



# Board of Forestry Meeting

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**March 11, 2020**  
**Charlottesville, VA**

## **Convene Meeting, Call to Order:**

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The Board of Forestry meeting was called to order at 10:00 a.m. by Chairman Burke at the James Garner building in Charlottesville, Virginia. Chairperson Burke read the Anti-trust policy to remind the Board of the legal requirements and the annual signing of the acknowledgement form.

## **Roll Call:**

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### ***Board of Forestry Members Present***

Anne Beals, Don Bright, John Burke III, Joel Cathey, Mike Hinchey, Beth Flippo Hutchins, Ken Morgan Jr., Franklin Myers, Heather Richards, Ben Reeves, Greg Scheerer, Dr. David Smith and Glen Worrell

### ***Members Absent***

None

## **Adoption of Agenda:**

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Request to amend agenda by moving VDOF Conservation Easement Program first under Informational Items. Motion was made to approve the agenda as amended; seconded. All present were in favor.

## **Recognition of Guests and Visitors:**

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### ***Virginia Department of Forestry (VDOF) Present***

Rob Farrell, State Forester; Ed Zimmer, Deputy State Forester; Terry Lasher, Assistant State Forester; Michelle Stoll, Director of Public Information; Dean Cumbia, Director of Forest Resource Management; Todd Groh, Forest Resource Management Coordinator; Mary Weaver, Executive Assistant

### ***Recognition of Guests and Visitors***

Harold Purcell, landowner; Kurt Christensen, landowner; Martha Moore, Virginia Farm Bureau; Ron Jenkins, Virginia Loggers Association; Lesley Mosley, Virginia Forest Products Association; Corey Connors, Virginia Forestry Association; Beckham Stanley, Virginia Agribusiness Council; Jamie Craig, landowner; Susan Seward, Virginia Forest Products Association; Paul Howe, Enviva

## **Hearing of Citizens:**

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Kurt Christensen, landowner, spoke about his concerns about solar energy and how much timber has been lost to solar. He would like to see VDOF work with Department of Environment Quality (DEQ) and get ahead of solar issue and protect resources.

Lesley Mosley, Virginia Forest Products Association, reminded everyone of the Logging Expo coming up on May 1-2 at the Richmond International Raceway.

Ron Jenkins, Virginia Loggers Association, mentioned there will be a free legal training on April 10 at the James Garner Building in the training room from 9:00 a.m. – 3:00 p.m. discussing a wide range of legal information; trucking, business, diversity etc.

Corey Connors, Virginia Forestry Association (VFA), reminded everyone of the VFA Summit coming up April 28 – May 1 in Harrisonburg, preceded by the VaULT (Virginia Urban Land Trust) conference.

Susan Seward, Virginia Forest Products Association, asked the Board to read closely the Virginia Clean Energy Mandate.

Harold Purcell, landowner, asked the Board to focus on the biomass elimination.

Don Bright, Board of Forestry member, reminded attendees that trees are the original solar energy. He stated that Virginia Tech needs to step up and teach legislators what they teach their students.

Ron Jenkins, Virginia Loggers Association, stated that we need to get facts and fight back against eliminating biomass.

Ken Morgan, Board of Forestry Member, added that time is of the essence to give our full attention to the biomass issue.

Harold suggested having a meeting at the VFA Summit this year to discuss the solar energy/biomass concerns.

Heather Richards, Board of Forestry member mentioned that the joint meeting scheduled April 28 between the VaULT and VFA Summit panel would be about solar energy and the issues that the forestry community is seeing.

## Approval of Minutes:

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Request correction of Keith Goyne's name in the recognition of guests and visitors section. A motion was made to approve the January 9, 2020 minutes as amended; seconded. All present were in favor.

Secretary Ring was delayed, so the Secretary of Agricultural & Forestry report was moved until her arrival.

## State Forester's Report:

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State Forester Rob Farrell observed that this was the third meeting in a row with a full attendance; this is greatly appreciated. Thanked all of VDOFs association partners and the forestry community for being well represented today, along with everyone for their efforts on the budget.

State Forester Farrell reviewed with the Board what was approved in the budget:

- ◆ Apprenticeship Program
  - Will have Human Resource Director Hector Rivera give a presentation at a future board meeting about this program along with the compensation and retaining programs he is working on.
- ◆ Integrated Forest Resource Information System (IFRIS) Analysis
  - Funding to analyze IFRIS/alternatives to ensure we are investing in the right program.
- ◆ Water Quality Improvement Funds
  - Funded again at the \$250,000 a year for both years.
- ◆ Watershed Implementation Plan (WIP) Positions
  - Watershed Coordinators Position
  - Three regional watershed conservation positions to carry-out the program
  - These positions will be also working with land conservation to address stewardship of easements.
- ◆ Hardwood Forest Habitat Initiative
  - Received funding for the Hardwood Initiative Coordinator position.
  - Hardwood Forest Landowner Incentive Program and vehicle for Hardwood Initiative Coordinator position was pushed to second year.

- ◆ There was no agency legislation.
  - VDOF had input on a bill that would change how urban localities spray for fall cankerworm. This legislation was put aside for this year. VDOF will have a follow-up meeting with the Audubon Society of Northern Virginia for an initial discussion to see if there is some way to address their concerns and prevent this legislation from coming back next year.
  - There were several bills related to preserving trees in urban areas, but most got delayed.
    - Plan to have a more integrated response for next year's General Assembly
    - Had a meeting on behalf of VFA with Northern Virginia lobbyists, Virginia Municipal League (VML), and Virginia Association of Counties (VACO). Farrell communicated VDOF's position supporting the critical connection between trees, water quality and the Chesapeake Bay, but clarified that tree preservation must not conflict with the Right to Practice Forestry Law, even within developed areas.
    - Established a date for an initial stakeholder meeting, May 27, to discuss varying needs and goals among advocates of tree preservation forestland conservation, and working forest land conservation with the following groups:
      - Municipalities
      - Ag and Forestry
      - Builders and Real Estate
      - Chesapeake Bay and James River Water Quality Stakeholders
      - Department of Environmental Quality (DEQ)
- ◆ State Forester Farrell reviewed with the Board agency updates:
  - The purchase agreement for the Stanley Property has been received. This property will soon become the Stanley State Forest.
  - Last year VDOF responded to the fewest wildfires in VDOF history.
  - Urban Forest Strike Team had a deployment exercise to survey for ailanthus "tree of heaven" in support of future ailanthus eradication efforts to try and slow the spread of the spotted lantern fly.
  - The Arbor Day Tree Foundation has a donation program which enables people to donate money to have trees planted.
    - An anonymous corporation is paying for all the VDOF seedlings that are planted in Mecklenburg County.
  - Forestry Legislative breakfast was a great success.
  - Representative Abigail Spanberger spoke at the Virginia Loggers Association Board meeting in January.
  - State Forester Farrell was invited to Capitol Hill with the National Association of State Foresters (NASF) for congressional visits.
  - Farrell spoke to the Sportsman Caucus at the General Assembly about the Hardwood Initiative.
  - State Forester Farrell is now the NASF representative to American Forester Foundation (AFF).
  - Farrell participated in a panel on hardwood at the Governors Ag Trade Conference.
  - Attending a Sustainable Forestry Initiative (SFI) resource committee meeting in Washington DC March 12.
    - Main discussion will be on standard revision.
  - VDOF is sponsoring Environment Virginia Symposium at Virginia Military Institute (VMI) in March.
  - The VaULT meeting is April 28, in Harrisonburg.
    - The discussion will be about the "Intersection between Land Conservation and Solar Development".
    - Dr. Smith suggested identifying and bringing together people for a discussion about solar/biomass.
  - Charlie Becker is organizing the next phase of industry roundtable meetings. He will be establishing working groups to discuss how to best utilize the information we received from the industry roundtable meetings.

Deputy State Forester Ed Zimmer presented the following updates:

- ◆ Last year was our lowest fire season in history. Since March 1, we've had 46 fires, 465 acres burned, protected 45 homes, one home destroyed in Pittsylvania. There are currently two ongoing fires: one near Schuyler in Albemarle County (approximately 320 acres burned), and one in Page County near Stanley (approximately 25 acres burned).
- ◆ In the past six months 16 employees have left VDOF.
  - Eight of those 16 retired with 35 or more years of service; one of those was Gwen Tyler with 46 years of service.
  - Central Region Forest Conservation Specialist Kim Biasioli and Utilization and Marketing Manager Chris Cox's positions will be reevaluated before advertising.
- ◆ Human Resources Department is working on putting a compensation work group together and will present a program to the Board of Forestry at a future meeting.
- ◆ VDOF is meeting all the expressed needs for loblolly pine seedlings. This year there were 28 million seedlings. Next year VDOF will be seeding for 32 million pine seedlings, 500,000 of those will be short leaf pine.
- ◆ Seedling Survival – 75,000 acres have been planted and 75 percent of those acres have greater than 400 surviving seedlings.
  - The vast majority of seedling failures were related to non-Virginia seedlings that were sourced in other southern non-VDOF nurseries. These seedlings generally do not go into dormancy before lifting, which may explain why they failed. If landowners have seedling failures that are not their fault they are eligible for Reforestation Timber (RT) funds the following year.
- ◆ RT funds are now allocated by the oldest harvest date first. Allocation of funds across the counties is done based on where the Forest Products Tax is collected.
- ◆ The first half of the Stanley property purchase agreement has been received.

Chairman Burke thanked VDOF on behalf of the Board of Forestry for their hard work and engagement.

Secretary Ring arrived.

Ten-minute break.

## Secretary of Agriculture and Forestry (SAF) Update:

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Secretary Ring discussed the following:

- ◆ Great to see another 100 percent attendance from the Board of Forestry.
- ◆ Echoed kind words of Chairman Burke in regards to the hard work from VDOF, Rob Farrell and Ed Zimmer.
- ◆ Reviewed the Governors approved budget.
  - WIP positions were approved.
  - Hardwood cost-share funds were pushed back one year.
- ◆ Governors Ag Trade Conference went well.
  - There was a great panel discussion on The Global Economy and the Forest Products Industry. State Forester Farrell served as moderator; Don Bright, Meherrin River Forest Products; Scott Seiler, Northland Forest Products; Chris Davidson, WestRock were on the panel.
  - Two hundred-seventy attended with 11 countries represented.
- ◆ Will continue to do everything we can to support our business in exporting; but this is currently a challenge with COVID-19. We are concentrating on health and lives first.
- ◆ The Governor gave a press conference updating what was being done at the state level for COVID-19.

- ◆ Dabney Lancaster 50<sup>th</sup> Anniversary Celebration of their forestry program is coming up.
- ◆ Continue to spread the word of the AFID Program that is available for any business that wants to get established.
- ◆ Conferences coming up: Environment of Virginia Symposium in March, VaULT and Virginia Forestry Summit in April and the Logging Expo in May.

## Informational Items:

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### *VDOF Conservation Easement Program*

#### Discussion of concerns with the VDOF Conservation Easement Program

- ◆ Ken Morgan, Board Member expressed concern with the conservation easement process and the Department of Conservation and Recreation's (DCR) involvement.
- ◆ Harold Purcell, landowner, shared with the Board his experience with conservation easements.
  - Would like to see an established resource in the Attorney General's (AG) office to focus on conservation easements and maintain some kind of continuity and timeliness.
  - Concerned about the continual changing of template language and re-negotiations of approved easements and the length of time it takes to approve an easement.
  - Wants to continue to work with the VDOF on easements but would like to see some changes.
- ◆ Jamie Craig, landowner advisor, request the Board ask the staff to look at the changes and policies that have been adopted by the current easement program. Believes there is room for improvement.
  - Some of the recent changes have undermined the desirability of the VDOF conservation easement by him and his clients.
  - Would like to know why the easement staff has voluntarily come to grant DCR oversight on easement transactions when there is no regulatory mechanism mandating this oversight below the one million dollar threshold.
  - Would like to see the following:
    - Eliminate DCR's involvement on anything that is less than one million dollars.
    - Try and claw back control on the Mountain Valley Pipeline (MVP) funds. Should be for working forests rather than no-cut or no harvest easements.
- ◆ Secretary Ring addressed the concerns.
  - Always looking at ways to improve our processes.
  - Continuing to support working forests and working lands is one our top priorities.
  - Some negotiations with the mitigation funds have already been agreed to under a different administration that we have to honor and move forward with.
  - VDOF is involved with the pipeline negotiations.
- ◆ State Forester Farrell spoke on the expressed concerns.
  - VDOF is always looking for ways to improve.
  - VDOF currently has 190 easements covering 83,000 acres.
  - Conservation easements protect forest resources. VDOF mainly protects working forests by requiring a stewardship management plan and mandatory Best Management Practices (BMPs).
  - Typically, water quality protection on a VDOF easement in a Streamside Management Zone (SMZ) is 50 feet.
  - In order to appropriately protect every resource on an easement VDOF asks for guidance from the particular agency with that expertise.
  - Habitat protection and enhanced riparian buffers are the main recommendations we receive from DCR.

- Out of 190 easements, VDOF holds 27 that have habitat protection areas, which make up 3,756 acres. Forty-two out of 190 easements have enhanced riparian buffers.
- VDOF makes sure their easements will stand up to the Internal Revenue Service (IRS) scrutiny.
- DCR's involvement is not as significant as implied by Mr. Craig. The acreage restricted due to DCR guidance on a typical easement is very small.

*The Board recessed at 12:42pm for lunch and reconvened at 1:00pm.*

The Board discussed the conservation easement issues that have been presented.

- ◆ Heather Richards reviewed with the Board why DCR started reviewing conservation easements.
  - Having the DCR criteria for the projects over a million dollars has been a useful tool in maintaining continued support from the General Assembly, along with interagency conversation.
  - It's important to remember the bigger picture.
  - The state has invested over a billion dollars in land preservation tax credits since the acceptance of the program. That is over 750,000 acres of land preserved.
  - Are we at the right balance today on how agencies look at easements under a million dollars? It is worth a conversation.
  - There are several other agencies that do conservation easements and the Secretary of Natural Resources has the highest control over conservation easements and the tax credit.
  - It would be worth better understanding how and when VDOF staff ask for review from other agencies and how that is melded into the process. VDOF staff does push back, privately.
  - The genesis of the MVP funds was for unfragmented forest conservation and not working forestlands.
- ◆ VDOF has a tight conservation easement program, especially when it comes to title work. VDOF will not accept an easement until the title is cleared.
- ◆ The AG's office tends to be the bottle neck when easements need to go to that office.
- ◆ The Board directed VDOF to take all of the information presented under advisement, improve the system and report back to the Board at next meeting.
- ◆ Chairperson Burke suggested a flow chart of the conservation easement process would be helpful for the Board to understand the process.

### ***Reforestation of Timberlands (RT) 2020 Practice and Rates***

Greg Scheerer reported the Reforestation of Timberlands Committee met on December 17, 2019.

- ◆ The RT committee is recommending one change to the RT rates.
  - There is a need to increase the Herbicide Treatment of white pine to \$75 per acre.

A motion was made to accept the RT rates as reflected on the last page of the Reforestation of Timberlands Program Report dated March 11, 2020 (included in these minutes); seconded. All present were in favor.

- ◆ The committee is concerned about cost share planting from the deep South. They don't agree with spending funds on planting seedlings that won't survive in the environment.
- ◆ The VDOF nursery is doing what they can do to expand their capacity; around 34 million seedlings.
- ◆ The VDOF and the RT committee will look at the expressed concerns and come back to the Board at the next meeting with an update.

Break from the RT discussion and moved to the Election of Chairperson and Vice-Chairperson

## Action Items:

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### *Election of Chairperson and Vice-Chairperson*

- ◆ The nominations committee of Dr. Dave Smith and Glen Worrell nominated John Burke for Chairperson and Ken Morgan for Vice-Chairperson to serve for a second year.
- ◆ Dr. Smith made motion to nominate John Burke for Chairperson, motion was seconded.
- ◆ Don Bright made motion to nominate Frank Myers for Chairperson, there was no second. Motion declined.
- ◆ Voted on motion for John Burke as Chairperson. All present were in favor.
- ◆ Dr. Smith made motion to nominate Ken Morgan for Vice-Chairperson, motion was seconded. All present were in favor.
- ◆ John Burke is Chairperson and Ken Morgan is Vice-Chairperson for the next year.

### *Reforestation of Timberlands (RT) 2020 Practice and Rates (continued)*

- ◆ Don Bright expressed his concern of a potential significant reduction in RT funding if Biomass is outlawed in Virginia.
- ◆ The new Hardwood initiative will be separate from the RT program.

### *Reforestation of Timberlands (RT) Program Strategic Discussion*

Todd Groh reviewed with the Board the final RT accomplishments, allocations, budget and Pine Forest Products Tax collected for FY 2019 along with the interim accomplishments, allocations and budget for FY 2020. Mr. Groh also reviewed the new Integrated Forest Resources Information System (IFRIS) RT report for FY 2020.

- ◆ Glen Worrell suggested someone take his place on the RT committee since his term on the Board will be expiring in 2021. Beth Flippo Hutchins expressed interested in being on the committee.
- ◆ Verify the terms of the RT committee and let Chairperson Burke know.

Deputy State Forester gave a copy of the new Landowner Services brochure and an American chestnut seedling to every board member.

### *Seed Tree Law*

The Board had a discussion on the Virginia Code §10.1-1162 – 1169 Seed Trees to determine if it is still needed.

- ◆ The law is intended to lead people to replant.
- ◆ This law is needed to be revised and modernized.
- ◆ The Board requested VDOF reach out to legislative liaisons to study and consider making technical changes to this code.

## Committee/Liaison Reports:

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### *Hardwood Management Task Force*

Due to the time, the review of the Hardwood initiative will be moved to the next meeting.

## Unfinished Business:

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None

## New Business:

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There are three terms expiring on June 31, 2020: Don Bright and Joel Cathey, Hardwood Lumber Industry and Anne Beals, Small Forest Landowners.

- ◆ Process is open and application is on-line. Term is four years and begins on 1 July 2020.
- ◆ Please consider recommendations and let the State Forester know.

## Schedule of Next Meeting:

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- ◆ August 20 in Roanoke, Virginia, at Hotel Roanoke from 1:00 – 5:00 p.m., in conjunction with the Loggers Association Conference.
- ◆ Topics to discuss at August meeting:
  - VDOF report back on Conservation Easement Program
  - RT imposing a source limitation relative to nurseries
  - Update on Hardwood structure
  - Look at RT subcommittee to see how succession planning is done
- ◆ Send any suggestions on topics you have to State Forester Farrell.

Don Bright would like to see a discussion at every meeting to discuss the acres harvested; what were they, what was done with them.

## Adjournment:

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Chairman Burke called for a motion to adjourn; motion was made to adjourn the March 11, 2020 meeting at 2:59 p.m. and seconded. All present were in favor.

Minutes recorded by Mary Weaver, Executive Assistant