

**Virginia Land Conservation Foundation Board of Trustees Meeting  
Friday, December 10, 2020**

**VIRTUAL MEETING**

**TIME AND PLACE**

The meeting of the Virginia Land Conservation Foundation Board of Trustees took place via Go To Meeting on Thursday, December 10, 2020.

**VIRGINIA LAND CONSERVATION FOUNDATION BOARD OF TRUSTEES MEMBERS PRESENT**

The Honorable Matthew Strickler, Secretary of Natural Resources, Chair

Mary-Carson Stiff, Vice Chair

Brad Copenhaver for The Honorable Bettina Ring, Secretary of Agriculture and Forestry

Elizabeth Andrews

Andrew C. Jennison

James W. Beamer

The Honorable David W. Marsden

Glenda C. Booth

Sonya Powell

Dr. James F. Casey

The Honorable Richard H. Stuart

Jay C. Ford

Bruce Vlk

Kat Imhoff

The Honorable John Paul Woodley, Jr.

Bob Lazaro

**VIRGINIA LAND CONSERVATION FOUNDATION BOARD OF TRUSTEES MEMBERS NOT PRESENT**

Susan E. Donner

The Honorable Albert C. Pollard, Jr.

Russell Vern Presley, II

**STATE AGENCY STAFF PRESENT**

Clyde E. Cristman, DCR Director, Executive Secretary

Joshua Saks, Deputy Secretary of Natural Resources

Meryem Karad, Assistant Secretary of Natural Resources

Rochelle Altholz, DCR

Suzan Bulbulkaya, DCR

Linda Crowe, DCR

Gina DiCicco, DCR

Michael Fletcher, DCR

Kimberly Freiberger DCR

Brian Fuller, DCR

Terry Lasher, VDF

Martha Little, VOF

Kelly McClary, DCR

Lisa McGee, DCR

Larry Mikkelsen, DCR

Gray O'Dwyer, Office of the Attorney General  
Sharon Partee, DCR  
Jen Perkins, VDACS  
Jason Powell, Senate Finance  
Karri Richardson, DHR  
Catherine Shankles, Office of the Attorney General  
Tom Smith, DCR

**OTHERS PRESENT**

Parker Agelasto  
Aaron Baumgarner  
Maggi Blomstrom, PEC  
Edwin Martinez, NRCS  
John McCarthy  
Ellen Shepard, VAULT  
Zachary Sheldon, TNC

**CALL TO ORDER AND CERTIFICATION OF ELECTRONIC MEETING**

Secretary Strickler called the meeting to order and read the following statement:

Good morning, I would like to call this virtual meeting of the Virginia Land Conservation Foundation Board of Trustees to order.

Generally, public bodies are prohibited from meeting electronically under the provisions of the Freedom of Information Act (FOIA). However, emergency language approved by the Governor and General Assembly in April allows us to move forward with certain restrictions that I will outline below.

Before I review those provisions, please let me take a moment to review how this meeting will work. We want to allow for participation by Board members, staff, and members of the public who wish to comment. However, it is essential that we are able to manage the conversation effectively.

While the meeting will be open for Board comment, due to the challenges associated with an electronic meeting, we want to allow members of the public to be heard. If you would like to make a comment, please do so in the chat box. Sue Bulbulkaya will be monitoring the chat box and let us know when someone has submitted a comment. We will address your comments as time allows.

Please be patient with us as we work through this. We understand and appreciate the challenges. Again, I have to read a lengthy introduction for our virtual meeting. This is long, but is required to be read aloud under Chapter 1283 for all electronic meetings:

Chapter 1283 of the 2020 Acts of Assembly, also known as the “Caboose Bill,” includes language addressing the ability of public bodies to conduct electronic meetings without the need for a quorum being present in a single physical location (“Electronic Meeting”).

This language was submitted as an amendment by the Governor and approved by the General Assembly at their April 22, 2020 reconvened Session. The Governor subsequently signed the Caboose Bill and the Bill was effective as of April 24, 2020.

The Caboose Bill allows public bodies to hold Electronic Meetings when the Governor has declared a state of emergency pursuant to § 44-146.17 if:

“(i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location;

(ii) the purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the public body...and the discharge of its lawful purposes, duties, and responsibilities...” § 4-0.01(g).

The Caboose Bill also has language regarding recordings and transcriptions of Electronic Meetings. Please be advised that this meeting is being recorded. This recording will be available to the public through the DCR website. The comments in the chat room will also be preserved as a public record. Official minutes of this meeting will be drafted and posted in accordance with regular procedures.

The Caboose Bill does not allow the Board to hold an Electronic Meeting to discuss or transact business for *any purpose*. Rather, they may do so as long as the agenda items that the public body plans to take up are: (a) statutorily required or (b) necessary to continue operations and discharge lawful purposes, duties and responsibilities.

It is the Board’s responsibility to determine whether “the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location.”

At the conclusion of my remarks, I will ask for a motion for the board to make this determination. If that motion fails, this electronic meeting will end at that point.

The Caboose Bill requires compliance with the provisions of § [2.2-3708.2](#). Therefore, in accordance with § 2.2-3708.2.D.2, public bodies must include a telephone number that may be used to notify the public body of any interruption in the telephonic or video broadcast of the meeting.

In the event that a disruption occurs, participants should contact Mr. Fletcher by phone or text at 804-317-8934.

Additionally, if there is an interruption in the broadcast, the meeting must be suspended until public access is restored.

Those provisions of the Virginia Freedom of Information Act not addressed by the Caboose Bill remain in effect.

Before we continue with the business portion of the meeting, I will ask Mr. Fletcher to call the roll for Board members and anticipated staff. Other participants will be recorded through the chat window. If you are participating by phone and your name is not called, please call or text Mr. Fletcher at 804-317-8934.

In addition, if at any time you lose connection and are unable to reconnect, please contact Mr. Fletcher at the same number.

I will now turn to Mr. Fletcher for the calling of the roll:

**ROLL CALL**

PRESENT: Strickler, Stiff, Copenhaver, Ford, Vlk, Casey, Imhoff, Booth, Woodley, Marsden, Stuart, Andrews, Beamer, Jennison, Powell

NOT PRESENT: Pollard, Donner, Presley

Secretary Strickler continued:

I will now present a recommended motion, and wait for a board member to request the motion:

**RECOMMENDED MOTION:**

The Virginia Land Conservation Foundation Board of Trustees certifies that the nature of the declared COVID-19 emergency makes it impracticable or unsafe for the Board to assemble in a single location and further that the agenda items to be taken up at this meeting are necessary to continue operations and discharge lawful purposes, duties, and responsibilities of the Board.

**BOARD ACTION**

Ms. Imhoff moved the motion. Mr. Lazaro seconded and the roll call vote was as follows:

AYE: Strickler, Stiff, Copenhaver, Ford, Vlk, Casey, Imhoff, Booth, Woodley, Marsden, Stuart, Andrews, Beamer, Jennison, Powell

NAY: None

**ROLL CALL**

Secretary Strickler continued:

I want to explain further how we will handle participation by board members, staff, and the public. Everyone, except the individual presenting materials for an agenda item, will be muted. Once the presentation is completed, the board members, and only board members, will be unmuted for discussion. Staff will assist me with ensuring board members are recognized when they have questions or comments. As needed, staff will be unmuted to address questions or concerns. Members of the public will be able to ask questions and provide input by utilizing the chat box function only. As time allows, we will respond to those questions and comments in the chat function.

We will now proceed with the business of the Board as outlined in the agenda.

Senator Strickler noted the following:

- Senator Richard Stuart has been appointed as new member of the Board of Trustees.
- The September meeting kicked off three grant rounds.
- The Pre-Application report to the General Assembly is working its way through the review process at DCR. Preliminary numbers show 61 applications were received requesting almost \$80M to conserve 32,000 acres. Once that report is finalized a copy will be shared with the board.
- The traditional VLCF grant round closed on November 30<sup>th</sup>. Thirty applications were received requesting \$10.5M to protect 15,900 acres. Staff will be meeting with the InterAgency Task Force to score those applications and prepare recommendations for the next Board meeting.
- At the last meeting there was a request to establish a stakeholder engagement ad-hoc subcommittee for the VLCF grand manual. In your meeting materials you will see that four Board members have been appointed. With the current meeting restrictions in place due to the pandemic, we expect the subcommittee will meet in the future as conditions permit.

### **APPROVAL OF MINUTES FROM SEPTEMBER 22, 2020**

Mr. Woodley noted that his name was omitted as being present at the September meeting. Ms. Andrews noted that she was recorded as voting twice on one issue.

Mr. Lazaro moved and Mr. Ford seconded that the minutes of the September 22, 2020 meeting be approved as amended.

The roll call vote was as follows:

AYE: Strickler, Stiff, Copenhaver, Ford, Vlk, Casey, Imhoff, Booth, Woodley, Marsden, Andrews, Beamer, Jennison

NAY: None

ABSTAIN: Stuart, Powell

**DOMINION SURRY-SKIFFES CREEK GRANT ROUND II**

*Presentation of Recommended Projects for Grant Awards – Linda Crowe, Land Conservation Specialist, DCR*

Ms. Crowe gave an overview of the funding recommendations.

*Overview*

- \$12.5 million total of restricted funding from Dominion to mitigate for adverse impacts of the Surry-Skiffes Creek overhead powerline at Jamestown.
- \$1,145,829 funding unallocated from the \$12.5 million available for the 2020 grant round.
- Governed by Memorandum of Agreement between the US Army Corps of Engineers, Dominion, and other stake-holder signatories.

*Primary Focus Areas*

1. Battlefield Conservation:
  - Battle of Yorktown and Fort Crafford;
  - Development of public interpretive programs, signage, and exhibits; and
2. Landscape preservation with an emphasis on projects within the James River watershed benefitting the historic properties and district; and
3. Landscape scale conservation that may lead to precluding future river crossings and non-compatible shoreline development within the Area of Potential Effects (“APE”).

*Application Statistics*

3 applications received

Total funding requests:       \$2,208,000

Funding Available for Grant Round:	\$1,145,829
Newly Relinquished from DCR 2017 Yorktown Battlefield grant:	\$ 300,000
New Total Available for Grant Round:	\$1,445,829

*Overview of Applications***Williamsburg Battlefield (Egger Tract)**

American Battlefield Trust

- Fee acquisition of 250 acres in York County.
- Adjacent to the Colonial Parkway.
- Associated with the Civil War Battle of Williamsburg.
- Adjacent to the site of or actually the location of remnants of the 17th and 18th century slave plantation identified on the maps as Force's Quarters" named for Stephen Fouace.
- Part of the greater Carter's Grove Plantation
- Contains features included in the Floodplains and Flooding Resilience and the Protected Landscapes Resilience Categories of ConserveVirginia.

#### Cedar Field Plantation

DCR Division of State Parks

- Conservation easement acquisition of 232.75 acres in Surry County.
- In the Area of Potential Effect (APE).
- In the viewshed of Jamestown, Colonial Historic Park, Chippokes Plantation State Park, Hog Island WMA
- Identified in ConserveVirginia's Scenic Preservation layer with half a mile of shoreline along the historic James River.

#### Glendale Battlefield (Atkins Tract)

American Battlefield Trust

- Fee-simple acquisition of 39.45 acres in Henrico County.
- Located in the Gravel Hill Community, an historic African American Community founded in 1777.
- Part of the Peninsula Campaign.
- Situated entirely within the Core Area of the Glendale Battlefield.
- Located in the study area of the Malvern Hill Battlefield.
- Located within the Cultural & Historic Preservation Category of ConserveVirginia.

#### *Funding Recommendations*

DCR, Cedar Field Easement Purchase:

Amount Requested: \$1,194,681

Amount Recommended: \$1,194,681

American Battlefield Trust, Atkins Tract Fee Purchase:

Amount Requested: \$250,000

Amount Recommended: \$250,000

American Battlefield Trust, Egger Tract Fee Purchase:

Amount Requested: \$750,000

Amount Recommended: After speaking with the applicant, we recommend awarding the balance of the Surry Skiffes funding after all projects have closed. Director Cristman was given such authority by a motion passed by the VLCF Board on 11/28/2017, so no further action will be required if approved.

**BOARD DISCUSSION AND APPROVAL OF GRANT AWARDS**

Secretary Strickler advised that awarding restricted funds allows more flexibility than awarding state funds. The 2017 Surry-Skiffes Creek grant for \$3.6M for a DCR project in Newport News is expected to close under budget with at least \$500,000 left over. Therefore, DCR plans to relinquish \$298,852 from the 2017 grant to cover the balance of fully funding two new recommended projects. All remaining leftover funds can then be awarded to the Egger Tract as that project will take longer to close.

Director Cristman noted that in 1777, the property connected to the Atkins Tract was set aside for free slaves. Numerous slaves were given their freedom and property in this section of the county. The community thrived prior to the Civil War. The Battle of Glendale occurred east of the property and two years later, the Battle of Second Deep Bottom occurred as the community was caught between two battlefields. The area declined but still remains a vibrant community.

Director Cristman also noted that on the Egger Tract the actual purchase price will be over \$9M. The VLCF funding will be a minority portion of that.

The Cedar Field easement allows for zero subdivision of the property. Only two houses would be allowed not to exceed a combined total of 6500 square feet. The property has 3,400 of shoreline along the James River and allows for 100 ft. buffers on the creeks and wetlands. Timbering must be done within approved forest management plans. Public access will be allowed in the form of organized tours led by State Parks staff.

**BOARD ACTION**

Mr. Lazaro moved that the Virginia Land Conservation Foundation Board of Trustees approve the grant funding recommendations as presented by staff. Mr. Woodley seconded and the roll call was as follows:



AYE: Strickler, Stiff, Copenhaver, Ford, Vlk, Casey, Imhoff, Booth, Woodley, Marsden, Stuart, Andrews, Jennison, Powell

NAY: None

ABSTAIN: Beamer

**PUBLIC COMMENT**

There was no additional public comment.

**ADJOURN**

Secretary Strickler advised that the Board would need to meet in early 2021. Members will be polled for the best date.

There was no further business and the meeting adjourned at 11:45 a.m.