



www.virginiaoutdoorsfoundation.org | Spring 2010



Protected forever: These dozen photos are from among the nearly 200 easements recorded by VOF in 2009. Left to right, from top: Albemarle County, Augusta County, Botetourt County, Caroline County, Culpeper County, Goochland County, Highland County, Pulaski County, Rappahannock County, Richmond County, Roanoke County, and Wythe County.

55,275 New Acres Protected by VOF in 2009

Despite a slumping economy, 2009 was another strong year for preserving open space in Virginia. The Virginia Outdoors Foundation permanently protected 55,275 acres across 61 localities through easements, making it the fourth straight year that VOF protected more than 50,000 acres.

“VOF now protects more than 580,000 acres across the state—an area three times the size of Shenandoah National Park,” said VOF Board Chairman Hank Hartz. “About half of those acres were recorded within the past five years, many on working farms and forests.”

For the second consecutive year, Amelia County landowners placed the most land under VOF’s protection with 5,280 acres. Pittsylvania County ranked second, driven by a 5,000-acre easement on Smith Mountain that crosses into Bedford County. Botetourt County came in at a close third, thanks in large part to 3,653 acres from an easement

on Carvins Cove Nature Reserve that is part of a combined 11,000-acre project—the largest in VOF’s history. For a breakdown of acreage by locality, see the table on page 2.

Virginia’s land conservation successes were commended in January, when outgoing Governor Tim Kaine announced that he had reached his goal of conserving 400,000 additional acres, finishing his term with an official count of 428,587 acres. Of those, nearly 290,000 acres—about two-thirds—were easements held by VOF.

“When the goal was first announced in 2006, we weren’t sure it would be possible,” said Mr. Hartz. “But thanks to the generosity of Virginia landowners and the support of legislators from both parties, we’ve preserved more private land in the last four years than in the previous four decades. We are proud of the role that VOF played in this achievement, and we look forward to helping Governor McDonnell accomplish his own 400,000-acre goal over the next four years.”

EASEMENT ACREAGE BY COUNTY

| Locality | 2009 Acreage | Total Acreage | Locality | 2009 Acreage | Total Acreage |
|---|--------------|---------------|-----------------------|------------------|-------------------|
| Accomack | 0.00 | 1,222.00 | Lee | 0.00 | 331.74 |
| Albemarle | 1,560.52 | 59,867.81 | Loudoun | 1,406.94 | 24,256.94 |
| Alleghany | 918.60 | 6,325.58 | Louisa | 173.90 | 5,527.58 |
| Amelia | 5,280.76 | 13,265.95 | Lunenburg | 820.40 | 1,304.43 |
| Amherst | 237.31 | 4,735.60 | Lynchburg (City) | 0.00 | 39.00 |
| Appomattox | 109.28 | 890.31 | Madison | 1,194.56 | 10,656.98 |
| Arlington | 0.00 | 0.64 | Mathews | 0.00 | 60.25 |
| Augusta | 938.38 | 15,243.52 | Middlesex | 0.00 | 1,622.97 |
| Bath | 582.54 | 19,347.13 | Montgomery | 492.53 | 9,072.00 |
| Bedford | 1,614.45 | 7,103.99 | Nelson | 105.87 | 8,515.83 |
| Bedford (City) | 0.00 | 44.92 | New Kent | 0.00 | 257.50 |
| Bland | 0.00 | 1,482.75 | Northampton | 268.00 | 1,889.03 |
| Botetourt | 4,152.53 | 14,745.63 | Northumberland | 0.00 | 1,235.10 |
| Buckingham | 1,385.87 | 2,320.03 | Nottoway | 0.00 | 275.05 |
| Campbell | 2,091.02 | 5,682.27 | Orange | 2,029.82 | 27,833.99 |
| Caroline | 360.49 | 3,622.27 | Page | 502.16 | 1,732.52 |
| Carroll | 233.65 | 3,193.09 | Patrick | 147.59 | 1,336.18 |
| Charles City County | 184.31 | 1,410.20 | Pittsylvania | 4,224.65 | 5,180.63 |
| Charlotte | 709.50 | 2,769.51 | Powhatan | 0.00 | 1,691.68 |
| Chesapeake (City) | 0.00 | 542.71 | Prince Edward | 1,084.04 | 2,383.95 |
| Chesterfield | 56.36 | 558.39 | Prince George | 253.00 | 1,495.09 |
| Clarke | -20.00 | 15,195.40 | Prince William | 0.00 | 819.98 |
| Craig | 335.00 | 4,006.43 | Pulaski | 466.36 | 2,758.69 |
| Culpeper | 1,280.22 | 9,712.77 | Radford (City) | 0.00 | 149.00 |
| Cumberland | 0.00 | 457.91 | Rappahannock | 561.06 | 27,207.69 |
| Danville (City) | 0.00 | 73.15 | Richmond | 452.80 | 4,519.44 |
| Dinwiddie | 0.00 | 217.00 | Roanoke | 1,715.01 | 5,604.46 |
| Essex | 2,675.64 | 11,480.66 | Roanoke (City) | 0.00 | 116.04 |
| Fairfax | 0.00 | 127.73 | Rockbridge | 3,067.83 | 31,968.33 |
| Fauquier | 2,049.36 | 68,331.33 | Rockingham | 0.00 | 2,654.31 |
| Floyd | 944.55 | 5,538.37 | Russell | 196.72 | 1,120.91 |
| Fluvanna | 777.12 | 9,833.28 | Scott | 0.00 | 979.38 |
| Franklin | 305.63 | 4,024.17 | Shenandoah | 347.84 | 3,636.25 |
| Frederick | 352.71 | 4,564.76 | Smyth | 823.40 | 4,512.68 |
| Fredericksburg (City) | 0.00 | 128.96 | Southampton | 0.00 | 1,134.36 |
| Galax (City) | 0.00 | 50.00 | Spotsylvania | 0.00 | 3,777.12 |
| Giles | 650.00 | 3,816.04 | Stafford | 201.44 | 2,398.24 |
| Gloucester | 0.00 | 444.69 | Staunton (City) | 0.00 | 2.70 |
| Goochland | 465.57 | 2,401.40 | Suffolk (City) | 0.00 | 357.77 |
| Grayson | 621.76 | 6,986.26 | Surry | 0.00 | 1,579.15 |
| Greene | 528.21 | 6,729.96 | Sussex | 0.00 | 1,051.95 |
| Greensville | 0.00 | 746.20 | Tazewell | 0.00 | 6,104.73 |
| Halifax | 0.00 | 2,969.07 | Virginia Beach (City) | 0.00 | 341.69 |
| Hanover | 0.00 | 2,994.01 | Warren | 98.49 | 6,247.79 |
| Henrico | 0.00 | 108.10 | Washington | 402.35 | 1,258.12 |
| Henry | 401.74 | 1,362.66 | Westmoreland | 160.13 | 6,644.29 |
| Highland | 1,192.87 | 9,390.45 | Winchester (City) | 0.00 | 115.27 |
| James City | 0.00 | 400.93 | Wise | 0.00 | 96.47 |
| King and Queen | 365.21 | 3,937.92 | Wythe | 490.15 | 6,100.82 |
| King George | 20.82 | 3,754.81 | York | 0.00 | 18.50 |
| King William | 226.40 | 5,339.49 | | | |
| Lancaster | 0.00 | 1,777.00 | | | |
| Figures are as of December 31, 2009. Data compiled April 9, 2010. | | | TOTALS | 55,275.42 | 581,249.78 |



Letter From the Executive Director

By Bob Lee

VOF is pleased that Governor McDonnell proposes to carry on the momentum of voluntary land conservation in Virginia during his term. Yogi Berra might applaud this context as “déjà vu all over again.”

A number of challenges and opportunities will influence the success of this new initiative. First, let us examine a few of the challenges.

As I write this, legislation to extend the federal tax deductions for voluntary conservation easement donations has not yet passed and it appears that these inducements may only be given a one-year extension. On the state tax credit front, the Virginia Department of Taxation reports that approximately one-half of the transferable tax credits available for 2010 have already been claimed.

The nation's financial crisis has also created some new challenges. In the past, bank subordinations for open-space easements did not present a problem. Today, however, some banking institutions reject any legal

obligations that might adversely impact the equity position they hold in real property. In addition, landowners and appraisers note that declining market values for properties are resulting in lower easement values and fewer tax credit yields for donors.

Finally, local government land conservation programs have suffered significant reductions in funding as budgets have tightened. And the \$30 million bond issue available to the previous governor has been spent, and bond funding for land conservation appears improbable in the near future.

Collectively, these challenges are sobering.

There are, however, new and expanding opportunities that may help maintain the Virginia land conservation momentum.

All of the state agencies engaged in land conservation have expanded their capacities in recent years and achieved synergistic relationships with VOF. The Virginia Department of Forestry has developed a very credible easement program that can address the needs of owners of the forest lands that constitute 62 percent of the state's land area. The Virginia Department of Game and Inland Fisheries has proven itself to be an excellent partner when properties allow access for public recreation, such as the recent 5,000-acre open-space easement donated by Appalachian Power at Smith Mountain Lake, which is co-held by VOF and VDGIF and was recently given a Governor's Environmental Excellence Award. And the Department of Historic Resources continues to be our best partner in preserving Virginia's historic battlefields, plantations, and other cultural landmarks.

On the private non-profit land trust front, the Virginia United Land Trusts (VaULT) has expanded its membership and several Virginia land trusts have received accreditation by the Land Trust Alliance Accreditation Commission. Recently, the Virginia Chapter of The Nature Conservancy acquired 13,000 acres in the Dragon Run Swamp watershed and recorded the largest conservation easement in Virginia before selling the property to a sustainable forest products company—a remarkable accomplishment.

On a local level, there are now more than 20 localities that have Purchase of Development Rights programs. Virginia's Soil and Water Conservation Districts have also expanded their land conservation capabilities and their easements can be defended by the Office of the Attorney General.

There are indications that more federal land conservation dollars will flow to Virginia in the near future for military compatible-use buffer programs, the Land and Water Conservation Fund, the Forest Legacy Program, and the Farm and Ranchlands Protection Program. Enhanced federal interest in the environmental health of the Chesapeake Bay will likely provide federal dollars to conserve the conservation values and purposes of the Bay watershed lands, which include approximately 60 percent of Virginia's land area.

All of this suggests that while the land conservation challenges are considerable, they are balanced by expanding opportunities, particularly if the level of communication, coordination, and collaboration between all land conservation advocates continues as a shared public trust for future generations.

VOF looks forward to working with Governor McDonnell and a growing number of public and private partners to protect our natural and cultural heritage lands.

Support VOF With a Tax-Deductible Donation

The Virginia Outdoors Foundation has always relied on private contributions to help achieve its mission. Please consider making a gift to VOF one of three ways:

- Make a secure gift online at www.virginiaoutdoorsfoundation.org/donate.
- Call our Warrenton office at (540) 347-7727 to make a credit card donation.
- Send a check made payable to the Virginia Outdoors Foundation using the envelope provided in this newsletter.

All donations are tax-deductible. Thanks for your support!

A handwritten signature in dark ink that reads "Bob Lee".

Options for Enhancing Your Easement Land

By Pat Paul, Public Affairs Specialist, USDA Natural Resources Conservation Service

When it comes to easements, most people know what they can't do with their property. The question is whether there are things you can do to enhance or improve the conservation value of your easement land. Does it have to sit idle or can it be modified to increase its productivity? Are there programs that can help fund these improvements?

The Natural Resources Conservation Service works with private landowners to apply conservation practices to protect natural resources. The agency provides technical and financial assistance to help landowners install these practices. NRCS programs offer a variety of practices to protect, improve, or restore natural resources. Here is a brief overview of just a few conservation practices that may interest you.

Since each easement is unique, you need to check the specifics of your agreement before moving forward with planned projects. Do that by calling the VOF stewardship staff for your area. If you're not sure who covers your area, call VOF's outreach office at (804) 786-9603.



Tree Planting

Trees and shrubs can help control erosion, improve wildlife habitat, filter pollutants from air and water, and increase the aesthetic value of the property. The type of plantings should be geared to meet your specific need. Native species are preferred since they are best suited to the natural conditions of the area. There are several programs that can help you offset the costs for these plantings.

Under the Conservation Reserve Enhancement Program (CREP), a landowner can establish a riparian buffer to improve water quality and wildlife habitat. The buffer must be a minimum width of 35 feet and planted with hardwood trees, shrubs, or a combination of both. Under CREP, landowners can receive 50 percent of the cost to establish native hardwoods—primarily oak and other mast-producing species. These buffers create shade to lower or maintain water temperature and improve habitat for fish and other aquatic organisms. They also provide woody materials to support a wide range of aquatic species.

The Environmental Quality Incentives Program (EQIP) is another source of technical and financial assistance for planting trees. Some of the practices available under this program include establishing trees and riparian buffers, re-seeding recently harvested timber stands with pine, or planting environmentally sensitive areas with other species.



Nature-Friendly Structures

Are you interested in building a composter, a hoop house for vegetable production, or a barn for hay on your easement land? NRCS can help you check the soils to identify a suitable location. They can also recommend practices to control runoff and erosion.

For the first time, financial assistance is available to landowners who are interested in installing seasonal high tunnels (also known as hoop houses) to extend the growing season. A seasonal high tunnel is a plastic-covered structure that modifies the climate inside to create more favorable growing conditions for vegetables and specialty crops grown in the natural soil beneath it.

High tunnels must be at least six feet in height and can cover as much as 5 percent of one acre (approximately 30' x 72'). These are not intended to be permanent structures, which makes them compatible with most easements. To apply for the program, you must be an agricultural producer with a minimum of \$1,000 in annual income from agricultural products. Landowners can receive an incentive payment based on the square footage of the structure up to \$4,570 and \$5,490 for Historically Underserved (HU) clients.

Virginia is participating in a pilot project to evaluate the conservation benefits of these structures. Growers will be required to maintain nutrient and pesticide application records during the project.



Planting for Pollinators ►

Pollinators are needed for the reproduction of 90 percent of flowering plants and one third of human food crops. Bees, butterflies, moths, beetles, hummingbirds, and other pollinators are part of the intricate web that supports the biological diversity that sustains our quality of life.

You can beautify your land and improve habitat for pollinators by planting hedgerows or buffers with a variety of flowering plants and shrubs and by reducing or eliminating pesticides. One of the best options for creating pollinator habitat is to establish a wildflower meadow. Historically, there were wildflower meadows throughout Virginia that were maintained through grazing or fire. Today, they have been supplanted by fescue and other aggressive plants. Converting fescue to wildflower meadows will help bring back these species. A wildflower meadow needs to be managed or it will revert to shrubs and trees. Funds for establishing this practice are available under the Wildlife Habitat Incentives Program (WHIP) program.

◀ Improving Wildlife Habitat

If you are a bird watcher, hunter, or just enjoy seeing wildlife, there are opportunities to increase food and cover on land set aside in an easement. You can promote early successional habitat through establishment and management techniques. Planting trees, warm-season grasses, and shrubs along field borders, hedgerows, and buffers provides a diversity of food and cover that is critical for wildlife. NRCS offers financial and technical assistance to promote wildlife habitat, especially for quail and other declining species, through the Wildlife Habitat Incentives Program (WHIP). Landowners can receive a one-time payment equal to 75 percent of the average cost for installing wildlife habitat improvement practices.



◀ Restoring Wetlands

You may have a former wetland on your property and not even know it. NRCS can help you identify wetlands that were drained and return them to a natural condition through the Wetland Reserve Program (WRP). More rare and threatened species in Virginia rely on wetlands than any other habitat.

Wetlands do more than provide breeding, nesting, and feeding areas for amphibians and waterfowl. They are essential resting and feeding places for migrating shorebirds and songbirds. They also help to reduce erosion and flooding and filter pollutants and sediments out of the streams and waterways.

NRCS provides financial and technical assistance to help improve or restore wetlands on agricultural lands that were converted prior to 1985. Landowners can receive up to 100 percent of the cost to restore a wetland. Trees and shrubs and possibly some warm-season grasses can be planted as part of the restoration. If the site allows, the landowner can create a shallow water impoundment that can be flooded during winter to provide open water for waterfowl. Sites can also be planted to trees and shrubs to provide food and cover for wildlife.



For More Information

NRCS has a variety of conservation programs that offer opportunities for landowners who have conservation easements on their property. If this article hasn't answered your specific question, you can contact your local NRCS field office to speak with one of their conservation professionals. USDA service center locations are listed online at <http://offices.usda.gov> or in the phone book under Federal Government, U.S. Department of Agriculture. General program information is available online at www.va.nrcs.usda.gov.

Saving Century Farms

Granite Hills Farm in Fluvanna County has been in Kent and Harriet Loving's family for more than 150 years. The original farmhouse—though expanded and renovated over the years—is still standing. So are the original ice house, slave quarters, tobacco barn, smoke house, and other outbuildings. Although the old tobacco fields have long since been converted to pastures for Hereford cattle, the view across the landscape looks much as it has for generations.

The Lovings are determined to preserve both the history and the landscape of their farm for future generations, which is why they donated an easement to the Virginia Outdoors Foundation in 2006.

Their farm is one of about 60 designated Virginia Century Farms that have been protected by a VOF easement. Altogether, VOF-protected Century Farms represent nearly 15,000 acres of land that is rich with both economic and historic value to the Commonwealth.

Recalling the decision to do the easement, Mrs. Loving says, "We've been married for fifty-some years, and I've always felt we should do something to protect the property. I was real happy to see the easement done because we knew then that this would

preserve it."

To be designated a Century Farm, a farm must meet some criteria: It must have been owned by the same family for at least 100 consecutive years; it must be lived on or actually farmed by a descendent of the original owner; and it must gross more than \$2,500 annually from the sale of farm products or be used

for a qualifying silvicultural purpose, such as growing, tending, or protecting trees for the purpose of eventually producing income. To date, more than a thousand farms have earned the Century Farm designation. The program is run by the Virginia Department of Consumer and Agricultural Services (VDACS).

If you'd like to nominate a property for Century Farm designation, download and complete the application at www.vdacs.virginia.gov/century have it notarized, and mail it to: Virginia Century Farm Program, Office of Communication, Virginia

Department of Agriculture and Consumer Services, P.O. Box 1163 Richmond, VA 23218.

If you can't access the application form online, you can request one by calling VDACS at (804) 786-7686.



Loving the land: Kent and Harriet Loving's farm in Fluvanna County is one of about 60 designated Virginia Century Farms to have been protected by an easement with the Virginia Outdoors Foundation.



Photo courtesy of Virginia DEQ

Appalachian Power President and CEO Dana Waldo (right) received a silver 2010 Governor's Environmental Excellence Award from Virginia Department of Environmental Quality Director David Paylor in April for the conservation easement that Appalachian Power donated to VOF and the Department of Game and Inland Fisheries on nearly 5,000 acres on Smith Mountain in Bedford and Pittsylvania counties last year. The easement protects not only the water quality of Smith Mountain Lake, but also outdoor recreation opportunities for the public.

Have You Been Contacted by a Utility About Your Easement?

If you have been notified about planned utility or public infrastructure activities that may affect your VOF easement, please contact your local VOF stewardship staff to ensure that your easement terms are not violated. VOF's deed of open-space easement should be referenced in any deed that conveys some right or interest in the property, including utility rights-of-way. You can find contact information for our regional offices on the back of this newsletter or on our Web site.

Help us keep our records up to date. Please notify us of any recent changes to your mailing address, e-mail address, or phone number by sending an e-mail to bcabibbo@vofonline.org or by calling (540) 347-7727 x226. If you have questions regarding your easement, please contact your local stewardship staff. Office contacts are on the back of this newsletter.

Easement Spotlight: Protecting a Family Legacy

By Estie Thomas, Easement Manager, VOF Tappahannock Office

In 1839, through the marriage of the Baird and Rouzie families, a legacy of farming in upper Essex County was born. Today, young farmer Ben Baird continues that tradition by farming the family's various land holdings that total roughly 2,000 acres.

Standing on the farm parcel located on Occupacia Creek known as "The Flats," Ben explains, "The land has held the family together through six generations and many hard times, including the years after the Civil War, the Great Depression, and the current economic climate. When I stand on this land that has supported us and I look out at the fields and think about my ancestors who have looked over the same fields, I know that I'm a small cog in a big wheel."

In late 2009, Ben placed three properties under easement with the Virginia Outdoors Foundation: "The Flats," consisting of 419 acres; "Taliaferros," consisting of 173 acres; and the "Grants" tract, consisting of 189 acres. The easements ensure that the family farm properties will be protected forever.

The Flats property contains wide open agricultural fields of prime farmland soils with shoreline and tidal wetlands on Occupacia Creek, a tributary of the Rappahannock River. This property is also located within the boundaries of the U.S. Fish and Wildlife Service's Rappahannock River Refuge and hosts a variety of waterfowl over the winter months. The other two properties under easement are located farther up on Occupacia Creek and contain forested areas as well as farmland.

Growing up and spending his teen years on the farm, Ben first learned to drive on an old Allis Chalmers tractor and felt like "every day was a bit like being Huck Finn—there was always something to do." Today, the farm is planted in a mix of small grains—a corn, soybean, wheat, and barley rotation. The properties were conventionally farmed for years and were one of the first in the area to innovate and use no-till planting. Ben is interested in trying out new methods for farming and will start using GPS technology for fertilizer application in order to improve water quality in the Rappahannock River.

A wealth of resources: The three properties that the Bairs have placed under easement contain a diverse mix of cropland, forest cover, wetlands, and streams. Occupacia Creek, a significant tributary to the Rappahannock River, is protected by riparian buffers.



Farming family: Ben Baird with his wife, Paula, and their sons, Zach and Samuel. Ben's family has been farming the same land in Essex County for six generations.

As a young farmer who uses the land to support his family, Ben feels that VOF easements offer the most common-sense language for a farmer. "VOF understands that agriculture changes over time and that you need to adapt to situations and be able to build new agricultural buildings and structures on the farm," he says.

He adds that the VOF easements give him the benefit of knowing that even if the farm at some time ceases to be part of his livelihood, it won't be discarded. "The farm has supported the family through the generations and will be protected from development forever," he notes.

In true family tradition, Ben's teenaged son Zach wants to farm and will begin in earnest this season. Ben plans to let his son be responsible for planting the double crop beans, and "put him on the tractor and let him go."





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