

**Approved Minutes**  
JOINT TRAINING SESSION FOR THE  
STATE REVIEW BOARD and BOARD OF HISTORIC RESOURCES  
**March 16, 2022**  
Halsey Lecture Hall, Virginia Museum of History and Culture, Richmond, Virginia

Individuals with an asterisk(\*) by their name appeared virtually via Webex.

**State Review Board Members Present**

Jody L. Allen  
Eleanor Breen, PhD, RPA  
Jeffrey E. Klee  
John P. Mullen, M.A., RPA  
Greg Rutledge  
Carol Shull  
Larissa Smith

**Historic Resources Board Members Present**

W. Tucker Lemon, Chair  
Dr. Colita Nichols Fairfax  
Trip Pollard  
David Ruth

**State Review Board Members Absent**

None

**Historic Resources Board Members Absent**

Dr. Ashley Atkins-Spivey, Vice-Chair  
Jeffrey “Free” A. Harris  
Karice Luck-Brimmer

**Department of Historic Resources Staff Present**

Julie Langan, Director  
David Edwards  
Kyle Edwards\*  
Elizabeth Lipford  
Jennifer Pullen  
Lena McDonald

Stephanie Williams, Deputy Director  
Megan Melinat  
Wendy Musumeci\*  
Jennifer Loux  
Brad McDonald  
Karri Richardson

The joint training session for the Board of Historic Resources and the State Review Board began at 1:15 p.m.

Director Langan welcomed everyone and introduced the four new members of the State Review Board, Larissa Smith, Eleanor Breen, Greg Rutledge, and Jeff Klee. She noted that each Board member has been provided a hard copy of information about DHR, the relationship between the two Boards, and their respective purposes. She explained that DHR is one of the largest SHPOs in the nation and receives more state funding than is typically the case. Some states do not have archaeology programs within their SHPO; and DHR has more numerous and varied programs than other SHPOs with smaller staffs and less funding. Most states do not have an equivalent to the Board of Historic Resources. Each state must have a State Review Board to have a certified Register program. DHR’s location within state government as an independent agency that reports directly to the SNHR is unusual as well. Most SHPOs are embedded within larger agencies such as economic development, natural resources, and statewide historical societies. At least two Board meetings each year are usually held in the Richmond area, but once or twice each year, the Board meeting is held elsewhere in Virginia. The June 2022 Board meeting will be at Sweet Briar College. Differences between the BHR and SRB are that BHR members are appointed by the Governor and SRB members are appointed by DHR’s Director in accordance with federal regulations for makeup of the SRB. The Boards convene jointly for Register nominations, then convene separately for each Board’s particular areas of business. Ms. Langan introduced Andrew Tarne, who is with the Office of the Attorney General and provides legal counsel to DHR and the Boards.

Director Langan explained the purpose of the training for Conflict of Interest. Board members through their professional activities occasionally are involved in one of the programs with which the Boards are concerned – the

VLR/NRHP, easements, highway markers, and burial permits. Today's training is to help Board members identify when they may have a conflict of interest.

### **CONFLICT OF INTEREST TRAINING**

G. Stewart Petoe, Executive Director of the COIA Council, presented Conflict of Interest Training to the Boards (see attached document).

### **HISTORIC REGISTERS**

Lena McDonald, National/State Register Historian, presented training about DHR's Historic Registers (see attached document). Training topics concerning the Register Program consisted of the purposes of the Virginia Landmarks Register and National Register of Historic Places, an overview of how DHR's Register program operates, updates to the Register program manual, including a summary of how nominations are reviewed by DHR staff, Board members' responsibilities for review, an update to the property owner objection process for the National Register, and a summary of diversity initiatives carried out by DHR to improve representation of underrepresented communities in the Registers.

The Register portion of the agenda ended at 3:28 p.m.

### **THE VIRGINIA HISTORICAL HIGHWAY MARKER PROGRAM**

Dr. Jennifer Loux presented an overview of the Highway Marker Program including purpose, history, and marker design as well as the application, research and review process (see attached document). Dr. Loux detailed the new criteria for selection of historic markers that starts at the June 2022 Board Meeting. Dr. Loux also outlined the Marker Retirement Policy as well as opportunities for replacement markers. Finally, Dr. Loux explained the DHR's Conditional Donation Policy for retired markers.

Comments Summary: Chair Lemon asked about the Equal Justice Initiative marker on the March 17, 2022 Board agenda. Dr. Loux stated that this marker was reviewed by DHR staff and will be covered in more detail at the Board Meeting.

The Marker portion of the agenda ended at 3:46 p.m.

The State Review Board adjourned to DHR's Collections Room to continue their training session.

The Board of Historic Resources reconvened at 4:05 p.m.

### **EASEMENT PROGRAM**

Megan Melinat, Director of Preservation Incentives Division, introduced herself and asked Easement Program staff to introduce themselves: Karri Richardson, Elizabeth Lipford, Wendy Musumeci and Kyle Edwards.

Ms. Melinat provided a brief overview of the Project Review process. Ms. Melinat outlined the Secretary of the Interior's Standards for Rehabilitation as well as the Project Review application process.

Brad McDonald, Easement Stewardship Coordinator, introduced himself and gave an overview the stewardship process, including the purpose of monitoring easement properties. Mr. McDonald explained the Commonwealth's commitments and property owners' commitments to ensure easement compliance. Mr. McDonald emphasized that the key to stewardship is establishing good relationships with the property owners, including educating owners about the Easement Program and other DHR services, and offering technical assistance. Mr. McDonald

also stated that he has been working with property owners to recognize the entirety of their cultural landscapes, as there may be additional historic resources that were unknown at the time of easement recordation. This enhances DHR's understanding of the property and its documentation. Mr. McDonald highlighted recent Easement Program changes and initiatives including staff additions, database launch, and training and educational opportunities. Mr. McDonald also provided the Board with a graph summarizing stewardship site visits and project review completed since 2015. Finally, Mr. McDonald reviewed the types of easement violations (technical, minor, major and willful) as well as DHR's response to violations. Mr. McDonald also reviewed examples of reversible and irreversible violations.

Comments Summary: Chair Lemon asked if staff checks to make sure the proposed work is done according to the easement requirements. Mr. McDonald and Ms. Melinat confirmed that staff does review the work as it is carried out and when it is completed. Chair Lemon asked if staff has opportunities to do further architectural or archaeological investigation while projects are underway. McDonald stated that while staff does not want to slow projects down, staff is available to be on site if there is a particularly important or interesting project or discovery. McDonald went on to cite a recent example of archaeological work in the kitchen outbuilding at Bremo. Director Langan commented that property owners do not usually object to further investigation or documentation. Mr. Ruth asked how the public access requirement is determined. Ms. Melinat responded that public access is required for all easements. Formal examples of public access include tours for neighborhood events, garden week tours or academic tours. Informal examples include family reunions or private impromptu tours. Staff recommends that owners keep a guest book to keep track of public access. Ms. Lipford provided an example of a property owner who has a lengthy guest book because he routinely gives tours to strangers who knock on the door and ask about the property. Mr. Pollard asked if staff has noted any emerging trends in easement stewardship. Mr. McDonald responded that conversion/diversion is becoming a bigger issue and staff is working on developing an internal policy and adding language in the easement template. Ms. Melinat commented that staff met with the Office of the Attorney General ("OAG") this week regarding conversion/diversion. Ms. Melinat also met with Virginia Outdoors Foundation ("VOF") staff to discuss conversion/diversion since they deal with this issue on a regular basis. Dr. Fairfax asked if DHR has an amicable relationship with VOF. Mr. McDonald confirmed that DHR does have an amicable relationship with VOF and pointed out that we co-hold several easements with VOF. Ms. Melinat stated that DHR also has technical review responsibilities on some of VOF's easements. Director Langan commented that DHR has a collegial relationship with VOF. However, VOF often accepts easements on historic properties where DHR would be a more appropriate easement holder. Additionally, VOF has funds to court easement donors whereas DHR does not, so this creates an uneven playing field. VOF is recording easements on historic properties but they do not necessarily have the staff composition to steward the property properly. Mr. McDonald emphasized that it is important to have agency staff trained in appropriate conservation values in order to steward a property in perpetuity. Director Langan also stated that DHR's easements are much more expensive to steward than VOF's easements because our stewardship process is more labor intensive. DHR's easements require site visits to inspect historic buildings and archaeological sites whereas VOF can steward some of their properties from the aerial images. The expense of stewarding easement properties in perpetuity is one of the reasons the BHR approved easement fees. Chair Lemon asked which easement is the oldest. Mr. McDonald responded that Old Mansion in Caroline County is DHR's oldest easement, recorded in February 1969. Mr. Pollard asked if there is a need to increase our easement fees. Director Langan stated that since we recently instituted the fees, we do not need to adjust them yet.

With no further comments, the meeting was adjourned at 5:00 p.m.