



VIRGINIA OUTDOORS FOUNDATION

FALL 2008

VOF Land Ownership Plays a Unique Role in Conserving the Commonwealth

Readers familiar with the Virginia Outdoors Foundation's exceptional history may recall that the donation of conservation easements was not always the only method employed to protect Virginia's open space lands. In fact, for the first decades of its existence, an equally important tool for the Foundation to conserve and protect land was the acquisition of title to the land.

Broad mandate, rapid response

The Commonwealth's mandate allows VOF to undertake many kinds of projects and to be more nimble than the average state agency. VOF's charter allows for acquisitions of land and other property through gifts, bequests, or purchase. The Foundation can then sell or convey these properties as appropriate. For example, VOF may place an easement on agricultural land and then convey it to a farmer or may transfer a tract of prime habitat or park land to the VA Department of Conservation and Recreation.

One dramatic example of this type of transfer took place in 1992 when a developer in Lancaster County urgently needed to sell 733 acres of coastal woods and fields due to a financial crisis. VOF was able to step in quickly and—with only two hours to negotiate an option and one week to close the deal—was able to acquire the entire property. The land was subsequently transferred to DCR for what is now Belle Isle State Park.



A viewpoint on House Mountain, Rockbridge County.

Making goals achievable

VOF's land acquisition projects have also helped turn dreams into reality. In 1988, the creation of the Southwest Virginia Museum State Park in Wise County was delayed by the lack of a ranger's house. VOF purchased a house across the road with funds supplied by DCR and subsequently gave the house to DCR, allowing the museum to become a state park.

Some landowners have fulfilled their dreams of

protecting their property by donating or bequeathing it to VOF. The Ely family in Wise County farmed their 70 acres for four generations, then donated the land to VOF with the understanding that it would be placed in easement and sold. With the proceeds from that sale, VOF was able to open a new office in far southwest Virginia.

In New Kent County, a donor gave VOF a gift of 258 forested acres to be preserved for wildlife in honor of her parents. The VA Department of Forestry later expressed interest in the tract, and today this gift has become Crawfords State Forest.

Trend toward easements

When VOF purchased title to land, it was often reimbursed—either by the state agencies that eventually took title, by community coalitions who sought to protect local treasures such as Dragon Run in Middlesex County, or by a national campaign, as in the case of House Mountain in Rockbridge County, which VOF still owns today. In some instances, the



Mr. Lee views the valley below from the Bull Run Mountains State Natural Area Preserve.

Hello Friends and Colleagues:

Could the Virginia Outdoors Foundation become a victim of its own success? Now that I have your attention, let me explain this possible conundrum. Conservation easements represent a stewardship obligation in perpetuity. VOF has a mandate to ensure that the conservation values and purposes enshrined in the easement recitals and use restrictions are protected for posterity. VOF holds more conservation easements than any public land trust in the nation, and the number of VOF easements has increased exponentially since the Virginia Land Preservation State Income Tax Credit was implemented in the year 2000.

This increasing stewardship responsibility associated with new easements is compounded and exacerbated by the use of divisions permitted under the terms of the recorded easement instruments. For instance, a 500-acre easement that provides for five divisions represents not one easement, but rather five separate easements after the division rights are exercised.

Now with this background, let's look at how the Virginia Outdoors Foundation is funded. VOF can accept "... private gifts of money, securities, land or other property to preserve

A LETTER FROM THE EXECUTIVE DIRECTOR, G. ROBERT LEE

the natural, scenic, historic, scientific, and open-space and recreational areas of the Commonwealth" (Code of Virginia, Section 10.1-1800). Today, though, the vast majority of funding that supports VOF operation comes from the public treasury, particularly annual State General Fund allocations.

For a number of reasons, but primarily as a result of state and federal tax incentives, landowner interest in responsible land conservation is at an all-time high. Conservation easements are not the only way to protect and preserve the natural and cultural heritage landscapes for which Virginia has long been recognized and revered, but easements do represent a cost-effective way to protect these heritage resources. State funding for VOF to address the public demand for resource conservation has increased markedly in the last few years, but VOF still lacks adequate staffing to address the full public demand for land conservation.

State revenue resources have suffered lately and this should not come as a surprise. State funding for public agencies and instrumentalities of the Commonwealth, including VOF, is being cut. VOF is the only land trust in Virginia that is primarily funded by state government sources. This brings us to a juncture that suggests a paradigm shift.

The proverbial bottom line here is that VOF must balance public funding with private gifts of money and securities. If the citizens of Virginia want to see a responsible level of land conservation and stewardship for the benefit of future generations, they must have the personal foresight to sustain the momentum that has been achieved. Please make a contribution to VOF. Your personal contribution is tax-deductible at both the state and federal level and will pay perpetual dividends to future generations.

Sincerely,

Call Before You Sign! Tips for Landowners on Roads and Utilities

VOF easements generally allow small-scale roads and utilities to facilitate land uses such as farming, forestry, and other rural uses that complement open-space preservation, as permitted by the deed of easement. VOF asks landowners to remember to take the following steps before giving or selling any sort of interest in your property, such as an access or utility right-of-way.

Read the deed of easement: Every piece of property is unique, and so is every deed of easement. Restrictions regarding the construction of roads and utilities may vary from one easement to another. Also, take note of any building envelopes, no-build areas, or riparian buffer areas that may limit where roads or utilities may be constructed.

Get VOF involved: Some conservation easements simply need to be referenced in the right-of-way agreement. For other properties, VOF is required to be a party to the right-of-way agreement

When in doubt, contact VOF: Please do not sign a right-of-way agreement that permits a road or utility to cross your conservation easement and serve another property without talking to VOF first. Your local VOF Stewardship Specialist can help you ensure that your plans meet the terms of your conservation easement.

VOF Welcomes Newest Trustee



Harry Atherton

VOF bids a fond farewell to long time Board Member J. W. “Billy” Abel-Smith after four terms on the Board. Mr. Abel-Smith served on the Board of VOF during a time of unprecedented growth of the organization and was a reliable and strong advocate for land conservation, especially in the Northern Piedmont region. In addition to his work with VOF, he is a former Board Member and Treasurer of the Piedmont Environmental Council and a Board Member of Morven Park Foundation. Mr. Abel-Smith lives on property under conservation easement in Middleburg, where he raises thoroughbred race horses.

We are pleased to welcome Harry F. Atherton as the newest member of the Board. Mr. Atherton retired in 2007 from the Fauquier County Board of Supervisors after serving two terms. He also served 19 years on the Fauquier County planning commission and as Vice-Chair of the Rappahannock

River Basin Commission and Vice-Chair of the Potomac River Watershed Roundtable. A self-employed cattle farmer, Mr. Atherton received a J.D. from the Columbus School of Law, Catholic University, and a B.A. from Harvard University. He served in the U.S. Army’s 199th Light Infantry Brigade and received a Combat Infantry Badge and Purple Heart for his service in Vietnam. Mr. Atherton and his wife, Anne Douglass, placed their 250-acre farm under VOF easement in 2004.

VOF Land Ownership *continued from cover*



Kayakers paddle along Dragon Run. Photo courtesy of Middlesex County: www.co.middlesex.va.us.

sale of the property covered VOF’s costs. However, the rising price of land was certainly one factor in VOF’s gradual retreat from title acquisition during the 1990s.

Another factor was the nationwide trend toward protecting lands while keeping them in private ownership—the conservation easement movement. In Virginia, this trend was helped along by the creation of the Commonwealth’s Land Preservation Tax Credit. Landowner interest in conservation easements soared (as did the amount VOF Land Ownership of protected land

in the Commonwealth). This increased demand limited the small VOF staff to the work of accepting conservation easements, and land acquisition fell by the wayside.

Back to the future

Acquiring title isn’t always the best strategy for protecting land. However, it is a worthy option to consider in some land preservation cases not as well suited for an open space easement. In much the same way that VOF tailors conservation easements to the features of individual properties, on a larger scale, the conservation technique may need to be tailored to each unique tract.

In September, the VOF Board and entire staff gathered to review its 40-plus years of land conservation and to revisit its accomplishments through acquiring ownership of land through gifts and purchase. Naturally, the VOF staff will continue to assist landowners with the donation of conservation easements, but by renewing its familiarity with land acquisition, VOF hopes to be able to meet even more land conservation opportunities that lie ahead.

City of Roanoke Donates Largest Conservation Easement in Commonwealth's History

Portion of Carvins Cove Permanently Protected for Public Recreation, Water Quality



Protected land at Carvins Cove. Photo courtesy of Western Virginia Land Trust.

The City of Roanoke has taken an historic step toward the permanent protection of its chief water supply by placing nearly 6,200 acres of Carvins Cove Natural Reserve under conservation easement with the Virginia Outdoors Foundation and the Western Virginia Land Trust.

The land in Carvins Cove surrounds an 800-acre reservoir serving the City of Roanoke, Roanoke County, and the Town of Vinton.

The City Council's unanimous vote at their April 21, 2008 public hearing completed a process initiated by VOF Board member and former Roanoke City Councilman Rupert Cutler more than a decade ago. That vote made Carvins Cove the largest single easement donation in the history of the Commonwealth.

By placing more than half of the watershed under easement, the City of Roanoke is not only safeguarding the water supply for citizens of the Roanoke Valley but is also ensuring that recreational opportunities continue in the second-largest municipal park in the nation. While protecting Division of Natural Heritage "Conservation Sites," the City welcomes mountain biking, hiking, and horseback riding in the Cove.

The conservation easement in Carvins Cove protects the highest and most visible ridges on the

property from timbering and development. This is especially important, says VOF Easement Specialist Josh Gibson, because "about 15 miles of the Appalachian National Scenic Trail travels through or adjacent to the Cove. In fact, the land in Carvins Cove is a dominating feature of the landscape as seen from McAfee's Knob in Roanoke County, one of the most frequently visited and photographed points along the Trail."

The perseverance of the Western Virginia Land Trust over the past several years has been instrumental in advocating for the conservation easement in Carvins Cove. Furthermore, the cooperation among the WVLT, City, VOF staff, a citizen advisory group, and the Western Virginia Water Authority makes the preservation of such a large and important tract particularly exceptional. As Dr. Cutler explains, "Conservation takes constant determination, one generation after the other."

The City is currently examining the possibility of placing more than 5,000 additional acres in Carvins Cove under a conservation easement. For more information about Carvins Cove, recreational opportunities, and trail maps, please visit the City of Roanoke Parks and Recreation Department at www.roanokeva.gov.

VOF Receives Challenge Grant

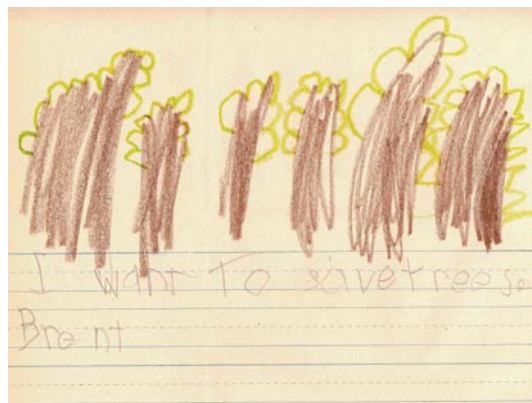
Double Your Impact by Making a Gift before December 15

There has never been a more important time for you to contribute to the Virginia Outdoors Foundation. We are pleased to announce that we have recently received a challenge grant that will match each dollar we raise up to \$50,000 before December 15, 2008. That means the value of your donation will go twice as far in helping VOF continue to preserve Virginia's open spaces.

This grant has come at a critical time in the history of VOF. For more than 40 years, we have been helping Virginia landowners place conservation easements on their property. In 2004, VOF had recorded 250,000 acres of lands in open space easements. By the end of 2008, just four years later, we will double that total and surpass 500,000 under easement. As our easement holdings have doubled, we have also expanded and improved our stewardship program to meet the obligation that perpetual land protection brings with it.

During this time of exponential growth in landowner interest in conservation easements, state economic conditions threaten our continued progress. For this fiscal year beginning in July 2008, VOF received a 9% cut in our state General Fund allocation. So far, we have found ways to economize without impacting our core easement or stewardship programs, but these budget woes may soon lead to additional mid-year cuts which would be difficult to accommodate without adversely affecting our levels of service. If we are able to raise \$100,000 with the help of this challenge grant, we hope to ward off any potential impacts to our rate of accepting new easements and our service to existing easements.

We need your help. Your gift of \$50, \$500, or even \$5,000 will grow to \$100, \$1,000, or \$10,000 right at a time when we need it most! Make your contribution today!



"I want to save trees," wrote six-year-old Brent who donated a portion of his allowance and this drawing to VOF during the 2007 holidays.

The Battle of Brandy Station: A Place for Partnership 145 Years Later

The Battle of Brandy Station, the largest cavalry battle of the Civil War and the largest clash of horsemen in the Western Hemisphere, took place on June 9, 1863. The newly organized Union cavalry corps surprised Major General J.E.B. Stuart's horsemen and fought them to a draw, marking the first time that the Federals had not been defeated. Today, the Civil War Preservation Trust owns much of what was once the battlefield, and VOF holds a conservation easement on the land.

In June 2008, a reenactment celebrated the 145th anniversary of this campaign. What made the reenactment possible was a collaboration among VOF, CWPT, the VA Dept. of Historic Resources,

Historian Bud Hall, and several reenactment groups. These partners surveyed the land and identified areas suitable for the battle re-creation, as well as camps and staging points. This careful review of the landscape enabled the battlefield's conservation values and historic features to be protected.

More than 300 people from around the country participated in the event as re-enactors and spectators. The Brandy Station Battlefield is open to the public, complete with interpretive trails and signs, and the

Brandy Station Foundation provides tours and lectures. For more information, visit their website at www.brandystationfoundation.com.



From the June 2008 reenactment at Brandy Station. Photo courtesy of Steve Wynn garden, Civil War Preservation Trust.

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For more information about VOF and land conservation in Virginia, visit our website at:
www.vofonline.org | www.virginiaoutdoorsfoundation.org



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It is our mission “to promote the preservation of open space lands and to encourage private gifts of money, securities, land or other property to preserve the natural, scenic, historic, open-space and recreational areas of the Commonwealth.”



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