

**Virginia Land Conservation Foundation
Board of Trustees Meeting
Monday, November 13, 2023 – 2:30 p.m.
West Reading Room, Patrick Henry Building, Richmond, VA**

AGENDA

Welcome

1. Call to Order, Introduction of Members, Opening Remarks: *Travis Voyles, Secretary of Natural and Historic Resources – 10 minutes*

Business and Financial Matters

2. Approval of Board Meeting Minutes from May 16, 2023– *1 minute*
3. Financial Update: Virginia Land Conservation Fund: *Sharon Partee, Director of Finance, DCR – 5 minutes*

Land Preservation Tax Credit Program

4. Update from Department of Taxation: *Lore DeAstra, Land Preservation Tax Credit Analyst Department of Taxation – 15 minutes*
5. LPTC Program Transfer Fee Revenues: *Gina DiCicco, Land Conservation Specialist, DCR – 15 minutes*
 - a. Approval of distribution of the 2023 VLCF Stewardship Fund, pursuant to § 58.1-513
 - b. Action item: Resolve stewardship payments (2021 – 2023) to Enrichmond Foundation

VLCF Grant Program

6. FY24 Grant Round – *60 minutes*
 - a. Grant Round Overview: *Suzan Bulbulkaya, Land Conservation Manager, DCR*
 - b. FY24 Fiscal Plan
 - c. Presentation of Recommended Grant Applications from the Interagency Taskforce:
 - i. Farmland Preservation: *Genette Harris, Farmland Preservation Coordinator, Department of Agriculture and Consumer Services*
 - ii. Forestland Preservation: *Terry Lasher, Assistant State Forester, Department of Forestry*

- iii. Historic Areas Preservation: *Karri Richardson, Easement Program Specialist, Department of Historic Resources*
- iv. Natural Area Protection: *Jason Bulluck, Director, Virginia Natural Heritage Program, DCR*
- v. Open Spaces and Parks: *Kelly McClary, Director of Planning & Recreation Resources, DCR*
 - Action item: DWR Highlands Lonesome Pine application for a conservation easement on 44,327 acres: (i) request for a waiver of boundary survey requirements, and (ii) severed subsurface mineral rights.
- d. Comments from Grant Applicants and the Public
- e. Board Discussion and Approval of FY24 Grant Awards
- 7. Recently Completed VLCF Grant Projects: *Larry Mikkelson, Land Conservation Specialist, DCR – 10 minutes*
- 8. Public Comment
- 9. Adjourn

Virginia Land Conservation Foundation Board of Trustees

Chairman: The Honorable Travis Voyles, Secretary of Natural and Historic Resources

Vice Chair: Mary-Carson Stiff

Member Ex Officio: The Honorable Matthew Lohr, Secretary of Agriculture and Forestry

Woodie Walker

Krystina E. White

Jay C. Ford

The Honorable David W. Marsden

Susan E. Donner

The Honorable Richard H. Stuart

Bruce Vlk

Elizabeth Andrews

Dr. James F. Casey

Leslie Cockburn

Glenda C. Booth

Andrew C. Jennison

Lisa Kestner Quigley

Sonya Powell

Samantha Vargas Poppe

Executive Secretary: Matthew Wells, Director, Department of Conservation and Recreation

Virginia Land Conservation Foundation Board of Trustees
May 16, 2023
East Reading Room, Patrick Henry Building, Richmond, Virginia

TIME AND PLACE

The meeting of the Virginia Land Conservation Foundation Board of Trustees took place at 10:00 a.m. on Tuesday, May 16, 2023, in the East Reading Room of the Patrick Henry Building in Richmond, Virginia.

VIRGINIA LAND CONSERVATION FOUNDATION BOARD OF TRUSTEES MEMBERS PRESENT

The Honorable Travis Voyles, Secretary of Natural and Historic Resources, Chairman

The Honorable Matthew Lohr, Secretary of Agriculture and Forestry

The Honorable Richard H. Stuart

Mary-Carson Stiff, Vice Chair

Elizabeth Andrews

Lisa Kestner Quigley

Glenda C. Booth

Bruce VlK

Leslie Cockburn

Woodie Walker

Jay Ford

Krystina E. White

Andrew C. Jennison

Matthew S. Wells, DCR Director, *ex officio*

Samantha Vargas Poppe

Sonya Powell

VIRGINIA LAND CONSERVATION FOUNDATION BOARD MEMBERS NOT PRESENT

The Honorable David W. Marsden

Susan E. Donner

Dr. James F. Casey

Kat Imhoff

STATE AGENCY STAFF PRESENT

Suzan Bulbulkaya, DCR	Derrick Bolen, DCR
Jason Bulluck, DCR	Linda Crowe, DCR
Gina DiCicco, DCR	Karl Didier, DOF
Laura Ellis, DCR	Emi Endo, DCR
Rob Evans, DCR	Michael R. Fletcher, DCR
Brian Fuller, DCR	Becky Gwynn, DWR
Dan Hannon, DCR	Charles Marston, DCR
Kristal McKelvey, DCR	Larry Mikkelson, DCR
Karri Richardson, DHR	Frank Stovall, DCR
Emily White, VOF	

OTHERS PRESENT

Parker Agelasto, Capital Region Land Conservancy

Mary Elfner, The 500 Year Forest Foundation

Andrea Reese

Nikki Rovner, TNC

Ellen Shepard, VaULT

ESTABLISHMENT OF A QUORUM

With fifteen members of the Board present, a quorum was established.

CALL TO ORDER AND INTRODUCTIONS

Secretary Voyles called the meeting to order and asked for introductions.

Secretary Voyles reported that in the recent General Assembly Session, Senator Marsden introduced legislation to expand the VLCF Board membership by one by the appointment of a Virginia Tribal member. That legislation goes into effect on July 1. An appointment is anticipated shortly thereafter.

Secretary Voyles advised that, at this meeting, the Board will launch the FY24 grant round. The biennial budget that was adopted last year appropriated \$16 million for the grant program in FY24, as it did for FY23. Since the legislature has not yet adopted an amended budget for FY24, the plan is to move ahead on the basis of this \$16 million appropriation. This amount may change when the budget is finalized. If that is the case, the available amount of grand funding will be amended at the next meeting to reflect the final budget.

APPROVAL OF MINUTES FROM NOVEMBER 14, 2022, MEETING

BOARD ACTION

Senator Stuart moved that the minutes of the November 14, 2022, meeting of the Virginia Land Conservation Foundation Board of Trustees be approved as submitted. Ms. Stiff seconded and the motion carried.

VIRGINIA LAND CONSERVATION FUND FINANCIAL UPDATE – *Laura Ellis, Deputy Director for Administration and Finance, DCR*

Ms. Ellis gave the financial update.



Fund Statement

VIRGINIA LAND CONSERVATION FOUNDATION
Fund Statement
As of April 30, 2023

OBLIGATED FUND BALANCE - June 30, 2021 \$12,397,851

INCOME	
FY21 Stewardship Funds	\$1,865,802
FY22 Stewardship Funds	\$2,124,371
FY22 Appropriation Chapter 552	\$10,000,000
FY23 Appropriation Chapter 2	\$16,000,000
FY22 Interest	\$44,883
FY23 Interest*	\$325,804
TOTAL INCOME	\$30,360,855

DISBURSEMENTS	
FY22 Stewardship Fund Disbursements	\$1,865,802
FY23 Stewardship Fund Disbursements*	\$2,124,371
FY22 Grant Payments	\$3,479,704
FY23 Grant Payments*	\$3,849,898
FY22 Open Space Preservation (VOF) Payments	\$2,500,000
FY23 Open Space Preservation (VOF) Payments*	\$4,000,000
FY22 Administrative Expenses	\$175,264
FY23 Administrative Expenses*	\$59,276
TOTAL DISBURSEMENT	\$18,054,801

* Changes since last report

OBLIGATED FUND BALANCE - April 30, 2023 \$24,703,996

REQUEST TO SPEND INTEREST FROM VIRGINIA LAND CONSERVATION FUND, PURSUANT TO § 10.1-1020 – Suzan Bulbulkaya, Land Conservation Manager, DCR

Ms. Bulbulkaya presented the request for approval for DCR to spend \$200,000 of interest earned for administrative purposes in FY24.

Ms. Bulbulkaya noted that the Code of Virginia § 10.1-1020 provides that up to \$250,000 per year of the interest generated by the Fund may be used for the Foundation’s administrative expenses.

Unspent interest as of June 30, 2022	\$179,195
Interest Earned during current year	\$159,868
VLCF Administrative Expenses for FY23	(\$40,000)
Budgeted Natural Heritage Expenses for FY23	(\$100,000)
Available interest that can be spent as of March 31, 2023	\$199,063

After presenting the data in the above table, Ms. Bulbulkaya shared that another interest payment for the third quarter of the fiscal year had been received for \$165,000, bringing the available balance to \$365,000. Another interest payment is also expected at the end of the fiscal year. Ms. Bulbulkaya provided a draft motion to authorize the use of \$200,000 of the funds for FY24.

Senator Stuart asked how the money would be spent.

Ms. Bulbulkaya replied that about \$40,000 would be spent on staffing the grant program. She noted that with the increased grant funds, the workload increased significantly. She noted that the additional help would be a wage position if a Full Time Employee (FTE) could not be authorized.

Director Wells noted that there was a proposed budget amendment to increase the MEL (Maximum Employment Level).

Senator Stuart commented that he would prefer to see the authorized funds used for public property and for the use of the public. He suggested that this amount for staff should be part of the budget.

BOARD ACTION

Ms. Cockburn moved that the Virginia Land Conservation Foundation Board of Trustees approve the request from the Department of Conservation and Recreation to expend up to \$200,000 in FY 2024 for use consistent with the legislative authority on the use of interest generated by the Fund, *Code of Virginia* §10.1-1020.G.

Secretary Lohr seconded, and the motion carried with the following vote:

AYE:

Secretary Travis Voyles
Mary-Carson Stiff
Jay Ford
Glenda Booth
Krystina White
Leslie Cockburn
Sonya Powell

Secretary Matthew Lohr
Woodie Walker
Bruce Vlk
Samantha Poppe
Elizabeth Andrews
Andrew Jennison

NAY:

Senator Richard Stuart

The motion carried.

REVIEW OF GRANT PROJECTS THAT HAVE CLOSED SINCE NOVEMBER 2022 - *Larry Mikkelson, Land Conservation Specialist, DCR*

Mr. Mikkelson reported that the following eight projects have closed since the November 2022 meeting.

1. Department of Wildlife Resources – Eastern Shore Forest Conservation Initiative (FY2020; FY2021)

The Virginia Dept. of Wildlife Resources received two grants totaling \$714,162, to assist in acquiring multiple parcels totaling more than 7,900 acres of forestland in Accomack and Northampton counties. These fee-simple acquisitions expand existing Wildlife Management Areas, support coastal resiliency, provide new public lands for wildlife-related recreation, and improve habitat for migratory birds and species of greatest conservation need in an area of hemispheric importance. The Delmarva Peninsula supports 7-10 million birds in fall migration annually. The lack of sufficient food and shelter in the Virginia portion creates an energy deficit for birds attempting to cross the Chesapeake Bay; this project could double the food resources available to migrating birds in this region. Virginia’s Eastern Shore continues to be a destination for outdoor recreation, and the addition of this acreage to the public land portfolio will substantially expand opportunities for wildlife viewing, hunting, fishing, hiking, and more. Project partners include the U.S. Fish and Wildlife Service, The Nature Conservancy, Ducks Unlimited and The Conservation Fund.

Grant Awards: FY20 \$292,287; FY21 \$421,875. **Payment amount:** \$714,162. **Match:** \$7,442,830: Several DWR funding sources, Pittman-Robertson Wildlife Restoration funds, National Fish and Wildlife Foundation, National Coastal Wetlands Conservation, and the North American Wetlands Conservation Act grants. [**Grant closed:** May 2023]

2. Capital Region Land Conservancy – Dock Street (FY2020)

Capital Region Land Conservancy (CRLC) received a \$500,000 VLCF grant to acquire and conserve 4.33 acres of property along Dock Street and the James River. In partnership with The Conservation Fund and the City of Richmond, the property is now owned by the city and conserved under a jointly- held conservation easement with CRLC and DCR. The site was the only remaining privately owned parcel along the north bank of the tidal James River in the city. The project allows for extension of the Virginia Capital Trail and expands city-owned parkland by incorporating the property into the city's James River Park System.

Grant Award: \$500,000. **Payment amount:** \$500,000. **Match:** \$3,783,745 CRLC, VOF, LWCF. **[Project closed:** May 2023]

3. Department of Forestry – Three Creek Capron (FY2021 Round II; FY2023)

The Virginia Dept. of Forestry received a FY21 Round II grant award of \$200,000 to acquire an open-space easement over Three Creek – Capron, a 376-acre forested tract in Southampton County. A second grant was awarded in FY23 for \$36,054, to assist with covering the project's due diligence costs. The easement prohibits subdivision of the property, permanently protects riparian forest habitat along 1.8 miles of stream frontage on Three Creek, a tributary of the Nottoway River, and ensures continued use of upland acreage for commercial timber management. The tract is comprised of roughly 300 acres of forested wetlands and 75 acres of upland pine forest. The project protects an Ecological Core and is in the Forestry layer of ConserveVirginia.

Grant Awards: FY21R2 \$200,000; FY23 \$36,054. **Payment amount:** \$236,054. **Match:** \$209,275 Landowner donation. **[Project closed:** March 2023]

4. Department of Forestry – Round Hill Swamp at Doles Farm (FY2021 Round II)

VLCF contributed \$225,000 in a FY21 Round II grant to the Virginia Dept. of Forestry to acquire an open-space easement over a 707-acre farm in Southampton County. The easement permanently protects forest habitat and ensures continued use of the upland acreage for agriculture and forest management. Round Hill includes over 500 acres of forestland and 150 acres of prime farmland. The property also includes 137 acres of blackwater swamp containing Cypress-Tupelo forests. The easement requires 100-foot-wide riparian buffers along 3.2 miles of streams to protect habitat and water sources that drain directly into the Blackwater River at the Antioch Pines Natural Area Preserve. This project intersects the Agriculture, Natural Habitat and Ecosystem Diversity, Floodplains and Flooding Resilience, and Water Quality Improvement layers of ConserveVirginia.

Grant Award: \$225,000. **Payment amount:** \$225,000. **Match:** \$1,342,555 Landowner donation. **[Project closed:** November 2022]

5. Belmead on the James, Inc. – Drexel-Morrell Center (FY2021 Round II)

With the assistance of a FY2021 Round II VLCF grant for \$228,450, the Drexel-Morrell Center purchased and conserved the 56-acre Rosemont property in Powhatan County. The center donated an open-space easement to the Board of Historic Resources, which ensures protection of the historic 1890's home listed on the Virginia Landmarks Register and the National Register of Historic Places, an original woodframe barn, 40 acres of woodlands, 16 acres of open space, and perennial streams that bisect the property. Partners for the project include, among others, the Capital Region Land Conservancy, Atlantic Heritage, Colonial Farm Credit, and NAACP. The project creates and preserves a safe-space museum for common stories, history, and cultural inter-enrichment, providing a protected learning place of

preserved natural life and of beauty. Conserving this property, within the Cultural & Historic Preservation layer of ConserveVirginia, shares a crucially important story of African American life impacted by the Drexel and Morrell schools in rural Virginia.

Grant Award: \$228,450. **Payment amount:** \$228,450. **Match:** \$247,025 VOF Preservation Trust Fund and landowner donation. [**Project closed:** February 2023]

6. Shenandoah Valley Battlefields Foundation – **Edwards Tract at Port Republic Battlefield (FY2021 Round II; FY2022; FY2023)**

Shenandoah Valley Battlefields Foundation (SVBF) received three VLCF grants totaling \$360,287 to acquire and protect the 107-acre Edwards property in Rockingham County, with a historic preservation and open-space easement held by the Board of Historic Resources. This property is part of the “The Coaling,” because of the role this commanding landscape feature played during the Battle of Port Republic during the Civil War. Control of this high ground determined not only the victor in the Battle of Port Republic, but also the fate of the 1862 Valley campaign. Prior to closing this grant, nine acres of The Coaling were owned by SVBF but the majority of the site was still unprotected. This project preserves the remaining undeveloped land and will be open as parkland with trails and historic interpretive markers. The property intersects the Natural Habitat & Ecosystem Diversity and the Water Quality Improvement categories of ConserveVirginia.

Grant Awards: FY21 R2 \$29,550; FY22 \$158,679; FY23 \$172,058. **Payment amount:** \$360,287. **Match:** \$1,289,404 Virginia Battlefield Preservation Fund, American Battlefield Protection Program, and SVBF. [**Project closed:** April 2023]

7. Virginia Outdoors Foundation – **Thomas Neck Family Farm (FY2022)**

A VLCF grant for \$879,750, awarded in Fiscal Year 2022 to the Virginia Outdoors Foundation, assisted in the acquisition of an open-space easement over an 840-acre working farm in Essex County. The property has been farmed by the same family for more than 50 years, presently in accordance with a nutrient management plan for crops including wheat, soybeans, and corn. The VOF easement assures the land remains available for agricultural production while providing natural habitat for wildlife and protecting water quality within the Chesapeake Bay watershed and flood and coastal resiliency, protecting the property’s conservation values in perpetuity. One-hundred-foot-wide forested buffers along 17,500 feet of frontage on Occupacia Creek will benefit wildlife habitat and water quality in perpetuity. The farm is located within: the Rappahannock River Audubon Important Bird Area; the federal boundary of the Rappahannock River National Wildlife Refuge; and the Agricultural & Forestry, Cultural & Historic Preservation, Floodplains & Flooding Resilience, and Water Quality Improvement layers of ConserveVirginia.

Grant Award: \$879,750. **Payment amount:** \$879,750. **Match:** \$2,509,029 Landowner donation. [**Project closed:** April 2023]

8. Town of Colonial Beach – **Eleanor Park Conservation Easement (FY2022)**

The Town of Colonial Beach has permanently conserved a 1.8-acre waterfront property adjacent to the Potomac River. With the help of a Virginia Land Conservation Foundation FY22 grant for \$387,416, this last undeveloped and publicly owned waterfront greenspace in town is now forever available as a public recreation resource. Eleanor Park is also home to several large, native, mature hardwood trees, which provide a sanctuary for osprey, eagles, and other wildlife. This property is a unique space for people to enjoy outdoor recreation and wildlife observation adjacent to the Potomac River. The town plans to

implement a variety of public uses including picnic areas, walking paths to enjoy the out-of-doors, and kayaking, swimming, and fishing along the river. The property falls within the Cultural & Historic Preservation, Scenic Preservation, and Water Quality Improvement layers of ConserveVirginia.

Grant Award: \$387,416. **Payment amount:** \$387,416. **Match:** \$719,434 Landowner donation. **[Project closed:** January 2023]

Ms. Andrews asked about the plan for the Dock Street Property opening and the public access.

Mr. Agelasto responded that the property had just changed hands the preceding Friday. There has not been a public announcement. The property will be made open to the public. There are no plans for any structures on City land.

Mr. Mikkelson noted that the five following projects were withdrawn.

1. Piedmont Environmental Council – **Farmland Conservation at the Crossroads of Old Fredericksburg Road (FY2020)**

This project aimed to permanently protect the 348-acre Madden Farm, located in the Chancellorsville Battlefield Study Area in eastern Culpeper County, with an NRCS Agricultural Land Easement co-held by PEC and Culpeper Soil and Water Conservation District.

Grant Award: \$300,000. **Note:** This project is no longer viable because the landowner changed their mind and decided to lease the property for commercial solar development.

2. Department of Conservation and Recreation – **Pickett’s Harbor Natural Area Preserve – Lake Allure Woods (FY2021 Round II)**

DCR’s Natural Heritage Division sought to purchase a 44-acre open-space easement to protect high ecological value, mature maritime forests that adjoin Pickett’s Harbor Natural Area Preserve and the largest natural lake known on the Eastern Shore.

Grant Award: \$142,298. **Note:** This project was withdrawn because the landowner changed her mind and is no longer willing to pursue the project.

3. Campbell County Training School Complex, Inc. – **CCTSC Restoration Project (FY2022)**

The Campbell County Training School Complex includes a Historic Rosenwald School and is located in Rustburg. CCTSC was awarded a VLFC grant to help protect this historic nine-acre property with an easement, held by the Board of Historic Resources.

Grant Award: \$138,150. **Note:** This project was withdrawn because the landowners received other funding in the state budget and no longer needed the VLFC funds.

4. Department of Conservation and Recreation – **Dendron Swamp Natural Area Preserve Addition (FY2022)**

DCR’s Natural Heritage Division received VLFC funds to acquire 102 acres in Sussex County adjoining the 636-acre preserve. The property lies within the Dendron Swamp Conservation Site and supports an unprotected portion of an outstanding occurrence of a Bald Cypress – Water Tupelo Brownwater Swamp community.

Grant Award: \$300,000. **Note:** This project was withdrawn because the landowner rejected DCR’s purchase offer as too low.

5. Department of Conservation and Recreation – Mill Creek Springs Natural Area Preserve Expansion (FY2023)

DCR’s Natural Heritage Division received \$665,140 in funding to support acquisition of a key addition to Mill Creek Springs Natural Area Preserve in Montgomery County. The 318-acre tract would have enhanced DCR’s ability to protect additional natural heritage resources and provided ecological buffers for the existing Preserve.

Grant Award: \$665,140; **Note:** This project was withdrawn because the landowner rejected DCR’s purchase offer as too low.

Ms. Poppe asked if there was concern because of the five withdrawn projects.

Secretary Voyles noted that this was typical and that two were withdrawn because the purchase offer was too low.

Mr. Evans noted that DCR is only allowed to pay the appraised value.

Ms. Stiff asked about the types of appraisals and whether they were low compared to the private sector.

Mr. Fuller replied that state appraisals are coordinated through the Department of General Services (DGS). Those are standard appraisals that are contracted out to the private sector.

DISCUSSION AND APPROVAL OF THE VLCF FY24 GRANT ROUND – *Suzan Bulbulkaya, Land Conservation Manager, DCR*

Proposed Grant Fiscal Expenditure Plan

Ms. Bulbulkaya reviewed the proposed Grant Fiscal Expenditure Plan.

**VIRGINIA LAND CONSERVATION FOUNDATION
GRANT FUNDING PLAN FOR FY24**

FUNDING CATEGORIES		FY23/24 Budget Bill Chapter 2. Item 375 A.1. (2022)*	Unspent General Funds to be Approved & Reallocated	TOTAL Available for Grant Round
1.	I. VOF Open-Space Land Preservation Trust Fund (25% per § 10.1-1020.C.)	\$4,000,000		
2.	II. Grant Program			
3.	(i) Farmland Preservation	\$2,400,000	\$300,000	\$2,700,000
4.	(ii) Forest Preservation	\$2,400,000	\$0	\$2,400,000
5.	(iii) Historic Area Preservation	\$2,400,000	\$69,075	\$2,469,075
6.	(iv) Natural Area Preservation	\$2,400,000	\$1,782,667 \$1,756,314	\$4,182,667 \$4,156,314
7.	(v) Open Space and Parks	\$2,400,000	\$0	\$2,400,000
TOTAL		\$16,000,000	\$2,125,389	\$14,151,742 \$14,125,389

Summary of Additional Unspent Grant Funds

Farmland Preservation	\$300,000	<u>Withdrawn</u> : FY20 Piedmont Environmental Council, Crossroads of Old Fredericksburg Road \$300,000
Forest Preservation	\$0	
Historic Area Preservation	\$69,075	<u>Withdrawn</u> : FY22 Campbell Co. Training School Complex Restoration Project \$69,075.
Natural Area Protection	\$1,782,667 \$1,756,314	<u>Unexpended Remainder</u> : FY20 DCR-DNH Crow's Nest NAP Addtn \$58,513 \$45,126 ; FY20 DCR-DNH Cypress Bridge Swamp NAP Addtn \$12,966 <u>Withdrawn</u> : FY21RII DCR-DNH Pickett's Harbor NAP-Lake Allure Woods \$142,298 ; FY22 DCR-DNH Dendron Swamp NAP Addtn \$300,000 ; FY23 DCR-DNH Mill Creek Springs NAP Expansion \$665,140 <u>Revised Scope</u> : FY21 DCR-DNH, Southside VA Conservation & Recreation Complex \$603,750 .
Open Space and Parks	\$0	

* Pending finalization of the FY24 state budget.

Item 375 of Chapter 2 of the 2022 Virginia Acts of Assembly Special Session I

A.1. Included in the amounts for Preservation of Open Space Lands is \$16,000,000 the first year and \$16,000,000 the second year from the general fund to be deposited into the Virginia Land Conservation Fund, § 10.1-1020, Code of Virginia. No less than 50 percent of the appropriations remaining after the transfer to the Virginia Outdoors Foundation's Open-Space Lands Preservation Trust fund has been satisfied are to be used for grants for fee simple acquisitions with public access or acquisitions of easements with public access. This appropriation shall be deemed sufficient to meet the provisions of § 2.2- 1509.4, Code of Virginia. **[Grant Funds]**

2. Included in the amounts for Preservation of Open Space Lands is \$1,500,000 the first year and \$1,500,000 the second year from nongeneral funds to be deposited into the Virginia Land Conservation Fund to be distributed by the Virginia Land Conservation Foundation pursuant to the provisions of § 58.1-513, Code of Virginia. **[Stewardship Funds]**

Proposed Timeline for Applications and Awards

Ms. Bulbulkaya presented the proposed FY24 VLCF Grant Schedule.

Proposed FY24 VLCF Grant Schedule	
May 16, 2023	VCLF Board meeting to approve grant manual and initiate the grant round request for proposals (RFP).
Week of May 16, 2023	Announce official opening of grant round (update website and send emails).
Week of June 5, 2023	Virtual Grant Workshop: orientation and program information for grant applicants. Tentatively set for June 8 from 9:30-11:30 a.m.
Friday, August 18, 2023	Deadline for application submittal. (12 weeks)
Weeks of September 11 and 25, 2023	Interagency taskforce meetings to score projects and finalize recommendations – usually takes two meetings.
Early October 2023	SNR and Director's review of applications and recommendations of IAT.
Mid October 2023	VCLF Board meeting. Approval of grant awards.
By end of November 2023	Grant agreements sent to grant recipients. Projects have two years to close.

Ms. Bulbulkaya noted that the agency is switching to an online application portal. Hard copies of applications will be accepted from applicants who are unable to apply electronically.

Ms. Booth asked about outreach to traditionally underrepresented groups.

Ms. Bulbulkaya responded that they have been working with Virginia Outdoors Foundation and the Department of Historic Resources (DHR) jointly to increase outreach. DHR has expanded outreach with

new grant programs. She also noted that members of the Interagency Task Force (IAT) would report regarding outreach.

Ms. Stiff asked if there would be specific outreach to tribal communities. She offered to assist in reaching the tribal network.

Secretary Voyles noted that he and Secretary Lohr have also met with the tribal communities.

Proposed Grant Manual

Ms. Bulbulkaya reviewed the proposed changes to the Grant Manual. She noted changes were minor and included updating contact information and the application process. She also advised that DCR would be providing training regarding use of the online portal.

Ms. Booth commented that, at a prior meeting, she had raised the issue of restoring properties to more ecologically sound natural conditions. She noted that in suburban areas there were not a lot of opportunities for conservation but there may be opportunity for restoration.

Secretary Voyles advised that his office and DCR would have conversations regarding the stated purpose of the funds and any additional use that might be appropriate regarding restoration.

PUBLIC COMMENT REGARDING GRANT ROUND

Secretary Voyles called for comment from the public and the Board regarding the grant round.

Ms. Stiff asked if there had been discussion regarding the fact that grants are reimbursable. She asked if there are any provisions to provide funding up front because of hardship.

Ms. Quigley noted that this was particularly important in underserved areas.

Mr. Walker agreed that this could be a limiting factor for an application, particularly if the Board is seeking diversity among applicants.

Secretary Voyles asked staff to add this as a discussion item for the next meeting.

BOARD ACTION

Mr. Ford moved that the Virginia Land Conservation Foundation Board of Trustees approve the FY24 Grant Round and materials as presented by staff.

Senator Stuart seconded, and the motion carried unanimously.

OTHER GRANT PROGRAMS

Reports from the Interagency Task Force and Other Land Conservation Grant Opportunities

Virginia Department of Agriculture and Consumer Services

Ms. Bulbulkaya advised that the VDACS contact, Jen Perkins, was no longer with the agency. However, she provided comments for VDACS before her departure.

- The Farmland Preservation Fund provides dollar-for-dollar matching funds to localities that have Purchase of Development Fund (PDR) programs.
- VDACS opens a grant round annually in the fall. VDACS requires applicant localities to submit a program certification form (to provide proof that their program meets the standards and requirements set out by VDACS) and a financial certification (to show that they have sufficient funds to make a 1:1 match).
- Funds are an appropriation from the General Assembly and have varied from a low of \$100,000 (2011) to a high of \$4.25m – 2008, the first year of the program). In more recent years it has fluctuated between \$250k and \$1m. The past round was \$875k.
- The Farmland Preservation Fund is a reimbursable grant. Localities enter into an Intergovernmental Agreement with VDACS that earmarks the funds for that locality for 2 years.
- When the locality records an easement, they submit a copy of the recorded deed and some other paperwork (title, etc.) to VDACS. VDACS can reimburse 50% of costs associated with the purchase of the easement, surveys, appraisals, recordation fees, and attorney fees.
- Currently there are 7 active programs – Albemarle, Clarke, Stafford, Fauquier, Shenandoah, Virginia Beach, Chesapeake. The program has protected 14,800 acres in 16 localities.

Virginia Department of Forestry – Karl Didier

Mr. Didier reported the following:

- Other Land Conservation Grant Opportunities
 - DOF administers the USFS Forest Legacy grants program in VA
 - Supports conservation of working forestlands, both easement and fee simple acquisition
 - Typically, around \$94 million awarded nationally each year, but very competitive (we compete with huge land cons projects out west), so projects in VA usually need to be pretty large scale with multiple partners.
 - \$700 million of New Inflation Reduction Act Funding will be distributed out in the next 5 year, effectively more than doubling the size of the project.
 - New funding streams for
 - Key-stone large landscape projects
 - Strategic small tracts, individual family forest tracts
 - Tribal Partnership Projects – fee simple acquisition
 - Even though DOF competes with other states, VA has been very successful in winning VA funding and using it to leverage other funds. DOF has won FLPO grants for the past seven years totaling nearly 30 million.
 - DOF and partners have or are leveraging FLP funds to complete several VLCF projects, including recently fee simple acquisitions and ongoing easements associated with Charlotte State Forest (aka Roanoke River Working forests)
 - Community Forest and Open Space Program

- Program to support easement and acquisitions held by localities or federally recognized tribes.
 - Administered by USFS, but State Forester has to approve many of these projects.
- DOF runs or supports many other financial assistance programs, tax credit programs and grant programs to, for example:
 - Enhance urban tree canopy and urban forests, including through tree planting.
 - Plant riparian buffers and protect water quality.
 - Prevent or mitigate forest disease and pests, such as the Emerald Ash Borer and Pin Bark Beetle
 - Sustainable manage forests (examples Reforestation of Timberlands) and implement forestry best management practices.
 - Help communities plan for and mitigate threats from wildfire.

Department of Historic Resources – Karri Richardson

Ms. Richardson noted that the Department of Historic Resources (DHR) has eight grant programs that serve different constituents, she noted two of those programs:

- The Virginia Black, Indigenous, and People of Color Preservation Fund was funded by the General Assembly in 2022.
 - \$5 million was allocated.
 - DHR is awarding grants starting at \$50,000 and going up to \$1 million. No match is required.
 - DCR received 68 applications.
- The Virginia Battlefield Preservation Funds
 - Has been available for 17 years.
 - \$1.5 million in funding
 - Only 501(c) 3 organizations may apply.
 - Must be within the boundaries of a Virginia battlefield.

Department of Conservation and Recreation, Natural Heritage – Jason Bulluck

Mr. Bulluck noted that the Division of Natural Heritage does not play a role in administering a grant program other than assisting with the VLCF. He noted that a few other funding sources were leveraged with funding from the VLCF. Those include:

- Funding from NOAA through the Coastal Management Program at the Department of Environmental Quality. This is a long-standing funding source used to establish or add lands to existing Natural Area Preserves in coastal zones.
- Another recent source is through the U.S. Fish and Wildlife Service. These funds are used in support of species recovery plans.
- American Beauty Challenge Grants are a relatively new funding source.

Department of Conservation and Recreation, Planning and Recreation Resources, Kristal McKelvey

Ms. McKelvey provided an overview of the Federal Land & Water Conservation Fund (LWCF), American Battlefields Protection Program (ABPP), and Recreational Trails Program (RTP). The 2022 LWCF grant round resulted in six authorized projects. The RTP grant round closed with 25 applications received totaling over \$4 million in requests for trail maintenance funding. Virginia Outdoors Plan 2023 is underway in the writing phase.

Virginia Department of Wildlife Resources, Becky Gwynn

Ms. Gwynn noted that DWR is one of the largest state agency landowners in Virginia (second only to VDOT), with 76 wildlife management areas and conservation sites totaling nearly 250,000 acres. DWR has 230+ boating access sites that provide public access to waters across the Commonwealth.

The DWR completes most of its land acquisition projects using federal funds uniquely apportioned to our agency by the U.S. Fish and Wildlife Service. The most significant of these is the Federal Aid to Wildlife Restoration, which is funded by excise taxes collected on the sale of firearms, ammunition and archery tackle. DWR also uses funds from the Federal Aid to Sportfish Restoration program for boating access and purchase of lands for hatcheries; these funds are derived from excise taxes collected on the sale of fishing tackle and motorboat fuels. The final fund use is the State Wildlife Grants program, which is funded by a general apportionment from the U.S. Treasury.

DWR also has a significant success rate securing land acquisition funds from nationally competitive grants, including the North American Wetlands Conservation Act program, National Coastal Wetlands Conservation program, and the Cooperative Endangered Species Conservation program (specifically, the Recovery Land Acquisition program). In most cases, the DWR uses these funds itself to complete the land acquisition; however, the agency does apply on behalf of partners for certain funds, such as the Recovery Land Acquisition program, when the funds are only available to state fish and wildlife agencies.

In addition to VLCF funds, the DWR leverages non-federal funds from the Virginia Migratory Waterfowl Stamp Fund (in which revenue from the sale of state duck stamps is deposited), Nongame Fund, and DWR's Game Protection Fund.

A good example of how DWR leverages VLCF funding is the recent purchase of 8,600 acres on Virginia's Eastern Shore. That \$13 million project applied \$715,000 of VLCF funding with a \$2 million North American Wetlands Conservation Act grant, a \$2 million National Coastal Wetlands Conservation grant, a \$5 million Federal Aid to Wildlife Restoration grant, and contributions from non-governmental organizations and private citizens.

Virginia Outdoors Foundation – Emily White

Ms. White gave the update for the Virginia Outdoors Foundation.

VOF currently has four grant programs running, two statewide and two regional.

Statewide

1. Get Outdoors (GO) Fund-developed during COVID, from VOF operational funds, intended to get people outside. Must serve and underserved community, but underserved is not defined. Community needs look different across the Commonwealth.
2. Preservation Trust Fund-applied in a variety of ways and just recently expanded with a new legislative update taking effect in July of 2023

- a. Easement assistance-offset the cost of donating an easement to VOF through an income eligibility-based program.
 - i. Will be expanded to individuals donating an easement to a non-profit co-held by a locality.
- b. Purchase of easements
- c. Increasing public access (began in 2016) to better serve urban communities and make the outdoors more accessible.

Regional

3. Forest CORE Fund-mitigation program funded by Mountain Valley Pipeline, VOF named a mitigation partner and received \$15 million to use in SWVA to offset impacts of forest fragmentation-protect large tracts of ecologically important forest (on hold until pipeline is completed or cancelled)
4. Coastal Resilience and Trees Fund-partnership with Norfolk-based non-profit Wetlands Watch to increase resilience in coastal region and increase urban canopy. Funding for a variety of practices that increase resilience to flooding, sea level rise, and extreme weather events.

Secretary Voyles thanked the members of the Interagency Team for their time and commitment.

PUBLIC COMMENT

There was no additional public comment.

ADJOURN

There was no additional business and the meeting adjourned at 11:54 a.m.

2023 Virginia Land Conservation Foundation Stewardship Fund

	AGENCY NAME	NUMBER OF DONATIONS	% OF TOTAL DONATIONS	AMOUNT OF FUNDS
1	American Battlefield Trust	4	0.80%	\$13,377.12
2	Blue Ridge Land Conservancy	29	5.82%	\$96,984.09
3	Broad Water Innovations	1	0.20%	\$3,344.28
4	Capital Region Land Conservancy Inc	6	1.20%	\$20,065.67
5	City of Charlottesville	2	0.40%	\$6,688.56
6	City of Hampton	1	0.20%	\$3,344.28
7	City of Harrisonburg	1	0.20%	\$3,344.28
8	City of Staunton	1	0.20%	\$3,344.28
9	County of Albemarle	24	4.81%	\$80,262.69
10	County of Clarke	6	1.20%	\$20,065.67
11	County of Fauquier	24	4.81%	\$80,262.69
12	County of Loudoun	0.5	0.10%	\$1,672.14
13	County of Stafford	1.5	0.30%	\$5,016.42
14	County of Warren	1	0.20%	\$3,344.28
15	Culpeper Soil & Water Conservation District	0.5	0.10%	\$1,672.14
16	Enrichmond Foundation	1	0.20%	\$3,344.28
17	Ever Green Team	54	10.83%	\$180,591.06
18	Friends of Dragon Run	1	0.20%	\$3,344.28
19	Friends of the Rappahannock	1	0.20%	\$3,344.28
20	Henricopolis Soil and Water Conservation District	0.5	0.10%	\$1,672.14
21	Historic Fredericksburg Foundation	1	0.20%	\$3,344.28
22	Historic Green Springs Inc.	1	0.20%	\$3,344.28
23	Historic Virginia Land Conservancy	16	3.21%	\$53,508.46
24	Land Trust of Virginia	41.5	8.32%	\$138,787.57
25	New River Land Trust	2	0.40%	\$6,688.56
26	Northern Neck Land Conservancy	19	3.81%	\$63,541.30
27	Northern Virginia Conservation Trust	7.5	1.50%	\$25,082.09
28	Northern Virginia Regional Park Authority	1	0.20%	\$3,344.28
29	Old Dominion Land Conservancy, Inc.	39	7.82%	\$130,426.87
30	Outdoors Preservation Foundation	2	0.40%	\$6,688.56
31	Piedmont Environmental Council	3.5	0.70%	\$11,704.98
32	Potomac Conservancy	1	0.20%	\$3,344.28
33	Rockbridge Area Conservation Council	1	0.20%	\$3,344.28
34	Shenandoah Valley Battlefield Foundation	2	0.40%	\$6,688.56
35	The 500-Year Forest Foundation	2	0.40%	\$6,688.56
36	The Conservation Fund	2	0.40%	\$6,688.56
37	The Nature Conservancy	3	0.60%	\$10,032.84
38	Valley Conservation Council	12	2.41%	\$40,131.35
39	Virginia Department of Conservation & Recreation	2	0.40%	\$6,688.56
40	Virginia Department of Forestry	23	4.61%	\$76,918.41
41	Virginia Department of Historic Resources	3	0.60%	\$10,032.84
42	Virginia Outdoors Foundation	154	30.89%	\$515,018.94
	TOTALS	498.5	100.00%	\$1,667,123.00

*US Navy co-holds 1/2 interest in one easement, but is ineligible to receive payment, per § 58.1-513 of the Va. Code.



Virginia Land Conservation Foundation Staff Report

TOPIC: Land Conservation, Stewardship Funds

SUBJECT: Distribution of VLCF Stewardship Funds to Dissolved Stewardship Organizations

ACTION: Direction regarding distribution of stewardship funds

AGENDA ITEM: 5.b.

ISSUE SUMMARY:

- In accordance with § 58.1-513 C.2. of the Code of Virginia, a portion of the fees arising from the transfer or distribution of tax credits is provided to the organizations responsible for the stewardship and monitoring of easement associated with the tax credits.
- In November 2022, the VLCF Board reviewed and approved the annual Stewardship Fund distribution as directed by the Code. The Enrichmond Foundation was slated to receive a portion of those funds because they accepted a qualified land donation in 2020. In total, the Enrichmond Foundation is slated to receive \$11,640.96 in stewardship funding, however no payments have been made due to the dissolution of the foundation.
- In light of the Foundation's dissolution, a determination needs to be made by the VLCF board regarding the disposition of funds due to the Enrichmond Foundation.

RECOMMENDATION:

- Staff recommends holding payment until ownership of the Enrichmond Foundation parcel is settled and the parcel is placed under a conservation easement. Currently, Capital Region Land Conservancy has a letter of intent to acquire the property and is actively pursuing conserving the property. They hope to acquire the parcel and record a conservation easement before transferring ownership of the parcel to Chesterfield County Parks and Recreation for public outdoor recreational use. After the property is permanently conserved, then payment would be made to the easement holder.
- Staff further recommends that this issue be revisited in 2024 by the board if the disposition of the Enrichmond Foundation parcel has not been determined at that time.

BACKGROUND AND ANALYSIS:

APPLICABLE CODE SECTIONS:

Section 58.1-513.C.2. A fee of two percent of the value of the donated interest shall be imposed upon any transfer arising from the sale by any taxpayer of credits under this article and upon the distribution of a portion of credits under this article to a member, manager, partner, shareholder or beneficiary pursuant to subsection B. The two percent fee shall not apply to a distribution of credits to a nonresident owner of a pass-through entity when such credits are applied by the pass-through entity to the withholding tax pursuant to subdivision B 2 of § [58.1-486.2](#). Revenues generated by such fees first shall be used by the Department of Taxation and the Department of Conservation and Recreation for their costs in implementing this article but in no event shall such amount exceed 50 percent of the total revenue generated by the fee on an annual basis. The remainder of such revenues shall be transferred to the Virginia Land Conservation Fund for distribution to the public or private conservation agencies or organizations, excluding federal governmental entities, that are responsible for enforcing the conservation and preservation purposes of the donated interests. Distribution of such revenues shall be made annually by the Virginia Land Conservation Foundation proportionally based on a three-year average of the number of donated interests accepted by the public or private conservation agencies or organizations, excluding federal governmental entities, during the immediately preceding three-year period.

ATTACHMENTS:

- None

VIRGINIA LAND CONSERVATION FOUNDATION
Proposed Revised GRANT FUNDING PLAN FOR FY24
November 13, 2023

FUNDING CATEGORIES		FY24 Budget Bill Chapter 2, Item 375 A.1. \$16,000,000	Approved May 16, 2023 Reallocation of Unspent Grant Funds	Subtotal	Additional Unspent Grant Funds to be Approved & Reallocated	TOTAL Available for Grant Round
1.	I. VOF Open-Space Lands Preservation Trust Fund (25% per § 10.1-1020 C.)	\$4,000,000				
2.	II. Grant Program					
3.	(i) Farmland Preservation	\$2,400,000	\$300,000	\$2,700,000	\$278,750	\$2,978,750
4.	(ii) Forestland Conservation	\$2,400,000	\$0	\$2,400,000	\$0	\$2,400,000
5.	(iii) Historic Area Preservation	\$2,400,000	\$69,075	\$2,469,075	\$242,170	\$2,711,245
6.	(iv) Natural Area Protection	\$2,400,000	\$1,756,314	\$4,156,314	\$177,788	\$4,334,102
7.	(v) Open Spaces and Parks	\$2,400,000	\$0	\$2,400,000	\$0	\$2,400,000
TOTAL		\$16,000,000	\$2,125,389	\$14,125,389	\$698,708	\$14,824,097
Summary of Additional Unspent Grant Funds						
Farmland Preservation	\$278,750	<i>Withdrawn:</i> FY21R1I Piedmont Environmental Council, Protected Farmland along the Rappahannock River \$208,000 ; FY21R1I Virginia Outdoors Foundation, Morse Brothers Farm \$70,750 .				
Forestland Conservation	\$0					
Historic Area Preservation	\$242,170	<i>Withdrawn:</i> FY21 Shenandoah Valley Battlefields Foundation, Stoner Keller \$242,170 .				
Natural Area Protection	\$177,788	<i>Unexpended Remainder:</i> FY21R1I DCR-DNH, Crow's Nest NAP Addition – Accokeek Bottomlands \$68,921 ; FY22 DCR-DNH, Poor Mtn NAP - NE Addition \$54,703 ; FY23 Virginia Outdoors Foundation, Bull Run Mtns Eastern Overlook \$54,164 .				
Open Spaces and Parks	\$0					

Item 375 of Chapter 2 of the 2023 Virginia Acts of Assembly Special Session I

A.1. Included in the amounts for Preservation of Open Space Lands is \$16,000,000 the first year and \$16,000,000 the second year from the general fund to be deposited into the Virginia Land Conservation Fund, § 10.1-1020, Code of Virginia. No less than 50 percent of the appropriations remaining after the transfer to the Virginia Outdoors Foundation's Open-Space Lands Preservation Trust fund has been satisfied are to be used for grants for fee simple acquisitions with public access or acquisitions of easements with public access. This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia. [**Grant Funds**]

2. Included in the amounts for Preservation of Open Space Lands is \$1,500,000 the first year and \$1,500,000 the second year from nongeneral funds to be deposited into the Virginia Land Conservation Fund to be distributed by the Virginia Land Conservation Foundation pursuant to the provisions of § 58.1-513, Code of Virginia. [**Stewardship Funds**]

FY24 VLCF Grant Round Funding Recommendations of the Inter-Agency Task Force (November 13, 2023)

Count	Applicant	Project Name	Acquisition or Easement	Acres	Project Location	Category Score	Category Conserve-Virginia Score	Wildlife Score	Nature-Based Rec. Need	Water Quality Benefit	Protection of Cultural Resources	Under-served Communities	Ratio of Match	Additional Conserve-Va Values	Confirmed intersections with ConserveVa	VOP Need	Public Access	TOTAL SCORE	TOTAL PROJECT COST	REQUESTED AMOUNT	Primary Category Recommended Grant Amount	Secondary Category Recommended Amount	TOTAL RECOMMENDED AMOUNT	Grant Award Amounts (11/13/2023)	Virginia House District	Virginia Senate District	Congressional District																	
						Max. 80 points	Max. 20 points	Max 10	Max 3	Max 11	Max 10	Max 10	Max 3	Max 12		Max 3	Max 10	Max 172 points																										
	Farmland Preservation; Amount Available \$2,978,750					Specific Category Scores		Additional Scoring Criteria Points										Farmland Preservation Total Available: \$2,400,000 + (\$300,000 + \$278,750 withdrawn projects)>>>					\$2,978,750																					
1	Piedmont Environmental Council	Farmland Protection near Barboursville	Esmt	544.64	Orange County	55.59	0	2	2	11	8	5	2	4	HIS WQ	3	3	95.59	\$2,300,000	\$605,000	\$605,000		\$605,000		30	17	7																	
2	The Trust for Public Land	Lower Potomac River Corridor	Esmt	320.00	Westmoreland County	52.75	1.44	9	0	8	0	5	3	10	A/F HIS PLR FFR SP WQ	3	2	94.19	\$2,955,000	\$585,000	\$585,000		\$585,000		99	28	1																	
3	Virginia Outdoors Foundation	East West Creek Farms LLC	Esmt	720.48	Mecklenburg County	62.5	2.1	2	0	9	0	8	2	0	A/F	3	2	90.6	\$1,536,500	\$610,000	\$610,000		\$610,000		61	15	5																	
4	Stafford County, VA	AP Legacy, LLC Farm	Esmt	73.35	Stafford County	61.25	0	1	0	11	0	5	0	2	WQ	3	2	85.25	\$496,900	\$248,450	\$248,450		\$248,450		28	28	7																	
5	Piedmont Environmental Council	Farmland Protection along Rapidan River Tributaries	Esmt	229.00	Greene County	60.5	0	8	0	8	0	1	2	0	None	3	2	84.5	\$1,010,000	\$282,500	\$282,500		\$282,500		58	24	7																	
6	Virginia Outdoors Foundation	Nottoway 186	Esmt	186.00	Southampton County	48.5	0.18	9	0	9	0	5	2	2	A/F HIS NHED FFR SP WQ	3	2	80.68	\$1,362,000	\$537,500	\$537,500		\$537,500		75	18	2																	
7	Virginia Outdoors Foundation	Panamint Farm	Esmt	533.00	Louisa County	49.32	0.43	9	0	5	0	5	0	0	A/F WQ	3	0	71.75	\$1,017,500	\$550,000	\$110,300		\$110,300		56	17	5																	
8	Stafford County	William Long Farm	Esmt	69.00	Stafford County	28.85	0	9	0	11	0	5	0	0	None	3	2	58.85	\$432,900	\$216,450	\$0		\$0		28	28	7																	
9	Stafford County	Daniel and Pamela Bell Farm	Esmt	20.00	Stafford County	47.2	0	0	0	0	0	0	0	0	None	3	2	52.2	\$207,900	\$103,950	\$0		\$0		28	28	7																	
10	Clarke County	Lilly Farm	Esmt	43.05	Clarke County	32.75	0	9	0	0	0	0	0	0	None	3	0	44.75	\$158,000	\$75,250	\$0		\$0		31	1	6																	
11	Clarke County	Fansler Farm	Esmt	88.95	Clarke County	29.88	0.12	9	0	0	0	0	0	0	A/F	3	2	44	\$407,500	\$200,000	\$0		\$0		31	1	6																	
12	Stafford County	Pagnotta Property	Esmt	35.40	Stafford County	28.15	0	5	0	8	0	0	0	0	None	2	0	43.15	\$106,900	\$53,450	\$0		\$0		28	28	7																	
13	Stafford County	Schenemann Property	Esmt	20.00	Stafford County	26.65	0	5	0	4	0	1	0	0	None	3	2	41.65	\$206,900	\$103,450	\$0		\$0		28	28	7																	
		Total Farmland Acres:		2,882.87														Total Farmland:	\$12,198,000	\$4,171,000	\$2,978,750		\$2,978,750																					
	Forestland Conservation; Amount Available \$2,400,000					Max. 80 points		Max. 20 points		Max 10										Max 3					Max 10					Max 172 points					Forestland Conservation Total Available: >>>					\$2,400,000				
1	The Nature Conservancy	Clinch Mountain, Pinnacle Rock	F/E	680.00	Washington County	55.5	19.08	10	2	11	0	5	0	8	F PLR NHED FFR WQ	3	10	123.58	\$1,134,500	\$567,250	\$567,250		\$567,250		4	40	9																	
2	Va. Dept. of Wildlife Resources	Eastern Shore Forest Conservation Initiative III - FY24	Fee	762.00	Accomack County	58.1	18.69	10	2	9	0	5	0	6	F NHED FFR WQ	3	10	121.79	\$1,637,300	\$450,000	\$441,300	\$8,700	\$450,000	From OSP	100	6	2																	
3	Rappahannock Tribe of Virginia	Acquiring Rappahannock Tribe's Ancestral Homelands Phase III	Fee	964.00	Richmond County	60	0	9	1	11	10	10	0	10	HIS PLR NHED FFR SP WQ	3	5	119	\$3,752,850	\$2,000,000	\$450,000	\$1,266,166	\$1,716,166	From Historic Pres	99	4	1																	
4	Va. Dept. of Forestry	Taylor's Mill Farm, Additional Funding Request	Esmt	1,145.00	Greensville County	62.1	12.9	9	3	9	0	8	0	0	F FFR NHED WQ	3	3	110	\$1,352,000	\$45,000	\$45,000		\$45,000		75	18	4																	
5	Land Trust of Virginia	Huff Rock	Esmt	660.92	Wise County	47.9	12.43	9	3	9	8	10	0	4	F PLR NHED FFR WQ	3	2	108.33	\$383,000	\$182,000	\$182,000		\$182,000		1	40	9																	
6	Virginia Department of Forestry	Poplar Hollow, Additional Funding Request	Esmt	611.00	Shenandoah County	55.7	16.35	9	2	9	0	5	0	2	F NHED FFR WQ	3	3	105.05	\$1,163,500	\$250,000	\$250,000		\$250,000		15	26	6																	
7	Va. Dept. of Wildlife Resources	Eastern Shore Forest Conservation Initiative II - FY24	Fee	476.00	Accomack County	48	0	10	2	11	0	5	0	6	NHED FFR WQ	3	10	95	\$1,081,150	\$300,000	\$300,000		\$300,000		100	6	2																	
8	Va. Dept. of Forestry	Southampton 900	Esmt	900.00	Southampton County	50.5	0	9	0	11	0	5	0	8	NHED FFR SP WQ	3	2	88.5	\$1,603,500	\$750,000	\$164,450		\$164,450		64	14	4																	
9	Va. Dept. of Forestry	Madison 300	Esmt	303.00	Madison County	39.5	0	9	0	0	0	5	0	0	WQ	3	0	56.5	\$963,000	\$400,000	\$0		\$0		30	24	5																	
		Total Forest Conservation Acres:		6,501.92														Total Forestland:	\$13,070,800	\$4,944,250	\$2,400,000		\$3,674,866																					
	Historic Preservation; Amount Available \$2,711,245					Max. 80 points		Max. 20 points		Max 10										Max 3					Max 10					Max 172 points					Historic Area Preservation Total Available: \$2,400,000 + (\$69,075 + \$242,170 withdrawn projects)>>>					\$2,711,245				
1	American Battlefield Trust	Whitby Tract at Second Deep Bottom Battlefield	F/E	8.87	Henrico County	63	20	9	0	0	8	0	0	2	WQ	3	3	108	\$605,615	\$300,215	\$300,215		\$300,215		70	9	4																	
2	American Battlefield Trust	Welch-Penden Tract at Glendale Battlefield	F/E	12.46	Henrico County	58	19.98	10	0	0	0	0	0	0	PLR	3	10	100.98	\$441,550	\$219,433	\$219,433		\$219,433		70	9	4																	
3	American Battlefield Trust	Brandy Rock Farm I Tract at Brandy Station Battlefield	Esmt	100.00	Culpeper County	48	19.87	9	0	0	0	5	2	2	HIS	3	2	90.87	\$1,048,255	\$271,660	\$271,660		\$271,660		18	27	7																	
4	Shenandoah Valley Battlefields Foundation	Stanley Hall at New Market Battlefield	F/E	9.54	Shenandoah County	56	0	2	2	0	8	5	0	4	SP WQ	3	10	90	\$607,543	\$303,771	\$303,771		\$303,771		33	1	6																	
5	Shenandoah Valley Battlefields Foundation	French Tract at Fisher's Hill Battlefield	F/E	146.08	Shenandoah County	48	19.92	6	2	0	0	0	0	0	WQ	3	10	88.92	\$1,648,518	\$350,000	\$350,000		\$350,000		33	1	6																	
		Total Historic Preservation Acres:		276.95														Total Historic:	\$4,351,481	\$1,445,079	\$1,445,079		\$1,445,079																					
																				Remainder:	\$1,266,166	See above for secondary category																						

Virginia Land Conservation Foundation Staff Report

TOPIC: Land Conservation, Grant Awards

SUBJECT: Highland – Lonesome Pine Project Waivers

ACTION: Approval of Grant Award with Waivers

AGENDA ITEM: 6.c.v.

ISSUE SUMMARY:

- The Department of Wildlife Resources (DWR) has proposed a unique project on significant amount of land in in the heart of the Central Appalachian Coalfields of Virginia where there are few existing conservation easements. The Highland Lonesome Pine Project application proposes to place an open space easement on 44,327 acres of reclaimed mine lands spanning Dickenson, Wise, and Buchanan Counties. There are two considerations associated with this grant recommendation to bring to the board’s attention.
- First, the sheer size of this project together with the mountainous terrain make obtaining the required boundary survey cost prohibitive. DWR has requested a waiver of the boundary survey standards required by VLCF and is working together with the Office of the Attorney General and the Department of General Services to develop an alternative standard appropriate for this project.
- Second, the current landowner, The Nature Conservancy (TNC), owns 153,153 acres throughout southwestern Virginia. This proposed DWR project will cover a portion of that property, however, TNC owns the surface rights and does not own the subsurface mineral rights, which are owned by coal and oil companies. A portion of the DWR project includes areas under active mining permits. DWR is working with Virginia Energy and TNC to assess the risks associated with possible mining activities that may occur within the easement boundaries.

RECOMMENDATION:

- Staff recommends: 1.) Awarding the grant; 2.) Providing a waiver to the grantee for the survey requirement as long as the grantee provides exhibits that meet the requirements of the department of General Services and the Office of the Attorney General; and, 3.) Accepting that the grant protections will not include prohibitions on subsurface mining.

BACKGROUND INFORMATION:

PROJECT SUMMARY:

DWR is seeking \$1,000,000 in grant funds to acquire potentially the largest recorded public access easement in Virginia, on property currently owned by the Cumberland Forest Highland LLC (The Nature Conservancy), in Wise, Buchanan, and Dickenson counties. This 44,327-acre easement acquisition project in the heart of Appalachia presents an extraordinary and rare opportunity to provide new public access for recreational boating, fishing, wildlife viewing, hiking, nature-based photography, and hunting, as well as improve restored mined lands to support elk and a myriad of other wildlife species that use a matrix of forested and open grassland habitats. This property would provide an important foothold from which to secure public access on an additional 106,000 acres in this historically economically depressed and socially vulnerable region of the Commonwealth. Project partners include the US Fish and Wildlife Service, Rocky Mountain Elk Foundation, The Nature Conservancy, and Southwest Virginia Sportsmen.

Total Project Cost: \$7,024,275.

Match: Federal Wildlife Restoration grant funds.

Grant Request: \$1,000,000.

Recommended Amount: \$1,000,000.

ATTACHMENTS:

- None

Recently Closed VLCF Grant Projects

November 13, 2023

The following six VLCF grants successfully closed since the last VLCF Board meeting on May 16, 2023.

1. Middle Peninsula Chesapeake Bay Public Access Authority – **Hoskins Creek Waterfront Land Acquisition in Tappahannock (FY2021 Round II)**

The Middle Peninsula Chesapeake Bay Public Access Authority was awarded a grant for \$200,000 to assist the Town of Tappahannock in the fee acquisition of seven acres on Hoskins Creek for a public access project. The project provides public access to the creek and the nearby Rappahannock River, increases passive outdoor recreation opportunities (walking, fishing, wildlife viewing and bird watching), conserves an undeveloped coastal area, and protects a wetland marsh. Plans are in place to construct a kayak/boat launch and raised interpretive walkways through the marsh - all part of a new family outdoor gathering area.

Grant Award: \$200,000. **Payment Amount:** \$200,000. **Match:** \$351,270 Town of Tappahannock. [**Project closed:** September 2023]

2. Dept. of Conservation and Recreation – Natural Heritage Division – **Difficult Creek North Addition – Life Estate (FY2022)**

The Natural Heritage Division received a FY22 VLCF grant for \$50,153 to acquire a 1.5-acre inholding within the Difficult Creek Natural Area Preserve in Halifax County near Scottsburg. The parcel is within the Protected Landscapes Resilience and Natural Habitat & Ecosystem Diversity ConserveVirginia layers. The Difficult Creek preserve supports a high number of significant natural heritage resources, many of which are fire-adapted. Acquisition of this inholding improves the ability to implement prescribed fires that are necessary to adequately restore and manage the vegetation and habitat. DCR acquired the property with the current owners/residents retaining a life estate.

Grant Award: \$50,153. **Payment amount:** \$50,153. **Match:** \$30,064 DCR-DNH. [**Project closed:** June 2023]

3. Upper Mattaponi Indian Tribe – **Conservation of Ancestral Lands – Upper Mattaponi Tribe's Return to the River (FY2023)**

The Upper Mattaponi Indian Tribe was awarded a VLCF grant in November 2022, to help enable its acquisition of an 853-acre property in King William County. The property has more than 12,000 feet of shoreline along the Tribe's namesake River, the Mattaponi. With additional financial assistance from the National Oceanic and Atmospheric Administration, the Tribe was able to purchase the property that includes a former sand & gravel mine. The Va. Dept. of Wildlife Resources and the U.S. Fish and Wildlife Service will help the Tribe develop a comprehensive vision for restoring habitat of culturally significant fish, wildlife and plant populations and establishing a fish hatchery. A forest stewardship plan will guide future restoration efforts and

limited site development for the fish hatchery, retention of 550 acres of forestland, and nature-based public recreational opportunities, including access to the river and a trail network.

This is one of the first VLCF grants awarded to a Virginia federally recognized Indian Tribe, and the first to close. With significant assistance from the OAG, a notice of grant agreement document was agreed upon with the tribe and recorded immediately after the deed of acquisition. The notice includes acknowledgements by the tribe that “the property was acquired for the purpose of perpetual conservation of land and natural resources, culturally significant species restoration, passive recreational usage, and ecotourism consistent with the Tribe’s indigenous knowledge and practices (the “Conservation Purposes”) and agrees not to undertake activities that would impair the Conservation Purposes, such as dividing, subdividing, or partitioning the Property for sale, or engaging in commercial, residential, or industrial development.”

Grant Award: \$310,000. **Payment amount:** \$310,000. **Match:** \$3,164,923 NOAA. [**Project closed:** July 2023]

4. Clarke County – Newfound Farm (FY2023)

Clarke County Conservation Easement Authority was awarded a FY2023 VLCF grant for \$100,150 to help acquire an open space easement on 60 acres of primarily forested land in Berryville. The dominant forest stand on the property encompassing 95% of the property, is oak and hickory. The easement prohibits subdivision of the property and protects more than half a mile of frontage on Opequon Creek, a designated impaired waterway, by requiring 100-foot-wide forested riparian buffers. The buffers also provide suitable habitat for wood turtles. Approximately five acres of land in the floodplain will remain as open space and the landowner is in the process of removing invasive species including autumn olive and Ailanthus from the area.

Grant Award: \$100,150. **Payment amount:** \$100,150. **Match:** \$116,636 Landowner donation. [**Project closed:** August 2023]

5. Capital Region Land Conservancy. – Haskins Farm at New Market Heights (FY2023)

Capital Region Land Conservancy (CRLC) acquired and conserved 49 acres of critically-threatened battlefield land in the core area of the 1864 Battle of New Market Heights in Henrico County utilizing a VLCF FY2023 grant for \$600,000. An historic preservation and open-space easement held by the Va. Board of Historic Resources now protects the property’s 650 linear feet of the “New Market Line” earthworks that the US Colored Troops (USCT) seized in their victory for which 14 Medal of Honors were awarded. The county’s comprehensive plan had identified the property as future “concentrated commercial use” threatening the battlefield that Preservation Virginia had designated as one of the most threatened historic sites in Virginia. CRLC is working with local and national partners to establish an area of approximately 350 acres within the New Market Heights Battlefield to be interpreted and open for public access. Many have placed an even greater emphasis on preserving the few sites pertinent to the USCT. Several descendants of USCT enlisted men are also engaged in these preservation efforts.

Grant Award: \$600,000. **Payment amount:** \$600,000. **Match:** \$624,725 American Battlefield Protection Program. [**Project closed:** August 2023]

6. Virginia Outdoors Foundation – Bull Run Mountains NAP Addition – Eastern Overlook (FY2023)

The Virginia Outdoors Foundation (VOF), in collaboration with DCR's Division of Natural Heritage, received a VLCF grant to cover the fee-simple purchase of 10.13 acres as an addition to Bull Run Mountains Natural Area Preserve (BRMNAP) in Prince William County. This preserve is owned by VOF and managed in partnership with DCR-DNH as a Natural Area Preserve. Situated atop the eastern-most ridge of the Bull Run Mountains adjacent to BRMNAP, this new addition enhances VOF and DCR's protection of key visual and ecological buffers overlooking the heavily developed Piedmont towards Washington, DC. Conservation of this parcel prevents incompatible development on a fragile ecosystem and protects critical habitat benefitting BRMNAP's biodiversity hotspots and wetlands. This area provides critical food and habitat for numerous species of conservation concern. The property falls within two categories of *Conserve Virginia*: Natural Habitat and Ecosystem Diversity and Protected Landscapes Resilience.

Grant Awards: \$500,000. **Payment amount:** \$445,836. **Match:** \$0. [**Project closed:** May 2023]

Withdrawn VLCF Grant Projects

Three grant projects have been withdrawn since the Board's last meeting. Staff are requesting the funds be redistributed in the FY24 grant round in the categories in which they were originally awarded.

1. Shenandoah Valley Battlefields Foundation – **Stoner-Keller (FY2021)**

This project was destined to place an easement over the 120-acre Stoner-Keller property in Shenandoah County held by the Virginia Board of Historic Resources. The property is entirely within the core of the Fisher's Hill Battlefield and the study area of the Cedar Creek Battlefield. This project intersected with ConserveVirginia in the Cultural and Historic Preservation and Water Quality Improvement layers.

Grant Award: \$242,170. **Note:** This project is no longer viable because the landowner changed their mind. They did however agree to donate a conservation easement over 103-acres of agricultural land with the historic structures excluded to Shenandoah Valley Battlefields Foundation without the use of state funds.

2. Piedmont Environmental Council – **Protected Farmland along the Rappahannock River (FY2021 Round II)**

Piedmont Environmental Council sought grant funds to help secure a conservation easement to protect a family farm, comprised of 732 acres in Culpeper County, and located along over 1-mile of the Rappahannock River, a Virginia Scenic River. The property intersected the Cultural and Historic, Scenic Preservation, and Water Quality Improvement layers of ConserveVirginia.

Grant Award: \$208,000. **Note:** This project was withdrawn because the landowners changed their mind after undergoing estate planning. They were not ready to move forward with a conservation easement and requested the grant be withdrawn.

3. Virginia Outdoors Foundation – **Morse Brothers Farm (FY2021 Round II)**

Two brothers, third-generation African American farmers in Nelson County, had planned to place an open-space easement held by Virginia Outdoors Foundation in partnership with the US NRCS Agricultural Land Easement program on 111 recently purchased acres adjacent to their family farm. They also envisioned a venue where people from the Capital region could enjoy the out-of-doors and visit a working farm. The brothers have been working with the US Natural Resources Conservation Service to establish pastures and fence the streams so that they can showcase livestock production best-management practices.

Grant Award: \$70,750. **Note:** The landowners withdrew their grant due to different factors, including challenges with their lender and loan subordination together with increasing interest rates for future farm plans, and timing issues and delays with the NRCS easement process.

Summary of Open VLCF Grants

There are five open grants in each of the FY21 and FY21 Round II grant rounds.

For the FY22 grant round, 18 of the 30 grants originally awarded are still open.

For the FY23 grant round, 33 of the 40 grants awarded are open.

Currently, we are managing a total of 61 open grants with a total value of \$18,527,567.