## REPORT OF THE VIRGINIA LAND CONSERVATION FOUNDATION BOARD OF TRUSTEES AND THE DEPARTMENT OF CONSERVATION AND RECREATION

# 2021 Land Conservation Pre-Proposal Grant Requests

TO THE GOVERNOR AND THE CHAIRMEN OF THE SENATE FINANCE COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE



COMMONWEALTH OF VIRGINIA RICHMOND DECEMBER 2021

#### **Preface**

This report has been prepared in accordance with and fulfills the requirements of:

§ 10.1-1020(B) of the Code of Virginia (Virginia Land Conservation Foundation), which requires the Foundation to conduct a grant round each year to identify and rank projects for the subsequent fiscal year and provide copies of such project rankings to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance by December 15 of each year. This report includes the ranking of those projects submitted during a request for proposals held from October 27 through November 29, 2021.

There is no funding associated with this request for proposals and ranking of projects. This report includes a listing of potential projects to illustrate the current financial need for land conservation. Should funding be provided in the Fiscal Year 2023 Appropriations Act, then the Virginia Land Conservation Foundation will conduct an official and comprehensive grant round in Calendar Year 2022 to award the available state funds.

## **Table of Contents**

Preface	
Pre-Proposal Grant Round Overview	1
Ranking of Pre-Proposal Projects Received by Grant Category	(
Appendix A	8

#### Pre-Proposal Grant Round Overview

Chapter 539 of the 2019 Virginia Acts of Assembly established a requirement for the Virginia Land Conservation Foundation (VLCF) to hold a grant round each year to identify and rank projects for the subsequent fiscal year, and to provide copies of such project rankings to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

VLCF solicited proposals for land conservation projects from October 27 through November 29, 2021, to identify and rank them for this report. In these four weeks, a total of 52 proposals were received, requesting \$65.4 million to conserve 26,819 acres across Virginia.

For this process, the VLCF Board adopted abbreviated scoring criteria for each of the five grant categories (see Appendix A). The Board established this simplified criteria based on the more in-depth Fiscal Year 2022 VLCF grant manual to facilitate submission and ranking of the proposals. Applicants were asked to submit land conservation proposals and to indicate a grant category for each project submitted. The pre-proposals were reviewed and evaluated against the criteria for the chosen category. A ranked list from highest to lowest score was then tabulated for all of the projects submitted in each of the five different categories (see Ranking of Pre-Proposal Projects Received by Grant Category below).

Virginia Land Conservation Foundation grant funds are allocated by category pursuant to the formulas set out in subsections (C) and (D) of § 10.1-1020 the Code of Virginia. First, 25 percent of the budgeted total is transferred to the Virginia Outdoors Foundation's Open-Space Lands Preservation Trust Fund. The remaining 75 percent is divided equally among the following grant categories if the budgeted total is less than \$10 million: (i) farmlands and forest preservation; (ii) historic area preservation; (iii) natural area protection; and (iv) open spaces and parks. However, if the budgeted total is \$10 million or more, then the remaining 75 percent of funds are divided equally among five grant categories, with farmland preservation and forestland preservation each as their own category instead of sharing one funding category.

In 2021, the Foundation also conducted grant rounds to award \$15,741,250 of Fiscal Year 2021 and 2022 funding together with returned grant funds. For these funded grant rounds, VLCF received a total of 99 applications requesting \$32.4 million. The Foundation awarded 64 grants that will protect 26,376 acres.

The following pages include the rankings of the pre-proposals received in 2021. The pre-proposal grant manual is included as Appendix A.

# Ranking of Pre-Proposal Projects Received by Grant Category

			F	armlands	Preservation	n				
No. Apps.	Applicant	Project Name	Fee Acquisition or Easement	Acres	Location of Project	VA House District	VA Senate District	Cong. Dist.	Total Score Max. 90	Grant Request
1	Capital Region Land Conservancy	Belmead	Esmt	1,000.00	Powhatan County	65	10	7	81.85	\$3,500,000
2	Capital Region Land Conservancy	Flowerdew Hundred	Esmt	1323.00	Prince George County	64	15	4	77.85	\$3,750,000
3	The Piedmont Environmental Council	Farmland Conservation along Brook Run	Esmt	700.00	Culpeper County	30	17	7	54.00	\$450,000
4	Virginia Outdoors Foundation	Cedar Springs Farmland Protection Project	Esmt	700.00	Smyth & Wythe Counties	6	40	9	53.25	\$490,000
5	The Piedmont Environmental Council	Farmland Conservation in Somerset	Esmt	360.44	Orange County	30	17	7	50.50	\$237,500
6	Northern Virginia Conservation Trust	Spotsylvania Horse Farm on the Po River	Esmt	469.00	Spotsylvania County	54	17	7	44.03	\$635,000
6	Total Farml	and Preservatio	4552.44	Farmland P	reservatio	on Total (	Grant R	equest	\$9,062,500	

			F	orestland	Preservation	n				
No. Apps.	Applicant	Project Name	Fee Acquisition or Easement	Acres	Location of Project	VA House District	VA Senate District	Cong. Dist.	Total Score Max. 90	Grant Request
1	Trust for Public Land	Lower Potomac River Corridor	Esmt	1130.00	Westmore- land County	99	28	1	87.57	\$500,000
2	The Conservation Fund	Nottoway River	Fee	1915.00	Sussex County	75	18	4	80.00	\$750,000
3	Department of Forestry	Taylors Mill	Esmt	1165.00	Greensville County	75	18	4	72.82	\$350,000
4	Friends of Dragon Run, Inc.	Dragon Run Corridor Protection Initiative	Fee	250.00	King & Queen County	98	3	1	60.00	\$350,000
5	Meadowview Biological Research Station	Caroline Diamonds - The Oak Barrens and Barrel Springs	Fee	96.00	Caroline County	54	4	1	46.77	\$239,200
6	The Conservation Fund	Stanley Easement Lands Phase II	Esmt	1342.00	Charlotte County	60	15	5	45.00	\$670,000
7	Department of Forestry	Charlotte State Forest J H Daniel Tract	Fee	322.56	Charlotte County	60	15	5	31.80	\$400,000
8	Department of Forestry	Charlotte State Forest Border Tract	Fee	368.00	Charlotte County	60	15	5	31.06	\$300,000
8	Total Forest	land Preservation	6588.56	Forestland F	Preservati	on Total	Grant F	Request	\$3,559,200	

			His	storic Are	a Preservation	on				
No. Apps.	Applicant	Project Name	Fee Acquisition or Easement	Acres	Location of Project	VA House District	VA Senate Distric t	Cong. Dist.	Total Score Max. 90	Grant Request
1	American Battlefield Trust	Lyons Tract at the Wilderness Battlefield	Fee	350.00	Spotsylvania County	88	28	7	90.00	\$1,500,000
2	Capital Region Land Conservancy	Camp Holly Springs	Fee	97.57	Henrico County	70	9	4	90.00	\$750,000
3	Capital Region Land Conservancy	Camp Hill	Fee	520.00	Henrico County	70	9	4	90.00	\$4,250,000
4	Capital Region Land Conservancy	Campbells Bridge Mills	Fee	20.00	Chesterfield County	66	16	4	90.00	\$1,050,000
5	Capital Region Land Conservancy	Little Malvern Hill	Esmt	209.48	Henrico County	70	9	4	90.00	\$450,000
6	American Battlefield Trust	Fleetwood Tract at Brandy Station Battlefield	Fee	97.17	Culpeper County	18	27	7	60.00	\$950,000
7	American Battlefield Trust	Alrich Tracts at Chancellors- ville Battlefield	Fee	67.36	Spotsylvania County	88	17	7	55.00	\$500,000
8	American Battlefield Trust	Rosser Tract at Trevilian Station Battlefield	Fee	98.69	Louisa County	56	17	7	55.00	\$243,800
9	American Battlefield Trust	Garlick Tracts at Cumberland Church Battlefield	Fee	42.8	Cumberland County	61	22	5	35.00	\$96,000
9	Total Historic	: Area Preservat	1503.07	Historic Area	Preservat	ion Tota	l Grant	Request	\$9,789,800	

			Na	atural Are	a Preservatio	n				
No. Apps.	Applicant	Project Name	Fee Acquisition or Easement	Acres	Location of Project	VA House District	VA Senate District	Cong. Dist.	Total Score Max. 90	Grant Request
1	The Conservation Fund	Buffalo Mountain Natural Area Preserve	Fee	3298.00	Floyd County	7	19	9	90.00	\$6,000,000
2	DCR, Division of Natural Heritage	New Natural Area Preserve at Disputanta	Fee	6100.00	Prince George County	64	15	4	90.00	\$12,000,000
3	DCR, Division of Natural Heritage	Magothy Bay - Growing Migratory Bird Habitat	Fee	43.60	Northampton County	100	6	2	90.00	\$265,000
4	DCR, Division of Natural Heritage	Sweet Potato Cave - Addition to The Cedars Natural Area Preserve	Fee	24.00	Lee County	1	40	9	80.00	\$55,000
5	DCR, Division of Natural Heritage	Elklick Woodlands and Diabase Forest	Fee	10.00	Fairfax County	40	37	10	80.00	\$1,500,000
6	DCR, Division of Natural Heritage	Chestnut Ridge NAP - Ecological Core Addition	Fee	2399.00	Bland & Giles Counties	3	38	9	75.00	\$4,600,000
7	DCR, Division of Natural Heritage	Cape Charles - Mature Forest Protection	Fee	77.00	Northampton County	100	6	2	70.00	\$2,800,000
8	The Nature Conservancy	Nottoway River - Horseshoe Bend West	Fee	740.00	Sussex County	75	18	4	70.00	\$800,000
9	DCR, Division of Natural Heritage	Eastern Shore - Kiptopeke Birds Buffer	Fee	25.00	Northampton County	100	6	2	55.00	\$200,000
9	Total Na	tural Areas Acı	res: 12,716.6	0	Natural .	Areas Tot	tal Grant	Reques	t: \$28,22	20,000

			C	)pen Spac	es and Parks					
No. Apps.	Applicant	Project Name	Fee Acquisition or Easement	Acres	Location of Project	VA House District	VA Senate District	Cong. Dist.	Total Score Max. 90	Grant Request
1	City of Charlottesville	Moores Creek Land Acquisition	F/E	38.60	Albemarle County	57	25	5	90.00	\$175,000
2	Madison County	Hoover Ridge Outdoor Recreational Zone	Esmt	4.00	Madison County	30	24	5	85.00	\$650,000
3	Downtown Greens, Inc.	Downtown Greens Campus Extension Project	Esmt	56.00	City of Fredericks- burg	88	17	1	80.00	\$250,000
4	Friends of the Lower Appomattox River	Appomattox River Trail - Petersburg Patton Park Area	F/E	9.00	City of Petersburg	63	16	4	80.00	\$97,500
5	Trust for Public Land	Lake Caledon - Caledon State Park Expansion	Fee	445.57	King George County	99	28	1	80.00	\$1,300,000
6	Capital Region Land Conservancy	James River Park System - CSX	Fee	30.86	City of Richmond	69	10	4	80.00	\$150,000
7	Prince William County	14501 Featherstone Road	Fee	8.80	Prince William County	2	36	11	80.00	\$400,000
8	Dept. of Conservation & Recreation - State Parks	James River State Park - River Road Property	Fee	164.00	Buckingham County	59	22	5	70.00	\$750,000
9	Capital Region Land Conservancy	James River Park System - Rogers	Fee	3.50	City of Richmond	69	10	4	70.00	\$375,000
10	Prince William County	12508 Aden Road	Fee	10.43	Prince William County	51	28	1	70.00	\$250,000
11	Dept. of Conservation & Recreation - State Parks	James River State Park - Spears Mountain Road Property	Fee	303.10	Buckingham County	59	22	5	65.00	\$1,063,755

			C	Open Spac	es and Parks					
No. Apps.	Applicant	Project Name	Fee Acquisition or Easement	Acres	Location of Project	VA House District	VA Senate District	Cong. Dist.	Total Score Max. 90	Grant Request
12	Prince William County	Prince William Parkway Buffers	Esmt	55.84	Prince William County	51	29/39	1	65.00	\$500,000
13	Prince William County	17675 Batestown Road	Fee	24.70	Prince William County	31	36	1	60.00	\$200,000
14	Prince William County	Neabsco Creek Acquisitions	Fee	55.84	Prince William County	31/39	29	11/1	50.00	\$1,400,000
15	Capital Region Land Conservancy	Grindall Creek	Fee	19.80	City of Richmond	69	16	4	45.00	\$250,000
16	Prince William County	Telegraph Road Acquisitions	Fee	82.16	Prince William County	52	36	11	45.00	\$4,000,000
17	Prince William County	Lake Jackson Acquisitions	Fee	41.24	Prince William County	51	29	10	45.00	\$1,125,000
18	Capital Region Land Conservancy	Parkway Crossings	Fee	80.00	City of Richmond	69	10	4	40.00	\$1,500,000
19	City of Hampton	Hampton Grandview Nature Preserve Adjacent Property	Fee	1.50	City of Hampton	91	3	2	35.00	\$91,350
20	Prince William County	1806 Bristow Road	F/E	23.00	Prince William County	51	28	1	20.00	\$210,000
20	Total Oper	Spaces & Parl	1,457.94	Open Space	es & Parks	Total Gr	ant Re	quest	\$14,737,605	

	TOTALS	
52 PRE-PROPOSALS	26,818.61 ACRES	\$65,369,105 REQUESTED FUNDS

# **Virginia Land Conservation Foundation**

# 2021 Special Pre-Proposal Grant Manual

Adoption Date: October 27, 2021

Administered by the Virginia Department of Conservation and Recreation

#### I. PRE-PROPOSAL GRANT ROUND OVERVIEW

<u>Chapter 539 of the 2019 Virginia Acts of Assembly</u> set out a new process for conducting land conservation grant rounds offered by the Virginia Land Conservation Foundation (the Foundation or VLCF) established in 1999 under Va. Code §§ 10.1-1017 through 10.1-1026.

This Pre-proposal Grant Round is being conducted to generate a ranked list of potential land conservation projects to be provided by the Chairman of the Board of Trustees to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance by December 15, 2021.

This Pre-proposal Grant Manual and the process described herein is intended to solicit land conservation project proposals, which will be scored and ranked by category, and will form the requisite project rankings list to be reported to the General Assembly.

Should grant funding be provided in the state budget for fiscal year 2023, then the VLCF Board will hold a full grant round to award those funds during calendar year 2022. The request for proposals will be open to all eligible applicants, including those who submit pre-proposals for this process and those who did not.

#### II. SUBMITTING POTENTIAL PROJECTS

Applicants are requested to submit potential land conservation projects for consideration by submitting the Pre-proposal Information Packet and requested information as described below.

#### **Pre-proposal Information Packet**

The following items make up the Pre-proposal Information Packet. *Only these listed items* should be submitted.

- 1) The **Pre-proposal Information Form** and requested information (found beginning on page 6)
- 2) An aerial map depicting the boundaries of the proposed project
- 3) A USGS 7.5' **topographic map** showing the boundaries of the proposed project and any perennial streams or rivers as depicted by a solid blue line
- 4) Pictures of the property, including photographs of the primary conservation values and resources to be protected

#### Pre-proposal Submission and Deadline

A valid pre-proposal submission includes a searchable <u>electronic version of the entire Pre-proposal Information Packet</u> (in searchable PDF format). This must be delivered to the Department of Conservation and Recreation <u>no later than 4 p.m. on Monday, November 29, 2021</u>. Please email the PDF to <u>larry.mikkelson@dcr.virginia.gov</u> before the deadline.

NOTICE: If Larry Mikkelson does not respond confirming receipt of your Pre-proposal and confirm that your materials have been processed, then you should follow-up with him by email.

**General Inquiry:** contact DCR, Office of Land Conservation, (804) 371-5218 or (804) 337-0046.

#### **Program Information**

- Pre-proposals may be submitted by state agencies, localities, other public bodies, and registered (tax-exempt) nonprofit organizations that qualify as a holder under Va. Code § 10.1-1009. Projects may be either acquisitions of property in fee simple or conservation or open-space easements.
- Pre-proposals must be for land conservation projects whereby the landowner has already been engaged and for which specific properties (tax parcels) are being sought for acquisition or conservation or open-space easements.
- Proposals must be for a minimum of \$20,000 in total expense or a possible grant request of no less than \$10,000.

- When preparing a pre-proposal the following should be considered:
  - ♦ VLCF can fund the purchase of property in fee, or the purchase of a conservation easement to protect the property's conservation values.
  - ♦ VLCF can pay up to 50% of costs associated with the project (100% for state agencies).
  - The pre-proposal must be for **specific property** and clearly identified in the proposal.
  - ♦ VLCF requires protection of water quality and other conservation values, including: at least 35' wide permanent vegetated buffers, which may be mowed up to three times per year and exclude livestock, along all perennial streams, rivers, shorelines, or bodies of water with perennial outflow. Agricultural conservation plans and forest management plans and implementation of these plans are also required, as are limitations on placement of utilities.
  - Properties in a proposal submitted by a non-profit entity must be protected by an easement held or co-held by a public body.
  - If match property is being considered rather than a cash match, the property must be geographically or ecologically connected to the subject property.

#### **Pre-proposal Scoring Categories**

Pre-proposals may be submitted under one of the five following scoring categories.

- 1. Farmlands Preservation
- 2. Forest Preservation
- 3. Historic Area Preservation
- 4. Natural Area Preservation
- 5. Open Spaces and Parks

As set out in Va. Code § 10.1-1020 (C)(2), farmlands and forest preservation share a funding category if less than \$10 million is appropriated for a regular VLCF grant round. While this is usually a single funding category, separate criteria have been developed for agricultural lands and for forestal lands. The applicant should use the set of criteria that is most appropriate for the project being submitted.

#### **Pre-proposal Review and Scoring**

Pre-proposals will be reviewed and evaluated under the chosen category indicated on the application. The scores in this process are predominantly based on mapped data and information available on the Department of Conservation and Recreation's Natural Heritage Data Explorer: <a href="https://vanhde.org/">https://vanhde.org/</a>. This site includes the publicly accessible ConserveVirginia Map and other useful conservation planning maps. Other project information will also be considered as specified under each category.

Please be sure to answer all of the questions in the Pre-proposal Information Form for your chosen category and the additional Water Quality Points on page 7.

Scoring for each category is based on the criteria below. The maximum score for a project is 90 points (60 points for the chosen category plus 30 points for water quality criteria). Project boundaries submitted by applicants will be reviewed using maps of conservation priority resources to score the applications.

#### Farmlands Preservation (60 points max)

- ConserveVirginia: Agriculture and Forestry Category [20 points]
- Soil Productivity: Percent of soils classified as Prime, Unique and Important multiplied by 25 [up to 25 points]
- Adjacent to Conserved Lands [5 points]
- Best Management Practices: Are BMPs being implemented on the subject property [10 points]

#### Forest Preservation (60 points max)

- ConserveVirginia: Agriculture and Forestry Category [20 points]
- Acreage of property: (Acres/1000) x 8 [up to 10 points]
- Acres of forestland on the property: (Acres of forestland/1000) x 15 [up to 15 points]
- Linear feet of streams (intermittent and perennial) and rivers on the property: (Linear feet/1,000) [up to 10 points]
- Adjacent to Conserved Land [5 points]

#### **Historic Area Preservation (60 points max)**

- ConserveVirginia: Cultural and Historic Preservation Category [20 points]
- Historic Significance: Listed or determined by DHR to be eligible for listing on the Virginia Landmarks Register; OR a battlefield property with a priority rating in one of the following National Park Service's American Battlefield Protection Program reports: "Report on the Nation's Civil War Battlefields" (1993, as amended), or "Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States," (2007, as amended) [25 points]
- Underrepresented Communities & Resources: Property contains documented resources representing Virginia's culturally diverse history, such as places or sites associated with people of color (circa 1619-Civil War), the Reconstruction Era (1861-1898), the Civil Rights Movement, LGBTQ, African-American, Asian-American, Latino, Hispanic, Native American and women's history; or the site has special community significance related to its history regardless of formal documentation [10 points]
- Adjacent to Conserved Lands [5 points]

#### Natural Area Preservation (60 points max)

- ConserveVirginia: Natural Habitat & Ecosystem Diversity Category [20 points]
- Biodiversity Significance: Within a Natural Heritage Conservation Site (20 points); Natural Heritage elements present (e.g. rare plant or animal species populations, exemplary natural communities, or unique geologic features) (10 points); Biodiversity rank of Conservation Site indicating global significance (5 points) [up to 35 points]

• Adjacent to Conserved Lands/Connectivity: Is the parcel adjacent to other conservation lands with Biodiversity Management Intent (BMI)? [5 points]

#### Open Spaces and Parks (60 points max)

- ConserveVirginia: Any category of ConserveVirginia and daily public access [20 points]
- Public Access to State Waters [10 points]
- A new public recreational opportunity [10 points]
- Scenic Resources Identified and Protected [5 points]
- Benefitting an underserved population [10 points]
- Adjacent to Parks and Conserved Lands [5 points]

#### Additional Water Quality Points for all Categories (30 points max)

- Is the project within the Floodplains and Floodplain Resilience Category or the Water Quality Improvement Category of ConserveVirginia? [10 points]
- Are there perennial streams, rivers, shoreline, or bodies of water on the property that will have permanent vegetated buffers excluding livestock that are 100 feet in width? [10 points]
- Will the permanent vegetated buffers be forested? [10 points]

\*

## Virginia Land Conservation Foundation Grant Program Office of the Secretary of Natural Resources

## **Pre-proposal Information Form 2021**

Entity submitting t	he proposal:
Contact Person:	Title:
Address:	
Phone:	Email:
Type of Entity: □	☐ Locality ☐ State Agency ☐ Nonprofit
Project Name:(Note: do not use l	andowner's name without their permission as project names will be published)
	ne property (No P.O. Boxes):
	r(s):
•	Colick to place an $X$ in the box) usisition $\square$ Conservation easement $\square$ Other (describe briefly here):
Total acres to be pr	rotected: Project location (county/city):
Virginia House Di	strict #: Virginia Senate District #: Congressional District #:
Scoring Category:  ☐ Farmlands ☐ Parks	(choose only one)  ☐ Forestlands ☐ Historic Areas ☐ Natural Areas ☐ Open Spaces &
Total Project Cost	(\$\$): Total VLCF Grant Request (\$\$):
Brief Project Descri	ription (no more than 200 words)
<ul><li>What percentage</li><li>Are BMPs being</li></ul>	reservation In the Agriculture and Forestry Category of ConserveVirginia?

Fo	r Forest Preservation
•	Is the project in the Agriculture and Forestry Category of ConserveVirginia?
•	What is the acreage of the property?
•	How many acres of forestland are on the property?
•	How many feet of streams (intermittent and perennial) and rivers are on the property?
•	Is the property adjacent to other conserved lands?
Fo	r Historic Area Preservation
•	Is the project in the Cultural and Historic Preservation Category of ConserveVirginia? Is the property listed on the Virginia Landmarks Register? If not, has DHR's Virginia State Review Board formally determined the property to be eligible to be listed on the VLR?
•	Is the property a battlefield property identified with a priority rating by the National Park Service's American Battlefield Protection Program?
•	Does the property contain resources representing Virginia's culturally diverse history or have special community significance related to its history?  Is the property adjacent to other conserved lands?
Fo •	r Natural Area Preservation  Is the project in the Natural Habitat & Ecosystem Diversity Category of ConserveVirginia?
•	Is the project located within a conservation site?
•	Are there heritage elements present on the property?
•	Does the project have global significance?
•	What is the biodiversity rank of the conservation site?  Is the parcel adjacent to conserved lands with Biodiversity Management Intent (BMI)?
Fo	r Open Spaces and Parks
•	Is the project in any category of ConserveVirginia?
•	Does the project provide daily public access?
•	Does the project provide public access to state waters?
•	Does the project create a new outdoor recreational opportunity?
•	Does the project identify scenic resources and protect those scenic resources?
•	Does the project provide a recreational resource to an underserved population according to
	the VIMS Social Vulnerability Index or other similar model?
•	Is the property adjacent to another park or other conserved lands?
**	* Additional Water Quality Points for All Categories ***
•	Is the project in the Floodplains and Floodplain Resilience Category or the Water Quality
	Improvement Category of ConserveVirginia?
•	Are there perennial streams, rivers, shoreline, or bodies of water on the property that will have permanent vegetated buffers that exclude livestock and are 100 feet in width? Will the permanent vegetated buffers be forested?
•	"In the permanent regetated buriers be referred;