

DRAFT

MINUTES
Virginia Outdoors Foundation
Preservation Trust Fund Committee
Virginia Museum of Natural History
June 25, 2010
8:30 am

Board of Trustees:

Harry Atherton
Jeff Walker

Bob Lee, Executive Director
Ms. Leslie Grayson, Deputy Director
Ms. Tamara Vance, Deputy Director
Neil Kilgore
Anna Chisholm

Staff:

PTF Committee convened at 8:45 a.m.

The committee discussed applications for allocation of Preservation Trust Funds.

PTF

Easement	County	Acres
Michele & William Bear	Wythe	84.75
Stephen & Jan Hermansen RECONSIDERATION	Bland	521.36
Roy & Eddie Spraker RECONSIDERATION	Wythe	281.2
Terry O. Huskey, Rita Huskey & Frank Huskey	Buckingham	426.108
Dwayne & T. Joyce Yoder	Campbell	491.82 +/-
Daniel M. Johnson & Sandra Johnson	Washington & Smyth	1397 +/-
Valley View Farms/Buchanan	Smyth	1019 +/-
Robert E. Peters & Linda S. Peters	Washington	124 +/-
Chandler	Bath	53.63
Roudabush	Augusta	88.099
Sandridge	Rockbridge	64.93
William Hayden Markham (1)	Bedford	121.724
William Hayden Markham (2)	Bedford	156.27

No votes were taken at this meeting.
Committee adjourned at 10:05 a.m.

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Minutes
Virginia Outdoors Foundation (VOF)
Board of Trustees Meeting
Blue Ridge Aquaculture
Ridgeway, VA
June 24, 2010 3:00 pm

Board of Trustees:

Hank Hartz
Rupert Cutler
Jeff Walker
Suzanne Lacy
Harry Atherton

Other Attendees:

Fred Fisher, Office of the Attorney General
Sue Kellon, Interested Public
Ann Douglas Atherton, Interested Public

Staff:

Bob Lee, Executive Director
Martha Little, Deputy Director, Stewardship
Kristin Ford, Easement Specialist
Kerry Hutcherson, Staff Counsel, Stewardship
Bruce Stewart, Staff Counsel, Easements
Tamara Vance, Deputy Director, Easements
Anna Chisholm, Finance Manager
Jen Ducote, Finance Assistant
Sherry Buttrick, Easement Manager
Laura Thurman, Easement Specialist
Ruth Babylon, Easement Specialist

Group convened at 3:00 then toured the Blue Ridge Aquaculture facility. No votes were taken at this meeting.

The tours were over at 5:30 pm

Minutes
Virginia Outdoors Foundation Board of Trustees Meeting
Virginia Museum of Natural History
Martinsville, VA
9:30 am
June 25, 2010

Attendees:

Board Members:

Hank Hartz
Jeff Walker
Mark Allen
Rupert Cutler

Suzanne Lacy
Harry Atherton

Staff Members:

Bob Lee, Executive Director
Tamara Vance, Deputy Director, Easements
Leslie Grayson, Deputy Director, Easements
Martha Little, Deputy Director, Stewardship
Estie Thomas, Easement Manager
Kristin Ford, Easement Specialist
Abbe Kennedy, Stewardship Assistant
Anna Chisholm, Finance Manager
Sara Ensley, HR Manager
Kerry Hutcherson, Staff Counsel, Stewardship

Bruce Stewart, Staff Counsel, Easements
Sherry Buttrick, Easement Manager
Bobbie Cabibbo, Executive Assistant
Melissa Collier, Stewardship Manager
Josh Gibson, Easement Specialist
Ruth Babylon, Easement Specialist
Laura Thurman, Easement Specialist
Neal Kilgore, Easement Specialist
Jen Ducote, Finance Assistant
Andrew Fotinos, Stewardship Specialist

Other Attendees:

Cornelia Christian, Conservation Partners
Nancy Ambler, Wood Thrush Land Conservation
Fred Fisher, Office of the Attorney General
Janet Scheid, Western VA Land Trust (WVLT)
Roger Holnback, WVLT
Jack Moore, WVLT

David Hurt, Conservation Partners
Nan Mahone, Conservation Partners
Rex Linville, Piedmont Environmental Council
Page Henley, Northern Neck Land Trust
Lee Stevens, Attorney

Meeting convened at 9:30 am.

Hank Hartz welcomed everyone and recognized Joe Keiper, Director of the Virginia Museum of Natural History. Mr. Keiper spoke about the museum and invited us to tour.

Public Comments

David Hurt introduced a new Conservation Partners staff member – Nan Mahone. He also notified us about an upcoming CLE and an Appraisers Roundtable.

Janet Scheid, President of WVLT is pleased to be co-holding the upcoming Mill Mountain easement. She extended an invitation to all to attend the WVLT Sept 12, 2010 annual event.

Rex Linville asked that we table the Public Infrastructure decisions until there is ample time for VOF land conservation partners to review and offer comments on these important policies.

Approval of the Order of Business

The following easements were moved from Consent Agenda to Non-Consent Agenda: Vaught, Schuler, Hidden Valley, JBC & Radford University.

The following easements were added to the PTF agenda: Gray

The following amendment was added to the Non-Consent Amendment Agenda: Pembelton.

In addition to accommodate guests, the Mill Mountain Easement will be moved to be heard after the Non-Consent Amendments.

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Approval of Minutes

Neal Kilgore noted that he attended the last meeting and that his name was not in the list of those staff that attended and asked that the record change to reflect that. Motion made by Jeff Walker to accept minutes as amended; motion seconded by Harry Atherton and approved unanimously.

Director's Report

Bob Lee spoke to the America's Great Outdoors meeting occurring concurrently. Jason McGarvey, Communications and Outreach Manager is speaking on behalf of VOF. Dr. Cutler asked that if there is another chance to speak to the audience at America's Great Outdoors, we speak about the bill to enlarge the Blue Ridge Parkway, which will acquire land to augment that important American natural heritage parkway.

Martha Little noted that VOF hired a Bull Run Mountain Ranger. Priorities include signage, trail improvement and parking.

Leslie Grayson reported that:

- we are close to concluding a Use Agreement with Bull Run Mountains Conservancy
- we hope to negotiate a Use Agreement for the cliff/white rock area on Bull Run Mt. with the new owner.
- staff hopes to bring forward a new easement template in September.
- in 2010 YTD 21 projects were finished, 3,800 new acres. 43 projects have been approved and likely to be completed for a total of approximately 9,000 new acres. Today there are 29 projects before the board, which if completed, will add another 10,000 acres.

FY 2011 Budget

Bob Lee and Anna Chisholm spoke to the changes in the newly proposed FY11 Budget. Bob Lee mentioned that our unsung hero in guiding us through the legislative process for enhanced funding was Clyde Cristman who helped us chart the winning course. Anna noted that the format of the budget is much more detailed. Motion made by Rupert Cutler to adopt proposed FY2011 Budget Resolution Jeff Walker seconded motion and it passed unanimously.

Policy and Template Recommendations

It was the unanimous thinking of the board that additional time is needed to gather input from partners and for the Board members themselves to review these important policy papers. After discussion, a motion was made by Rupert Cutler to adopt recommendation #2 on Page 2 as follows:

2. For minor improvements to existing roads it is recommended that template language be added for insertion in all easements at the end of the Section II Paragraph 1 Division.

The acquisition of a *de minimis* portion of the Property adjacent to Route(s) _____ for improvement of the road(s) shall not be considered a division or subdivision of the Property and shall not be prohibited by this Easement, provided that Grantee approves such conveyance or taking, which approval may be contingent upon the project including all reasonable actions, such as landscaping and/or topographic improvements, to minimize the project's impact on the Property and its conservation values. Grantee shall not be entitled to any compensation for the conveyance or taking of such land for such purpose. Grantor reserves its separate rights to approve such acquisition. Use of the Property for such a project is limited to the improvement of Route(s) _____ and does not include the addition of new travel lanes. [*This paragraph is not intended to permit widening of existing roads or addition of new lanes. It is restricted to acquisition of a portion of the eased property for maintenance, restoration, correction, or upgrading of existing public road improvements, such as the addition or renovation of ditches, box culverts, drainage swales, side slopes, curbing, regrading, etc.*]

Motion seconded by Suzanne Lacy and approved unanimously.

RESOLUTION

AUTHORIZING RECOVERY OF COSTS IN EDUCATING NEW LANDOWNERS ABOUT THE TERMS OF AN EASEMENT AND ITS APPLICABILITY TO PROPERTY UNDER EASEMENT

Motion made by Rupert Cutler to approve resolution; motion seconded by Suzanne Lacy and passed unanimously. The language reflecting this resolution: (a) will begin to appear in new easements as they are developed & when possible throughout the rest of the year (b) is mandatory on easements presented after January 1, 2011; (c) will be part of the new easement template.

Consent Amendment Agenda

Smitten Farm LLC, Fauquier County
Broadus/Gorelick Northumberland County

Motion made by Harry Atherton to approve the Consent Amendments as presented; Jeff Walker seconded and motion passed unanimously.

Non-Consent Amendments

Pembelton – Amelia - Add 359.6 acres recently purchased to original 2009 easement.. The total property under easement will become 957.34 acres and all easement restrictions remain the same as original deed (2 parcels total). _ Harry Atherton made a motion to approve amendment as presented; motion seconded by Suzanne Lacey and approved unanimously.

Helms & Phillips, Albemarle, 196.9 acres - Motion made by Rupert Cutler to amend to include language that ensures that the amendment does not confer private benefit; motion seconded by Harry Atherton and passed unanimously.

City of Roanoke/Mill Mt ,City of Roanoke - 568.0058 acres

Amend easement to: correct acreage to 537.2798; require prior written approval by all grantees for roads; in Scenic Protection Section add language to limit all structures to a height of 25' except in the Scenic Protection Area where the height limit is 15'; allow trail signs. Motion made by Rupert Cutler to approve easement as amended; motion seconded by Jeff Walker and approved unanimously.

Preservation Trust Fund (PTF)

Bear – Wythe 84.75 acres – Motion made by Harry Atherton to approve easement as presented with approval of PTF of \$6,000; motion seconded by Mark Allen and passed unanimously.

Hermanson RECONSIDERATION-Bland 521.36 acres – Motion made by Jeff Walker to approve easement as presented with no change to PTF monies previously allocated and approved; motion seconded by Harry Atherton and passed unanimously.

Spraker RECONSIDERATION –Wythe 281.2 acres –Motion made by Harry Atherton to approve easement as presented with approval of \$5000 in PTF; motion seconded by Suzanne Lacy and passed unanimously.

Huskey –Buckingham 236.108 acres – Motion made by Harry Atherton to approve easement as presented with PTF of \$6000; motion seconded by Jeff Walker and passed unanimously.

Yoder – Campbell 491.82 +/- acres – Motion made by Harry Atherton to approve easement as presented with PTF of \$9000; motion seconded by Suzanne Lacy and passed unanimously.

Johnson - Washington & Smyth 1397 +/- acres – Amend easement to delete the following portion of *Restriction 9* “fertilizer or other agricultural chemical shall not be applied for distance of at least 200 feet from caves” as listed on summary sheet. Motion made by Suzanne Lacy to approve easement with PTF \$8,000; motion seconded by Jeff Walker and passed unanimously.

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Valley View Farms - Buchanan & Smyth 1019 acres – Amend easement to delete the following portion of *Restriction 9* “fertilizer or other agricultural chemical shall not be applied for distance of at least 200 feet from caves” as listed on summary sheet. Motion made by Jeff Walker to approve easement with PTF \$9,000; motion seconded by Rupert Cutler and passed unanimously.

Peters – Washington +/- 124 acres – Amend easement to delete the following portion of *Restriction 9* “fertilizer or other agricultural chemical shall not be applied for distance of at least 200 feet from caves” as listed on summary sheet. Motion made by Suzanne Lacy to approve easement with PTF \$5,000; motion seconded by Jeff Walker and passed unanimously.

Gray – Washington 200 acres – Easement approved as a purchase project at the April 2010 meeting with \$250,000 from the PTF. Owner needs an additional \$1,800 for costs. Motion made by Harry Atherton to grant the additional money with no change to purchase amount; motion seconded by Suzanne Lacy and passed unanimously.

Chandler – Bath 53.63 acres – Motion made by Rupert Cutler to approve easement as presented with PTF of \$3,000; motion seconded by Suzanne Lacy and passed unanimously.

Roudabush - Augusta 88.099 acres – Note acreage has changed to 83.59 acres. Motion made by Jeff Walker to approve as presented with change to acreage and award \$5,750 of PTF; motion seconded by Mark Allen and passed unanimously.

Sandridge – Rockbridge 64.93 acres – Motion made by Jeff Walker to approve easement as presented with PTF of \$4,000; motion seconded by Suzanne Lacy and passed unanimously.

William Hayden Markham (1) – Bedford 121.724 acres – Motion made by Suzanne Lacy to approve easement as presented with PTF of \$4,000; motion seconded by Harry Atherton and passed unanimously.

William Hayden Markham (2) – Bedford 156.27 acres – Motion made by Harry Atherton to approve easement with as presented with PTF of \$4,000; motion seconded by Suzanne Lacy and passed unanimously.

Harry Atherton moved to allocate \$89,000 for the Northampton County, Virginia Purchase of Development Rights Program (PDR) to be used in FY2011 and FY2012; money not used will be returned to the PTF; motion seconded by Suzanne Lacy and passed unanimously.

Lunch was served at 12:10 pm

ASSIGNMENTS

Lee Stevens was present representing the Carter families.

Robert H. Carter/Redlands – Albemarle – 682.586

Mill Quarter, L.P./Forge Farm – Albemarle – 94.58

Andrew Bierne Carter and John Boccock Carter/Murder House Field – Albemarle – 43.86 acres

Andrew Bierne Carter /Lumber Pile Hill– Albemarle – 195 acres

Assignment recommended by staff with following contingencies: there be fee set and paid that represents ½ of the actual costs incurred pursuant to recent resolution; BDR is updated and conforms with VOF’s BDR standards; allow legal staff to approve final deeds

Motion made by Suzanne Lacy to accept assignment from Piedmont Environmental Council of the 4 Redlands easements with staff recommended contingencies; motion seconded by Harry Atherton and passed unanimously.

Special Project Area (SPA) - Cat Point Creek

Page Henly spoke on behalf of Northern Neck Land Conservancy. Dr. Cutler made a motion to pass the resolution naming Cat Point Creek as a SPA; Suzanne Lacy seconded it and motion passed unanimously.

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Easement Consent Agenda

Name	County	Acres
Robert C. and Susan Adams RECONSIDERATION	Tazewell	888
S. Barron Baird, Jr & Gazelle G. Baird RECONSIDERATION	Essex	197.95
Turkey Saddle Land Trust II (John H. Birdsall III)	Albemarle	24.188
Garber Family Trust "Belmont Farm"	King William	295
David & Connie Hudnall	Northumberland and Lancaster	691 +/-
Robert C. & Cheryl K. Mitchell	King William	25
Ten Gen	Westmoreland	100.73
Virginia Savage	Craig	122.218
Donald W. Clark	Amherst	757
Irvine	Rockbridge	135.58
Tenney Mudge	Rockbridge	282.27
Folan	Bath	247.37
William & Martha Gibson, Joshua & Christina Gibson	Franklin	376.89
River Haven Farm, Inc.	Montgomery	178.2
River Ridge Land & Cattle Co.	Grayson	339
Hilltop at Zulla Road, LLC	Fauquier	53.4227
Michael L. O. & Margrete L. Stevens	Fauquier	196.1

Motion made by Harry Atherton to approve Easement Consent Agenda with change to Gibson that removes Byrd Act Road language and a note that the Tenney Mudge no build was changed; motion seconded by Suzanne Lacy and passed unanimously.

Note that the distributed map on Tenney Mudge reflecting updated no build zone will be included in official record.

Easement NON-CONSENT Agenda

Ed & Linda Moore Vaught, Jr. Family Trust/RECONSIDERATION - Floyd - 118.2024 acres Motion made by Harry Atherton to accept easement as presented; motion seconded by Suzanne Lacy and passed unanimously.

Delegate James Shuler - Roanoke - 50.73 acres Amend the easement to remove the 500 foot no build zone from northern boundary; motion made by Rupert Cutler to accept easement as amended; motion seconded by Suzanne Lacy and passed unanimously.

Hidden Valley Partnership - Town of Blacksburg - 144 acres Amend easement to allow up to a doubling of the existing transmission lines Right of Way (ROW) after standard review and recommendation of staff; motion made by Harry Atherton to accept easement as amended; motion seconded by Suzanne Lacy and approved unanimously.

JBC Properties - Montgomery - 78 acres Amend easement to allow up to a doubling of the existing transmission lines Right of Way (ROW) after standard review and recommendation of staff; motion made by Harry Atherton to accept easement as amended; motion seconded by Suzanne Lacy and approved unanimously.

Radford University Foundation (Selu Conservancy) RECONSIDERATION - Montgomery - 376 acres Amend easement to allow up to a doubling of the existing transmission lines Right of Way (ROW) after standard review and recommendation of staff; motion made by Harry Atherton to accept easement as amended; motion seconded by Suzanne Lacy and approved unanimously.

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City of Radford (Wildwood Park) – Radford – 54.624 acres – Motion made by Suzanne Lacy to approve easement as presented; motion seconded by Rupert Cutler and passed unanimously.

Dan Watson – Franklin – 144.522 acres – Note that acreage will change +/- 10 acres as a result of survey. Motion made by Dr. Cutler to approve easement as amended; motion seconded by Suzanne Lacy and carried unanimously.

Gehrken/Jones - Henry - 102.5 +/- acres – Motion made by Suzanne Lacy to accept easement as presented; motion seconded by Rupert Cutler and approved unanimously.

Summary Holding Co., LLC - Loudoun - 90.75 acres - Motion made by Suzanne Lacy to accept easement as presented; motion seconded by Harry Atherton and approved unanimously.

Rock Creek Boxwood LLC - Greene - 161.61 acres – Amend easement to change house aggregate from 14,000 sq. feet with 16,000 sq. ft. aggregate limit. Motion made by Harry Atherton to accept easement as amended; motion seconded by Rupert Cutler and approved unanimously.

Lyons - Bath - 1,636.95 acres – Amend easement to add deminimus language for the existing bridge. Motion made by Suzanne Lacy to accept easement as amended; motion seconded by Rupert Cutler and approved unanimously.

Motion made to go into **Closed Session** for discussion of legal matters as provided for in the Code of Virginia §2.2-3711(A)(3); motion seconded and carried unanimously.

Upon return from closed session, Executive Director, Bob Lee certified by name call that the Board of Trustees discussed only matters that convened the closed session and nothing else. Mark Allen responded yes, Hank Hartz responded yes, Harry Atherton responded yes, Suzanne Lacy responded yes, Jeff Walker responded yes; Rupert Cutler responded yes.

Meeting was adjourned.

VIRGINIA OUTDOORS FOUNDATION (VOF) RESOLUTION TO ADOPT THE FISCAL YEAR (FY) 2011 BUDGET

WHEREAS, the fiscal year for the Virginia Outdoors Foundation is 1 July through 30 June; and

WHEREAS, a fiscal year Budget is developed and adopted to provide planning and program guidance to the VOF Board of Trustees and the VOF Management Team; and

WHEREAS, Budget calculations are developed from the best available information before the commencement of a new fiscal year; and

WHEREAS, line items in the budget are for planning and program allocation purposes and actual expenditures may vary from adopted Budget projections as long as total expenses do not exceed available revenues; and

WHEREAS, the Executive Director, in consultation with other members of the VOF Management Team and the Finance and Personnel Committee, has prepared and submitted a Proposed Budget for Fiscal Year 2011; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees this 25th day of June 2010, That the VOF Budget for Fiscal Year 2011 be, and is hereby, adopted as follows:

ADOPTED by a vote of _____ in favor and _____ against.

ATTEST:

G. Robert Lee, Executive Director

VIRGINIA OUTDOORS FOUNDATION RESOLUTION AUTHORIZING RECOVERY OF COSTS IN EDUCATING NEW LANDOWNERS ABOUT THE TERMS OF AN EASEMENT AND ITS APPLICABILITY TO PROPERTY UNDER EASEMENT

WHEREAS, upon notice of or acquisition of knowledge of transfer, there are costs in staff time and materials in educating new landowners about the terms of easements and their applicability to properties under easement; and

WHEREAS, the Board of Trustees has determined that the costs described above should be recovered from landowners transferring such interests in all or a portion of the property under easement to new parties; and

WHEREAS, the costs paid by landowners should correspond to the costs in staff time and materials, as they may vary from time to time; and

WHEREAS, the mechanism for such cost recovery should be set forth conspicuously in deeds of easement accepted by the Virginia Outdoors Foundation; and

WHEREAS, according to the VOF Stewardship Division the current estimated average cost of educating new landowners about the terms of an easement and its applicability to property under easement is \$150.00; now, therefore, be it

RESOLVED, by the Virginia Outdoors Foundation Board of Trustees this 25th day of June 2010, That an addition to the VOF easement templates shall be made to read essentially as set forth in the sheet, attached hereto and made a part of this Resolution.

ADOPTED by a vote of ____ in favor and _____ against.

ATTEST G. Robert Lee, Executive Director Date

Attachment to VOF Board of Trustees Resolution adopted 6-25-10

SECTION V

New Paragraph

At such time as any interest in all or any portion of the Property is conveyed (except for conveyances such as deeds of trust or mortgages, access easements, utility easements, or boundary line adjustments) and before title is passed, Grantor shall be required to pay \$150.00 to Grantee for recovery of the costs of educating a new owner about the terms of this Easement and their applicability to any interest in all or any portion of the Property. The amount set forth above may be modified from time to time by Grantee's Board of Trustees based on changes in staff and material costs.

A RESOLUTION TO DESIGNATE THE CAT POINT CREEK WATERSHED IN RICHMOND AND WESTMORELAND COUNTIES AS A VIRGINIA OUTDOORS FOUNDATION (VOF) SPECIAL PROJECT AREA

WHEREAS, the Northern Neck Land Conservancy has nominated the Cat Point Creek watershed in Richmond and Westmoreland Counties for Special Project Area designation, and

WHEREAS, the VOF Guidelines define factors justifying the designation of Special Project Areas, and

WHEREAS, the Cat Point Creek watershed is an area of statewide significance; and

WHEREAS, both the Richmond County and the Westmoreland County Comprehensive Plans recognize important conservation and historic resources in the Cat Point Creek watershed; and

WHEREAS, the Cat Point Creek watershed is 19.32 miles long and runs the width of the Northern Neck with 46,800 acres of varying terrain that includes farms, streams, forests, mill ponds and wetland areas; the lower tidal portions of the watershed lie within the boundaries of the U.S. Fish and Wildlife Service Rappahannock River Valley National Wildlife Refuge; the watershed connects several important historic resources, including Menokin, Stratford Hall and the George Washington National Birthplace; and

WHEREAS, support for the designation has been expressed by Richmond County, Westmoreland County, Robert E. Lee Memorial Association (Stratford Hall), the Northern Neck Planning District Commission, the Tidewater Resource Conservation and Development Council, the Eastern Virginia Rivers National Wildlife Refuge Complex of the U.S. Fish and Wildlife Service, Delegate Albert Pollard (Ninety-Ninth District, Virginia House of Delegates), Senator Richard H. Stuart, (District 28, Senate of Virginia), and Congressman Robert J. Wittman, (1st District, U.S. House of Representatives); and now, therefore, be it

RESOLVED by the VOF Board of Trustees, this 25th day of June 2010, That the Cat Point Creek watershed in Richmond and Westmoreland Counties is hereby designated a VOF Special Project Area.

Adopted by a vote of ____ for and _____ against.

ATTEST:

G. Robert Lee, Executive Director