35 foot buffer on the farm pond. The landowners want four primary dwellings for themselves and their children. Staff recommended “provided that any addition to Chatham must retain the historic look and architectural character of the original part of the house” be removed from 2.(i) because Stewardship does not have the expertise to monitor the historic and architectural character of the house. Staff also recommended amending 2.(ii) to read, “The Bleak House may not be enlarged ~~as a residence~~ but may be moved to the edge of the farm pond located at the south~~east~~*west* corner. . .with a pergola and walkway *and may contain a guest room to be used in connection with winery operations*,” and 2.(vi) to read, “winery building(s) ~~and associated structures and additions and expansions thereto as may be constructed from time to time, but~~ not to exceed in the aggregate 8,800 square feet unless the Bleak House becomes an addition to the winery, in which case the ground area of the winery shall not exceed 12,300 square feet.” After discussion, it was decided that the two new primary dwellings could be no larger than 5,500 square feet and must abide by the 100 foot forested riparian and 250 foot setback from Church Creek, there can be no more than one dock per parcel, the Pick House may be enlarged to no more than 2,000 square feet, the Sears and Roebuck house may not be enlarged, and if Bleak House is moved to become part of the winery the substitute secondary is not allowed. In addition, language must be inserted in Restriction 4 to protect habitat for migratory birds by restricting cutting of timber and under story between existing fields and Church Creek, except for clearing for permitted buildings, pedestrian or horse trails and site lines for dwellings. Dr. Cutler moved to approve the easement with the amended conditions, Mr. Walker seconded, and the easement was approved unanimously as amended.

S1 – Amonette of 181.47 acres in Rockbridge County – Laura Thurman presented the easement (ranking 2) that allows for no division, one existing primary dwelling, one secondary dwelling to be constructed in an specified building envelope, farm building review at 4,500 square feet, ½ percent impervious surface cap, and a 500 foot building setback from Route 726. Ms. Thurman explained that the easement is ranked a two because the property will require a boundary line adjustment before recordation and the language defining the secondary is not template. Mr. Seilheimer moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

S2 – Blue Sky Valley, LLC of 150.75 acres in Highland County – Ms. Thurman presented the easement (ranking 2) that allows for no division, three dwellings of no greater than 3,000 square feet each, one 600 square foot picnic pavilion, farm building review at 3,000 square feet with an aggregate of 9,000 square feet, 50 foot forested riparian buffer on the Bullpasture River, and a 50 foot buffer on the sinkhole. The location of two of the dwellings will be out of site of Route 678 to protect the scenic views. The property is within the core area of the McDowell Battlefield and Alleghany Highland's Important Bird Area. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

S4 – Graham of 129.38 acres in Bath County – Ms. Thurman presented the easement (ranking 2) that allows no division, two dwellings with an aggregate total of 6,500 square feet, a 300 foot building setback from Route 678, and 50 foot forested riparian buffer on Proctor Draft which will contribute to the water quality of the Cowpasture River. Dr. Cutler moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

S5 – Graham of 86.79 acres in Bath County – Ms. Thurman presented the easement (ranking 1) that allows no division, no dwellings, 400 square foot hunting structures, 100 foot forested riparian buffers on all three seasonal streams. The property is bordered on three sides by a 1,000 acre easement that will be recorded soon. Dr. Cutler moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

S6 – Gordon Jacoby of 109.1 acres in Augusta County – Kristin Ford presented the easement (ranking 2) that allows no division, one primary dwelling, one secondary dwelling, farm building review at 4,500 square feet, 500 foot building setback from Route 620, no build zone above the 2,100 foot contour line, and a 100 foot no-plow on the intermittent creek. The easement also allows for personal use wind and/or solar generators with prior VOF approval causing the rank of two. Mr. Seilheimer asked staff to develop a wind generator criteria and policy for Board approval at the January 2008 meeting. Dr. Cutler moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

S7 – Francis Kraemer of 106.8 acres in Clarke County – Ms. Ford presented the easement (ranking 1) that allows no division, one existing primary dwelling (built in 1830), one existing secondary (barn apartment), farm building review at 4,500 square feet, and a 1% impervious surface cap. Mr. Abel Smith moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

S9 – James H. Moore, Jr. of 92.92 acres in Botetourt County – Laura Thurman presented the easement (ranking 2) that allows no division, one primary dwelling (existing 1890 home), one secondary dwelling of no more than 1,800 square feet, farm building review at 4,500 square feet, 300 foot building setback from Route 639, and 35 foot no-plow riparian buffer on the stream. The property is slightly less than 100 acres and the landowner is requesting a secondary dwelling causing the rank of two. Ms. Thurman recommended approval saying that the scenic values of the property are adequately protected with the building setback. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

S10 – Michael G. Prelip of 209.36 acres in Frederick County – Kristin Fort presented the easement (ranking 2 due to hunting structures) that allows two parcels, two primary dwellings, two secondary dwellings, farm building review at 4,500 square feet, 50 foot building setback from property lines, 100 foot no-plow riparian buffer on Cedar Creek, and up to 20 hunting blinds. The riparian protection on the State Scenic River, Cedar Creek, contributes to the water quality of the Shenandoah River. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

S11 – Donald and Judi Race of 140 acres in Botetourt County – Laura Thurman presented the easement (ranking 2 due to division) that allows two parcels, two primary dwellings (existing), farm building review at 4,500 square feet, and 100 foot no-plow riparian buffer on the seasonal stream. The landowners are requesting a division so they can leave a parcel to each of their children. The protection of this property preserves scenic vies from Route 650 and contributes to the water quality of Beckners Branch and James River. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

S12 – Eyles "Ridgetop Farm, LLC" of 152.13 acres in Augusta County – Ms. Thurman presented the easement (ranking 1) that allows two parcels, two primary dwellings (one exists), one secondary dwelling, farm building review at 6,000 square feet, and 50 foot no-plow riparian buffer on a tributary of Moffett Creek. This property is adjacent to two other properties under easement with VOF. Mr. Walker moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

S13 – Grace Ritzenberg of 178 acres in Clarke County – Kristin Ford presented the easement (ranking 3) that allows two parcels, two primary dwellings, four secondary dwellings (two of them being no larger than 600 square feet), farm building review at 4,500 square feet, 200 foot building setback and 100 foot riparian buffer on the Shenandoah River, and 150 foot building setback from Route 7. The property is located within the Cool Spring Battlefield, a Civil War battle site. The landowners are requesting four secondary dwellings for farm help as the property is a working horse farm. Ms. Ford recommended approval due to the siting restrictions placed on the dwellings. Ms. Ford also recommended reverting to the VOF template language for the enforcement and 1% impervious surface cap clauses and reverting to template language or Bruce Stewart's approved language for the commercial and industrial use clause. Mr. Abel Smith moved to approve with the recommended changes, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

S14 – Mason Simpson Trust "River Ridge Ranch, LLC" of 290.85 acres in Bath County – Laura Thurman presented the easement (ranking 3) that allows for three parcels, three primary dwellings, one secondary dwelling, camp structures of no more than 10,000 square feet in total (to be confined within a 15 acre area), farm building review at 4,500 square feet, 1% impervious surface cap, 50 foot no-plow buffer for the pond, 35 foot vegetated riparian buffer on the Cowpasture River, and 100 foot no-build buffer on the sinkholes. Ms. Thurman recommended amending the easement to include Industrial or Commercial Activities language developed by staff and change the Notice of Grantee include VOF's current address only. The easement is ranked 3 due to the camp area and the omitted area with a house in the middle of the easement. Mr. Hartz said that he would not support the omission of the hole with the house but could

support the requested camp. Members of the Board felt the landowner was circumventing the guidelines by omitting the area with the house in essence giving himself four parcels on 290 acres – guidelines would allow only two or a maximum of three. Mr. Seilheimer moved to defer the easement until the November Board meeting to give the landowner and attorney time to revise the easement to meet VOF guidelines and template language. Mr. Walker seconded and the motion passed unanimously.

S15 – Schleider of 76.89 acres in Augusta County – Laura Thurman presented the easement (ranking 2) that allows no division, one primary dwelling, one secondary dwelling, farm buildings limited to 3,000 square feet with an aggregate of 6,000 square feet, and 50 foot vegetated riparian buffer that excludes livestock. Protection of this property contributes to the water quality of Walker's Creek, which feeds into Hays Creek and then the Maury River, a public drinking water source for the City of Lexington. The property is visible from the Goshen-Little North Mountain Wildlife Management Area. Dr. Cutler moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

S16 – Zirkle of 100.34 acres in Shenandoah County – Ms. Thurman presented the easement (ranking 3) that allows no division, up to two dwellings and/or a lodge not to exceed 6,500 square feet in the aggregate of above ground enclosed living space, defined building envelope, farm building review at 6,000 square feet, and a 1% impervious surface cap. Ms. Thurman explained that the square footage for the dwellings/lodge is mitigated by the building zone that will protect the views from a neighboring historic home. The larger farm building review is consistent with the use of the property as part of a working family farm. She recommended changing the Industrial or Commercial Activities clause to the staff recommended language. Dr. Cutler moved to approve the easement with the revised Industrial/Commercial language, Ms. Ward seconded, and the easement was approved unanimously as amended.

S17 – Zirkle of 285.18 acres in Shenandoah County – Ms. Thurman presented the easement (ranking 3) that allows three parcels, three primary dwellings, one secondary dwelling, two of the four dwellings must be located in one of two building envelopes, farm building review at 6,000 square feet, 1% impervious surface cap, and a 35 foot no-plow riparian buffer on Painters Run. Ms. Thurman said this easement would need the revised Industrial/Commercial language and wanted to recommend that all of the new dwellings be confined to the identified building envelopes. She also reported that the landowner wants to remove12 acres that contain his house from the easement. Mr. Hartz objected to the request to remove his house from the easement as it would essentially give him an additional parcel which would exceed VOF guidelines. Ms. Thurman asked if the landowner would leave the 12 acres in the easement, could he have an additional secondary dwelling. There were no objections to that solution. Mr. Walker moved to approve the easement with the addition of 12.797 acres for a total of 297.977 acres, the revised Industrial/Commercial language, and an additional secondary dwelling. Mr. Seilheimer seconded and the easement was approved unanimously as amended.

S18 – Pleasant Grove of Botetourt, LLC reconsideration of 178.5 acres in Botetourt County – Ms. Thurman presented the reconsideration of the easement approved at the April 2006 Board meeting. She explained that the landowner has since passed and his heirs have been in serious disagreement about whether to proceed with the easement. One of the siblings wants to remove

15 acres from the farm and relinquish his membership in the LLC. The two remaining siblings wish to protect the farm with a conservation easement. The easement would allow two parcels, two primary dwelling with no willful demolition protection for the existing dwelling, two secondary dwellings, farm building review at 4,500 square feet, a setback from Route 641 for new or replacement buildings, and a 35 foot no-plow riparian buffer on Mill Creek. Mr. Seilheimer moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

T1 – Fallin of 67 acres in Northumberland County – Estie Thomas presented the easement (ranking 1) that allows no division, no dwellings, agricultural buildings of no more than 2,500 square feet in ground area, and 100 foot riparian buffer that excludes livestock along the perennial stream. This property is a traditional Northern Neck farm with wetlands and shoreline with a feeder stream to Hack's Creek, a tributary of the Chesapeake Bay. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

T2 – The Henley easement was withdrawn.

T3 – Lewis Family Partnership of 100 acres in King and Queen County – Ms. Thomas presented the easement (ranking 1) that allows no division, one existing historic primary dwelling "Norwood" with no willful demolition protection, no secondary dwellings, and farm building review at 2,500 square feet. Dr. Cutler moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

T4 – Moore "Megg's Bay" of 202 acres in Middlesex County – Ms. Thomas presented the easement (ranking 1) that allows no division, no dwellings, agricultural buildings review at 4,500 square feet, and 100 foot riparian buffer on Dragon Run with livestock excluded. An easement on this property protects extensive shoreline on Megg's Bay on the Dragon Run, a tributary of the Piankatank River and the Chesapeake Bay. Dr. Cutler moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

T5 – Moore "Pleasant View" of 171 acres in Middlesex County – Ms. Thomas presented the easement (ranking 1) that allows two parcels, two primary dwellings, no secondary dwellings, agricultural building review at 4,500 square feet, and 100 foot riparian buffer along Courthouse Swamp. She said the landowner needed to make a change in the easement terms due to a family health emergency. The historic house would be allowed to be no larger than 6,000 square feet and the other dwelling could be no larger than 2,000 square feet. Ms. Thomas recommended accepting the changes because there would still be no division (this is corrected by reconsideration at the end of the meeting) on 171 acres. Mr. Seilheimer moved to approve the easement with the recommended changes, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

T6 – Moore of 97 acres in Middlesex County – Ms. Thomas presented the easement (ranking 1) that allows no division, one primary dwelling, one secondary dwelling, and agricultural building review at 2,500 square feet. The property contains open agricultural fields in grain and hay

production. Dr. Cutler moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

T7 – Pine Hill, LLC of 495 acres in Essex and Caroline Counties – Ms. Thomas presented the easement (ranking 2) that allows three parcels, three primary dwellings, no secondary dwellings, farm building review at 4,500 square feet, and 100 foot vegetated riparian buffers along Baylors Creek and Portage Run with livestock exclusion. This is the second easement in the Army Compatible Use Buffer protecting Fort A. P. Hill. Dr. Cutler moved to approve the easement as presented, Ms. Ward seconded, and the motion passed unanimously.

T8 – Weyanoke Farm, LLC was withdrawn.

W1 – John Marshall Clark, Jr. of 291 acres in Rappahannock County – Jennifer Perkins presented the easement (ranking 2) that allows three parcels, three single family dwellings to be no larger than 4,500 square feet, farm building review at 4,500 square feet, no building above the 1,300 foot contour line, no clear-cutting within 300 feet of Shenandoah National Park, and 35 foot no-plow riparian buffer on the Rush River. The easement was ranked 2 due to the property being shy of 300 acres and wanting three parcels. Ms. Perkins explained that the landowner only wanted three single family dwellings and the conservation values of the property mitigate the impact of three parcels. Dr. Cutler was concerned that the landowner had stopped granting access to the park through his property. Ms. Perkins said that he had stopped the practice due to liability issues. Dr. Cutler said that the state had passed legislation to protect landowners when they allow public access to their property for recreation. Bob Lee added that a summer intern for VOF had researched the issue and could provide details for staff to use with landowners. This property provides scenic views from the Appalachian Trail and Skyline Drive. It borders a portion of Shenandoah National Park that has been designated a wilderness area. Mr. Seilheimer moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

W2 – Melvin Hazen Colvin, Jr. "Teneriffe Farm" of 251.85 acres in Fauquier County – Ms. Perkins presented the easement (ranking 3) that allows two parcels, the existing primary dwelling "Teneriffe" (built 1757), two additional primary dwellings of 3,500 square feet each, one secondary of 2,000 square feet, an additional secondary of 1,500 square feet if the farm office is converted, 300 foot building setback from Cedar Run, ½ percent impervious surface cap, and 100 foot forested riparian buffer on Cedar Creek. Ms. Perkins recommended approval of the terms as presented with deletion of "including the Small Parcel if created" from the Boundary Adjustment language and reinstating VOF template language for the Notices to Grantee and Assignment by Grantee clauses. Mr. Seilheimer moved to approve with the recommended changes, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

W3 – Michael H. and Mary J. Dale of 120 acres in Culpeper County – Ms. Perkins presented the easement (ranking 2) that allows no division, one primary dwelling, one secondary dwelling, farm building at 4,500 square feet, 300 foot building setback from the Rappahannock River, and a 50 foot no-plow riparian buffer on the Rappahannock River. She recommended approval with the staff recommended change to the Extinguishment clause. After "as set forth in Section 12 above" add "*but not to be less than the proportion that the value of this Easement at the time of*

extinguishment bears to the then value of the Property as a whole, excluding from such calculations, however, any increase in the value of the Property attributable to improvements constructed on the Property subsequent to the time of this gift". Mr. Abel Smith moved to approve the easement with the recommended change, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

W4 – Glenowen Holding, LLC of 396.32 acres in Loudoun County – Ms. Perkins presented the easement (ranking 2) that allows four parcels, four primary dwellings, four secondary dwellings, no willful demolition of the historic Glenowen/Thomas house (built 1775), no building within 500 feet of Route 7, no building above the 840 foot contour line, and farm building review at 5,000. The easement exceeds guidelines with four parcels on just less than 400 acres but the property scenic and open space values will be protected with the no build zones. Ms. Perkins recommended approval as presented. Dr. Cutler moved to approve, Mr. Abel Smith seconded, and the motion passed unanimously.

W5 – Johnson of 300.11 acres in Rappahannock County – Ms. Perkins presented the easement (ranking 2) that allows three parcels, three primary dwellings, four secondary dwellings (all exist) of no more than 2,000 square feet, farm building review at 4,500 square feet, and a 600 foot no-build zone along Route 231. The easement exceeds guidelines in regards to the number of secondary dwelling, but all currently exist and are not visible to the public. The easement specifies that the secondary dwellings can only be replaced on the same footprint without VOF approval. Mr. Seilheimer moved to approve the easement as presented, Dr. Cutler seconded, and the motion was passed unanimously.

W6 – Nesbitt "The Cove" of 1,951.63 acres in Fauquier County – Leslie Grayson presented the easement (ranking 3) that allows ten parcels, ten primary dwellings, ten secondary dwellings, VOF siting approval on all new dwellings, farm building review at 4,500 square feet, and one 50 x 50 foot helipad (requires a permit). The easement also provides that no building or structure can be built above the 1,100 foot contour line or as shown on Exhibit of no-build areas, no buildings within 130 feet of Route 635, and a maximum height of 35 feet for all structures. Water quality will be protected by a 100 foot forested buffer around Cove Lake, a 35 foot forested riparian buffer on Buck Run, and livestock excluded from all waterways and ponds. Ms. Grayson explained that there was one remaining issue regarding the Extinguishment, Conversion, Diversion clause. In order to more closely match the I.R.S. requirements, the landowner's attorney removed VOF template language, "but not to be less than the proportion that the value of this Easement at the time of extinguishment bears to the then value of the Property as a whole." Board members were concerned that deviation from the VOF template would harm future easements. Dr. Cutler moved to approve the easement with the understanding that staff would work to reinstate the template extinguishment language or develop language that has the same effect. Mr. Seilheimer seconded and the motion passed unanimously.

W7 – QDP, LLC of 294.58 acres in Loudoun County – Jennifer Perkins presented the easement (ranking 2) that allows three parcels (one of which must be no larger than 25 acres), three primary dwellings (two no larger than 4,500 square feet and one no larger than 3,500 square feet), two secondary dwellings of no larger than 2,000 square feet, no willful demolition of historic house, 600 foot no-build setback from the Potomac River, farm building review at 4,500

square feet, 100 foot riparian buffer on the Potomac River, no-build zones to protect archeological resources, and 35 foot riparian buffer along an unnamed tributary. The property is six acres shy of the 300 required for three parcels but the natural, historic, and archeological resources will be well protected with siting restrictions and size limitations. Ms. Perkins added that the Phase I archeological study is with the Virginia Department of Historic Resources (DHR) and they may want to add additional protections for the historic and archeological resources. Mr. Seilheimer moved to approve the easement as presented with the understanding that additional restrictions may be required by DHR. Dr. Cutler seconded and the motion passed unanimously.

W8 – Slater of 125 acres in Rappahannock County, W9 – Slater "High Acre I" of 288.02 acres in Fauquier County, and W10 – Slater "High Acre II" of 201.09 acres in Fauquier County were presented as a block. Ms. Perkins presented the easements (all ranking 1) that meet and exceed VOF guidelines. Mr. Seilheimer moved to approve all three as presented, Mr. Abel Smith seconded, and all three easements were approved unanimously.

W11 – Gregory M. Yates of 178.18 acres in Culpeper County – Kristin Ford presented the easement (ranking 2) that allows two parcels, two primary dwellings, one secondary dwelling, farm building review at 4,500 square feet, no building above the 800 foot contour line, and a 1% impervious surface cap. The easement also contains language governing conditions if a portion of the property is leased or sold to the county as a public park or wilderness/wildlife management area. Dr. Cutler moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Estie Thomas asked that T5 – Moore "Pleasant View" be reconsidered as the landowner did want the division with two parcels on the property as reflected in the easement presented. Mr. Seilheimer moved to approve, Mr. Abel Smith seconded, and the motion passed unanimously.

Bob Lee asked the Board to approve Bruce Stewart as a signer of easements to help with the end of year rush. Mr. Seilheimer moved to approve, Mr. Walker seconded, and the motion passed unanimously. (See attachment #4.)

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,

Patricia A. Cleary
Executive Assistant

VIRGINIA OUTDOORS FOUNDATION
RESOLUTION

A RESOLUTION TO APPROVE THE COOPERATIVE AGREEMENT BETWEEN THE VIRGINIA OUTDOORS FOUNDATION (VOF), THE COUNTY OF NORTHAMPTON, VIRGINIA (the County) AND THE EASTERN SHORE SOIL AND WATER CONSERVATION DISTRICT (SWCD)

WHEREAS, the Board of Supervisors of Northampton County, Virginia, established a Purchase of Development Rights Program (PDRP) on July 11, 2005, for the protection of productive farmland and associated forest lands, groundwater recharge areas and surface water, as a foundation for a strong rural community, a healthy environment and a thriving economy and to ameliorate the impact of development on the County; and

WHEREAS, the purpose of the PDRP is to preserve open-space land that will (1) protect water quality, air quality, and natural habitat; (2) protect farms, forest and grassland; (3) protect scenic and historic values important to tourism, community identity, and quality of life; and (4) save and protect agricultural property; and

WHEREAS, the Open-Space Land Act (OSLA), Code of Virginia Section 10.1-1700 et seq., provides authority for public bodies, including the County, the SWCD and VOF, to acquire open-space easements, the purposes of which include retaining or protecting natural or open-space values of real property, assuring its availability for agricultural, forestal, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property; and

WHEREAS, the OSLA further authorizes such public bodies, whenever practicable to make property acquired pursuant to the Act available for agricultural and timbering uses, which are compatible with the purposes of the Act; and

WHEREAS, Section 10.1-1800 et seq. of the Code of Virginia provides for the establishment of VOF to promote the preservation of open-space lands and to encourage private gifts of money, securities, land or other property to preserve the natural, scenic, historic, scientific, open-space and recreational areas of the Commonwealth and further provides that the VOF establish, administer and manage an Open-Space Lands Preservation Trust Fund for the purpose of providing grants to localities acquiring open-space easements or persons conveying conservation or open-space easements on agricultural, forestal, or other open-space land pursuant to the OSLA and, if applicable, the Virginia Conservation Easement Act (Section 10.1-1009 et seq. of the Code of Virginia) for purchase of all or part of the value of an easement and to pay for costs, such as appraisal and legal fees associated with the conveyance of an easement; and

WHEREAS, VOF and the SWCD entered into a Cooperative Agreement effective January 1, 2007 (the VOF-SWCD Agreement, located on file at the VOF Richmond Office) with respect to the co-holding of easements receiving grant awards from the Open-Space Lands Preservation Trust Fund in the area served by the SWCD; and

WHEREAS, VOF and the SWCD further entered into a Memorandum of Understanding dated April 11, 2007 (the VOF-SWCD MOU, located on file at the VOF Richmond Office) which sets forth obligations of each party in the documentation and monitoring of easements obtained by VOF on the Eastern Shore of Virginia; and

WHEREAS, it is the intent of the parties hereto to provide for the acquisition of conservation and/or open-space easements from landowners in Northampton County to be funded by grants from the PDRP and, also on occasion, by grants from the Open-Space Preservation Trust Fund and/or other governmental entities; and

WHEREAS, such easements funded solely by grants from the PDRP are to be accepted and held by VOF and such easements funded by PDRP and another entity or entities are to be accepted and held by VOF and the SWCD as co-holders; and

WHEREAS, the SWCD will monitor all such easements pursuant to the VOF-SWCD MOU; and

WHEREAS, it is the desire and intent of the Parties to enter into this Cooperative Agreement to memorialize the understanding between the County, VOF and the SWCD in the holding, administration and monitoring of conservation and/or open-space easements created pursuant to the County's PDRP and VOF's open-space easement program; and

WHEREAS, in view of these mutual objectives, VOF, the County of Northampton, Virginia and the Eastern Shore Soil and Water Conservation District desire to maintain an enduring basis for cooperation and assistance; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this 5th day of September 2007, That the Cooperative Agreement between The Virginia Outdoors Foundation, The County of Northampton, Virginia and The Eastern Shore Soil & Water Conservation District be approved.

ADOPTED by a vote of 6 in favor and 0 against.

ATTEST:
G. Robert Lee, Executive Director

A RESOLUTION TO ASSIGN/TRANSFER CERTAIN VIRGINIA OUTDOORS FOUNDATION CONSERVATION EASEMENTS ON HISTORIC BATTELEFIELD PROPERTIES TO THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

WHEREAS, The Virginia Outdoors Foundation has been and is the holder of most conservation and open-space easements in Virginia conveyed pursuant to the Open-Space Land Act (Section 10.1-1700 *et seq.* of the Code of Virginia, as amended), including a number of Civil War and other historic battlefield properties; and

WHEREAS, the Virginia Department of Historic Resources is a public body authorized to hold conservation and open-space easements under pertinent provisions of Chapter 22 Historic Resources of Title 10.1, Section 10.1-2200 *et seq.* of the Code of Virginia, as amended, and the aforesaid Open-Space Land Act; and

WHEREAS, some of the easements being held by the Virginia Outdoors Foundation on historic battlefield properties contain provisions requiring the review and approval of the Department of Historic Resources with respect to such matters as supervision of archeological exploration on the properties and the construction or reconstruction of buildings, structures and amenities on the properties; and

WHEREAS, the Department of Historic Resources is the state agency best qualified to provide protection of and stewardship for the cultural heritage values of historic battlefields and is already reviewing and approving some activities on certain battlefield properties held under easement by the Virginia Outdoors Foundation as set forth hereinabove; and

WHEREAS, the Department of Historic Resources has recently expanded its staffing and its conservation easement program capabilities; and

WHEREAS, the Virginia Outdoors Foundation and the Department of Historic Resources have jointly determined that assignment and transfer of certain conservation and open-space easements, involving historic battlefields, from the Virginia Outdoors Foundation to the Department of Historic Resources is in the best interests of both the fee owners of the easement properties and current and future generations of Virginia citizens, now, therefore, be it

RESOLVED, by the Board of Trustees of the Virginia Outdoors Foundation, this 5th day of September 2007, That the Executive Director or Deputy Directors of the Virginia Outdoors Foundation be, and are hereby authorized to assign and transfer to the Department of Historic Resources certain Virginia Outdoors Foundation conservation and open-space easements on historic battlefield properties as are mutually agreed upon by the Virginia Outdoors Foundation and the Department of Historic Resources staff; and be it

RESOLVED FURTHER, That the aforesaid assignments and transfers will be accomplished by Deeds of Assignment approved by the Attorney General of Virginia or his designee, signed by properly authorized signatories of all required parties, and recorded in the clerk's offices of the circuit courts of the localities in which the properties are located.

ADOPTED by a vote of 6 in favor and 0 against.

ATTEST: G. Robert Lee, Executive Director

VIRGINIA OUTDOORS FOUNDATION
RESOLUTION TO ACCEPT TRANSFER OF THE GLENARVON EASEMENT FROM
THE DEPARTMENT OF CONSERVATION AND RECREATION

WHEREAS, the Open-Space Land Act of 1966, Chapter 461 of the 1966 Acts of the Assembly (Chapter 17, Title 10.1, §§10.1-1700 through 10.1-1705 of the Code of Virginia, as amended), declares that the preservation of open-space land serves a public purpose by promoting the health and welfare of the citizens of the Commonwealth by curbing urban sprawl and encouraging more desirable and economical development of natural resources, and authorizes the use of easements in gross to maintain the character of open-space land; and

WHEREAS, by Deed of Gift of Easement made the 22nd day of December, 1006, and recorded December 28, 2006 in Deed Book 712 at page 17 in the land records of the Circuit Court of Fluvanna County, Virginia (the Glenarvon Easement), Sayre O. Graves conveyed to the Virginia Department of Conservation and Recreation ("DCR") an open-space easement over certain real property located in Fluvanna County, Virginia, consisting of 1,372 acres, more or less, known as "Glenarvon" and more particularly described in the Glenarvon Easement; and

WHEREAS, Section 7 of the Glenarvon Easement specifically anticipates DCR's assignment of the open-space easement created therein to the Virginia Outdoors Foundation ("VOF"), provided that (1) all restrictions and conservation purposes set forth in the Glenarvon Easement are to be continued in perpetuity, and (2) the transferee is an organization then qualifying as an eligible donee as defined by Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, and the applicable Treasury Regulations promulgated thereunder; and

WHEREAS, VOF is an eligible donee under Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, and the applicable Treasury Regulations promulgated thereunder; and

WHEREAS, DCR desires to assign the Glenarvon Easement to VOF and VOF desires to accept such assignment; and

WHEREAS, VOF hereby agrees to enforce the terms of the Glenarvon Easement in perpetuity pursuant to the Open-Space Land Act;

NOW, THEREFORE, BE IT RESOLVED by the Virginia Outdoors Foundation Board of Trustees this 5th day of September, 2007, that the Department of Conservation and Recreation's offer to assign and transfer the Glenarvon Easement to the Virginia Outdoors Foundation be, and it hereby is, accepted.

ADOPTED by a vote of 6 in favor and 0 against.

ATTEST: G. Robert Lee, Executive Director

A RESOLUTION TO AUTHORIZE F. BRUCE STEWART TO SIGN VIRGINIA OUTDOORS FOUNDATION CONSERVATION EASEMENTS FOR PURPOSES OF RECORDATION

WHEREAS, F. Bruce Stewart has been a licensed Virginia attorney for over forty years, and

WHEREAS, F. Bruce Stewart has worked for the Virginia Outdoors Foundation (VOF) for several years as internal staff counsel and as both first and also final reader for proposed VOF easements, and

Whereas, F. Bruce Stewart worked closely with the Office of the Virginia Attorney General, senior VOF staff, and interested Virginia attorneys to comprehensively revise the VOF Easement Template, and

WHEREAS, the year-end volume of conservation easements for VOF signature pursuant to recordation has grown tremendously in recent years and places an unrealistic burden to the VOF Easement Division Deputy Directors; now, therefore, be it

RESOLVED by the Board of Trustees of the Virginia Outdoors Foundation this 6th day of September 2007, That F. Bruce Stewart be, and is hereby, authorized to sign conservation easements on the behalf of the Virginia Outdoors Foundation for the purpose of Recordation.

ADOPTED by a vote of 6 in favor and 0 against.

ATTEST:
G. Robert Lee, Executive Director