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## VOF Records Easements in Three New Localities

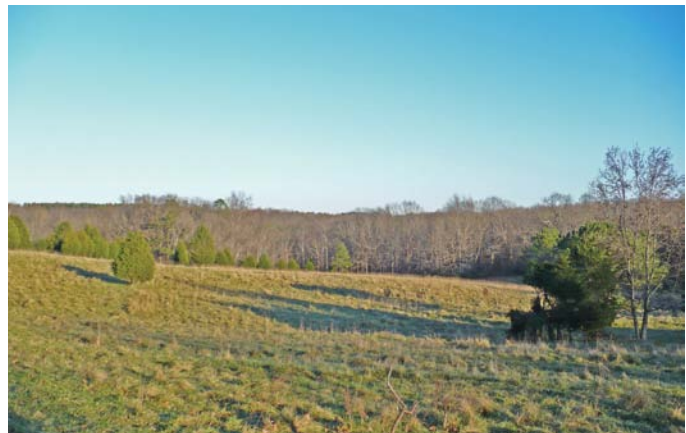
The Virginia Outdoors Foundation recently moved closer to protecting land in every Virginia county by recording its first easements in Isle of Wight and Brunswick counties. VOF now protects land in all but three counties—Mecklenburg, Buchanan, and Dickenson. VOF also recorded its first easement in the City of Hampton, and now has easements in 13 of Virginia's 39 cities.

The 38-acre easement in Isle of Wight protects a section of Great Swamp known as the Millpond tract, which is owned by the county. At one time the swamp had been dammed, forming Courthouse Millpond, named for its proximity to the county courthouse. The dam eventually blew out and drained the pond, leaving behind a mature cypress swamp. The swamp flows into Burnt Mills Reservoir, which supplies drinking water to the City of Norfolk and drains into the Nansemond River.

The Virginia Department of Game and Inland Fisheries surveyed the property and found diverse populations of amphibians, reptiles, fish, birds—many of them identified as “Species of Greatest Conservation Concern.” The easement includes development restrictions that help to keep the habitat for these species intact.

About 70 miles west of Isle of Wight lies the new 313-acre easement in Brunswick County. It came about through a partnership between VOF, the U.S. Army, and the Ward Burton Wildlife Foundation, and is one of two easements on land owned by David and Beverly Hite of Blackstone. The other easement covers 125 acres nearby in Lunenburg County. Both easements were done through the Army Compatible Use Buffer (ACUB)

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The Isle of Wight easement, top, helps to protect the drinking water supply for the City of Norfolk. The Brunswick easement, bottom, is part of a U.S. Army program to create an open-space buffer around Fort Pickett.

## Conservation Buyer Sought for Blue Ridge Parkway Property



One of the most spectacular 360-degree views on the Blue Ridge Parkway is for sale. Skylark Farm, owned by Washington & Lee University, is one of the few private parcels with deeded access from the parkway. The university is now listing the 364-acre property on the open market. The Virginia Outdoors Foundation recently participated in a meeting with National Park Service officials and others to discuss options for protecting the incredible scenic value of this property. One option would be to find a conservation buyer who could assist in permanently protecting the land with an open-space easement.

Protection of Skylark Farm is a top NPS priority, especially as the Blue Ridge Parkway is celebrating its 75th anniversary this year. If you are interested in assisting with this effort, please call VOF Executive Director Bob Lee at (540) 347-7727.

Since 2000, VOF has preserved open space in Virginia at a rate of 5 acres every hour.

program, which preserves high-value habitat and limits incompatible development around military installations. The properties contain about 230 acres of Prime Farmland Soils and 169 acres of Soils of Statewide Importance. The Brunswick property also fronts State Route 46 (a state-designated Virginia Byway) and Fort Pickett Reservoir, which is part of the Nottoway River.

In the City of Hampton, VOF recently recorded a 28-acre easement on Buckroe Beach (*pictured at right*), which is owned by the city. Buckroe Beach is one of the oldest recreational areas in Virginia, dating back to the 1600s. During the late 19th and early 20th century, it hosted an amusement park. Today, the city is revitalizing the site, which is a popular spot for swimming, fishing, and picnicking. The easement ensures public access in the future while protecting the property's most sensitive wetlands and shorelines from erosion.



## Turning a Family Farm into a Family Legacy

Thousands of landowners have donated easements to VOF as a way to protect their family land from development. For one family in Pulaski County, however, donating the land itself made more sense.

"As children we would spend part of our summer vacation on the farm with our grandparents, William Bartrom and Nellie Allison Galbraith," says Elizabeth Galbraith DeCarolis as she fondly recalls childhood experiences on her family's farm located near the New River. "There we learned to ride a horse,

feed the chickens and pigs, and follow Jack the collie to fetch the cows from their pasture in late afternoon. We'd help make soap, churn butter, pack the butter press, and get cool, fresh milk from the springhouse. And when we helped make the peach pies, we would eat peaches until the juice ran down our chins."

The Galbraith's farm was a small parcel of the 217 acres originally purchased by her great-great-grandparents, Thomas and Katherine Galbraith, in 1821. Until 1856, the property was home to a stage-coach stop named the Red Horse Tavern, which hosted President Andrew Jackson overnight in 1832 as he traveled from Washington to Nashville. Over time the property was divided into smaller parcels but remained in the family.

The family's rich history and childhood memories inspired a truly meaningful gift in 2002, when DeCarolis and her sisters



When Joyce Galbraith Colony and her sisters felt they could no longer manage their family's historic property in Pulaski County, they ensured its protection from development by gifting the land to VOF.

Carolyn Galbraith Nolan and Joyce Galbraith Colony donated the 20-acre parcel they inherited from their father to VOF.

"The farm has amazing views from every angle," says Joyce. "We knew people would want to develop it and we didn't want to have anything to do with changing the nature of that land."

"While we sisters are only three, our children number nine; the combined grandchildren number thirteen at present, living in four states," adds Elizabeth.



"All have moved away from the area, and we knew we could not maintain the land in a way that would honor our family. The Virginia Outdoors Foundation provided us with the ideal solution for land conservation by helping us to realize our personal goals, principally the preservation of the open farmland, and also its historic significance."

VOF accepted the gift with the understanding that it would be placed under easement and offered for sale to surrounding landowners, many of

whom are Galbraith family members. Access to the Galbraith family graveyard is assured for those who wish to visit and for family members wishing to be buried in the family cemetery.

"We are closely linked with some of Virginia's early settlers and we believe it does everybody good to try and preserve some of the world as they saw it," says Joyce.



## The Past as Prologue

In the first decade of the Virginia Outdoors Foundation's existence, only 53 open-space easements were recorded. Most of VOF's work focused on conservation land acquisition, particularly in the Bull Run Mountains of Northern Virginia.

Today, VOF has a portfolio of more than 3,000 easements. As far as we know, we hold more easements than any other public or private land trust in the nation. Open-space and conservation easements are now the key ingredient in Virginia's

land conservation program, and the easement program has been the primary focus at VOF for several decades. Since 2000, we have used easements to permanently protect open space at a rate of 5 acres every hour. We now manage easements on nearly 600,000 acres. Only the U.S. Forest Service manages more protected land in Virginia.

As part of the recent VOF strategic planning process, the Board of Trustees was briefed on the history of VOF operations. The list of state parks, state forests, and natural area preserves originally acquired by VOF provided a compelling testament to the value of fee acquisitions. The adopted 2010-2013 Strategic Plan, under the Land Conservation section, directs the Board and staff to "Pursue land donations and acquisition opportunities that serve Commonwealth and VOF goals, including new conservation lands and trade lands." Components of this strategic priority include:

- Adopt clear policies for when VOF will consider accepting gifts of land or funds for acquisition.
- Evaluate acquisition opportunities when they arise based on adopted policies and criteria.
- Pursue opportunities for receipt of trade lands, life estates, and other gifts that could provide support for VOF and its mission.

It is clear that conservation easements alone will not meet all of the open-space needs of Virginians. It is also clear that state funding for conservation land acquisition is likely to be extremely limited for the foreseeable future. Therefore, it seems appropriate for VOF to reenergize its efforts to collaborate with private sector philanthropists to fulfill our mission. Regrettably, some of VOF's early visionaries are no longer here to help; but others remain and new conservation stalwarts have been engaged. We are committed to renewing the private/public cooperation and collaboration for land conservation envisioned in the farsighted prescriptions of the Virginia Outdoors Recreation Study Commission. Indeed, the creation of the Virginia Outdoors Foundation was one of the prescient recommendations of the Commission.

The past good conservation land acquisitions by VOF, the Virginia Chapter of The Nature Conservancy, and other regional, state, and national non-profit conservation organizations represent focused and complementary models to inform our renewed emphasis on conservation lands ownership. If you would like to be part of this "back-to-the-future" program for permanent protection of Virginia's irreplaceable cultural and natural heritage landscapes, contact me or deputy director Leslie Grayson at (540) 347-7727 to explore the opportunities.

LAND DONATIONS *continued from page 2*

In addition to realizing their goal of preserving the family's land, the sisters supported VOF's conservation mission, were no longer responsible for paying property taxes on the land, and received a charitable deduction for their gift.

Land donations have always been one of VOF's tools for conserving land. In addition to achieving personal goals of protecting their land, donors are released from paying property taxes on the land, receive a charitable deduction on their federal income taxes, reduce their adjusted gross income for state tax purposes, and receive state tax credits for their gift.

"Virginia's Land Preservation Tax Credits work the same way for donating land as they do for donating an easement," says Larry Durbin, assistant tax commissioner for the Virginia Department of Taxation. "Whether someone donates land or a conservation easement, they would receive state tax credits valued at 40 percent of the fair market value of the donation."

Additionally, donors who have easements on their land now can donate the remainder interest in their property to VOF and receive additional state tax credits for the donation.

If you would like to discuss how making a gift of land might fit into your philanthropic goals, please contact VOF at (804) 225-2756 or e-mail [rrussell@vofonline.org](mailto:rrussell@vofonline.org).

***Note:** The Virginia Outdoors Foundation cannot provide tax or legal advice. Please consult with your own advisors about whether donating a gift of land is appropriate for you.*

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](mailto: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.

# Botetourt Landowner Protects Birding Hotspot

One of the most popular places for bird-watching in Botetourt County has been permanently protected from development, thanks to a conservation easement donated by the property's owner to the Virginia Outdoors Foundation.

The 106-acre tract, owned by Barry Kinzie, is located along Stoney Battery Road just outside Troutville. The land has been in his family since before the Civil War, supporting the family's farming and orchard business. Kinzie, who is 65 and retired, lives there with his wife, Teresa.

In the 1990s, Kinzie and his friends from the Roanoke Valley Bird Club began improving bird habitat and blazing trails throughout the property. They eventually added feeding stations, butterfly gardens, parking areas, and a hawk-watching platform. For his efforts, Kinzie has received conservation awards from the Virginia Society of Ornithology and the Daughters of the American Revolution. Today, Woodpecker Ridge is open to the public free of charge and featured on the Virginia Birding and Wildlife Trail, attracting about 1,000 visitors annually.

Explaining why he protected the land with an easement, Kinzie said, "I have respect for what my father and grandfather did to keep this farm. I want to keep it in undeveloped condition for many in the future to use, view, enjoy, and learn from."

Kinzie was encouraged to do the easement by Genevieve Goss,

a longtime volunteer at Woodpecker Ridge and the Botetourt conservation steward for Valley Conservation Council. After keeping Kinzie updated over the years on conservation easements and other voluntary tools for land conservation, Goss was delighted when he was able to move forward with the easement.

"Since Woodpecker Ridge is such a treasured spot both for the Kinzie family and the nature lovers of the area, it was my privilege to work with Barry to protect the land permanently," she said.

The easement protects the property's natural resources by restricting future development. The land can never be divided, there are limits on the number and size of new structures, and there is a special no-build area that protects scenic views of the property from the Appalachian Trail as well as a public drinking water supply at the base of the ridge. The easement allows for managed expansion of facilities related to public access, such as trail markers, benches, and a public restroom.

"This part of Botetourt is experiencing a great deal of large-lot development pressure, and Mr. Kinzie could have easily sold the property for housing," said Laura Thurman, an easement manager with VOF who handled the project. "Instead, he has shown tremendous generosity by not only opening his land to the public for bird-watching, but also by donating an easement that ensures the land will remain open for generations to come."



**For the birds (and bird-watchers):** Barry Kinzie's easement in Botetourt County is open to the public and featured on the Virginia Birding and Wildlife Trail. Woodpecker Ridge attracts about 1,000 visitors annually.



Meet Brian Laposay, VOF's new part-time ranger for the 2,500-acre Bull Run Mountains Natural Area in Northern Virginia, a popular destination for hikers. A graduate of Mary Washington College, he will take on several tasks including coordinating with local partners, enforcing preserve rules, maintaining trails, and mapping. Brian is quite a hiker himself: He spent the last three years on a tour that included 20 National Parks, two 1,000+ mile hikes of the Appalachian Trail, and a complete hike of the 2,700-mile Pacific Crest Trail (pictured here at the end).

## Has your VOF easement property recently changed hands?

If you have recently sold, purchased, inherited, or otherwise acquired a property protected by an open-space easement with the Virginia Outdoors Foundation, please contact your local VOF office and let us know so we can keep our records up to date. If you are not sure which VOF office services your easement, you can find out by calling our communications office at (804) 786-9603, our Executive Office at (540) 347-7727, or by going online to our Web site, [www.virginiaoutdoorsfoundation.org](http://www.virginiaoutdoorsfoundation.org).



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## A Cool Idea

The Outer Banks' famous Brew Thru stores were the inspiration for a popular new ice cream business in Fauquier County that's run by a longtime local farmer.

Ken Smith, a fourth-generation dairy farmer, first encountered Brew Thru during a visit to Nags Head, N.C., about 20 years ago. He quickly decided that a similar concept would work for a store selling milk, ice cream and other dairy products.

The brief history of his new Moo Thru store in Fauquier suggests Smith's instincts were correct.

Moo Thru, which is at the intersection of U.S. 29 and State Route 28, opened June 1. The store got about 20,000 visitors in its first month alone. Smith says customers are both area residents supporting a small business with local ingredients and drivers passing by the busy intersection. Weekends are especially busy.

All the products sold at Moo Thru—scooped and soft-serve ice cream, shakes, sundaes, smoothies, cakes and half-gallons of whole, skim and chocolate milk in glass bottles that require a \$2 refundable deposit—come from the dairy operation Smith and his wife, Pam, run. The slogan is “real ice cream from real dairy farmers.”

The Smiths raise grass-fed Holstein cattle on their 2,000-acre Cool Lawn Farm in Culpeper and Fauquier counties. All of the milk and cream used at Moo Thru comes from cows grazing on their land on Freemans Ford Road, which is less than two miles away from the store. A processor in Chambersburg, Pa., pasteurizes the milk and

makes ice cream with it.

Ken Smith has lived on and farmed the land near Moo Thru since 1971, when he dropped out of Harford Community College in Maryland and came here to farm with his father and brother, who had moved to Fauquier from Maryland a couple of years before.

Smith's primary business is selling his farm's milk to the Maryland & Virginia Milk Producers Cooperative Association, which markets it to grocers including Giant and Food Lion. He liked the idea of starting a store nearby and thought a drive-through would be popular.

The Smiths bought the half-acre at the intersection of routes 28 and 29 in 2006 with proceeds from the sale of development rights on 480 acres they own near the store. The development rights were sold to the Virginia Outdoors Foundation and Fauquier through the county's Purchase of Development Rights (PDR) Program. The county uses that voluntary program to preserve farmland.

Smith gained business experience from nine years on the Board of Directors of the Maryland & Virginia Milk Producers Cooperative Association. So far he said the biggest challenge at Moo Thru has been keeping enough ice cream around to satisfy customer demand.

“I've just been overwhelmed by the amount of interest,” Smith said.

—Article by Bill Freehling, The Free Lance-Star. Photo and text reprinted with permission of the publisher.



Photo by Peter Cihelka, The Free Lance-Star



VOF landowners can proudly display their commitment to conservation by posting VOF conservation easement signs on their property. The 18-inch signs are made of heavy-duty aluminum and come pre-drilled to accommodate wire or nails. We offer two free signs per easement. If you have not already received yours or would like to replace damaged or lost signs, please contact your local VOF office. Contact information is available on our Web site, [www.virginiaoutdoorsfoundation.org](http://www.virginiaoutdoorsfoundation.org), or by calling the communications office at (804) 786-9603.

### Stay in Touch With VOF

Make it easier for VOF to stay in touch with you by sending us your e-mail address, along with any updates to your mailing address or phone number. In the coming year, we will be developing more electronic communications to provide you with information on protecting and managing your land, whether it has an existing conservation easement or not. Please send an e-mail to [bcabibbo@vofonline.org](mailto:bcabibbo@vofonline.org) or call (540) 347-7727 to update your contact information or be added to our list.

# Frequently Asked Questions About VOF

Although the Virginia Outdoors Foundation has been around since 1966 and today is the largest land conservation entity in Virginia—and among the largest in the nation—we still are asked many questions from landowners, journalists, politicians, real estate professionals, attorneys, partners, and others about how we operate. Here are answers to some of the most common questions.

## Is VOF a state agency?

When people think of state agencies, they typically think of entities such as the Department of Conservation and Recreation, Department of Historic Resources, Department of Taxation, Department of Forestry, and others that are part of the Executive Branch of state government. These agencies report to cabinet appointees who in turn report to the governor.

VOF is different. We are an independent public body that was formed by the General Assembly in 1966. We are governed by a seven-member Board of Trustees who are appointed to four-year terms by governors. Because the terms are staggered, no single governor appoints them all. The trustees hire an executive director who manages the day-to-day operations. Although VOF works very closely with the state's natural resources agencies, we maintain a separate budget and policies, and our employees are not part of the state's employment and retirement system.

## Does VOF receive all of its funding from the state?

Of VOF's operating budget in FY 2010, less than two-thirds came from the state's General Appropriations. The rest came from a combination of private donations, grants, and recordation fees in localities where VOF holds easements. The state's proposed biennium budget for Fiscal Years 2011 and 2012 calls for further reductions in VOF's appropriation. As a result, we must continue

to seek new sources of funding.

## What is the difference between easements held by VOF and easements held by other public and private entities?

VOF and other public bodies are authorized to hold easements under the Open Space Land Act, Va. Code Ann. §§ 10.1-1700-1705. Several state agencies that report to the Secretary of Natural Resources and Secretary of Agriculture and Forestry hold easements under this legislation; however, they tend to focus on specific types of easements. For example, the Department of Game and Inland Fisheries focuses on easements that offer public access, and the Department of Forestry focuses on protecting working forest lands. In addition, any locality in the Commonwealth may hold easements under the Open Space Land Act.

Private land trusts can also hold easements in Virginia, but under a different statute: the Conservation Easement Lands Act, Va. Code Ann. §§ 10.1-1009-1016. The key difference between a publicly held easement and a privately held easement is that the former requires an extensive procedure for the conversion or diversion of open-space land, whereas the latter does not. For that reason, many consider publicly held easements to be a stronger form of protection than privately held easements.

## Does VOF have a minimum acreage for its easements?

Although size is one factor when determining the public value of an open-space easement, VOF takes into account all public benefits of protecting a property. For example, a small property with significant water resources or rare species may provide just as much public benefit to the Commonwealth as a large forested property along a scenic highway. The VOF Board considers the cumulative public benefit of each easement property.



## Virginia Preservation Toolkit

If recycling, reusing, and reducing waste is at the heart of sustainable practices, then historic preservation is one of the greenest activities that individuals and communities can undertake.

That is the take-away message of a new Web site, the Virginia Preservation Toolkit, that was launched in April. The site was developed through a partnership involving Virginia's Department of Historic Resources, Sweet Briar College's Tusculum Institute, and Dominion Virginia Power.

The toolkit was created to demonstrate the sustainability of reusing historic buildings and to provide information on tools available to owners of historic buildings in Virginia. It explains how owners can work with existing building materials and architectural features to increase energy efficiency without destroying the structure's historic character. It also recommends strategies that are often less costly than replacement. The Web site includes an interactive feature highlighting 12 specific "hot spots" in a historic home that typically pose potential energy or maintenance problems. Information about how best to remedy common problems associated with each hotspot is provided.

Access the toolkit at <http://www.tusculum.sbc.edu/toolkit>.

## Easement Spotlight: An Urban Oasis

Over the centuries, Wildwood Park in downtown Radford has been a Native American burial ground, a saltpeter mine, the site of a Civil War battle, and the city's first park. Today, it contains a city greenway for recreation and nature study, with biking and hiking trails, marshes, meadows, limestone cliffs, and numerous rare species.

Now, thanks to a conservation easement donated by the City of Radford to the Virginia Outdoors Foundation, Wildwood Park will remain a protected area for future generations of nature lovers.

The easement was finalized by VOF and the city in June. As the easement holder, VOF will ensure that the 54 acres under easement can never be divided, developed, or opened to commercial timbering. The easement places strict limits on the number of buildings and parking areas that can be added in the future, and prohibits any kind of development within 50 feet of Connelly's Run, which flows through the property and into the New River.

"I frequently visit Wildwood Park and always return with a tranquil feeling and a deeper appreciation of nature," said Tom Starnes, who proposed the idea for the easement in 2008 when he was the city's mayor. "The conservation easement will assure current and future residents of Radford that development will not occur in this protected area."

Wildwood Park is a unique natural resource for the city. The park contains several natural heritage resources including two rare plants, a rare butterfly, and a state-designated significant cave called Adams Cave. The Riverway, a popular three-mile paved pedestrian trail, bisects the park, and several foot paths break off into the woods for bird-watching and wildflower walks. The park is a component of the Virginia Birding and Wildlife Trail and is often used by both Radford City and Radford University students for outdoor nature studies.

The park is also rich with history. According to the Radford Historical Society, Native Americans used Adams Cave as a burial ground until about the 1600s. The cave was later mined for saltpeter, a key component of gunpowder, during the War of 1812. During the Civil War, the area was the site of the three-hour Battle of Central, which resulted in cannonball damage to "Arnheim," the historic home of John Blair Radford, which is adjacent to the park and is listed on the National Register of Historic Places.

In 1929, a swimming pool was built along Connelly's Run and the area became the first city park. The following year a competition was held to find a name for the new park. Alleen Carper, a student from Radford's State Teachers College, had the winning entry with "Wildwood." Eventually, the pool was closed and filled with dirt. The park continued to be used for hiking and other outdoor recreation and education activities but was mostly



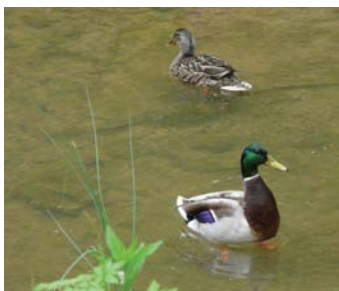
VOF's Ruth Babylon joined then-Mayor Tom Starnes at the easement signing ceremony in June. Protection of Wildwood Park was the culmination of years of collaboration between VOF, the city, and local partners.

neglected. In 1998, a group of local citizens formed Pathways for Radford to preserve and revitalize the park and help create and maintain a network of walking and biking trails and greenways throughout the city.

Liz Altieri, president of Pathways for Radford, said, "It's been a pleasure to be a partner with the City of Radford in ensuring permanent protection of Wildwood Park through the VOF conservation easement. Our organization was formed more than 12 years ago to address this very concern—that this model urban riparian forest be preserved forever."

Ruth Babylon, an easement specialist with VOF who worked on the project, said, "I have a soft spot in my heart for this easement. I lived in Radford for almost 20 years and was an original member of Pathways for Radford. I've been associated with a lot of great easements in my ten years with VOF, and this one is truly a gem."

The Wildwood Park easement is VOF's second easement within the City of Radford. The other protects 149 acres on Ingles Farm along the New River, which was donated in 2002 by the farm's owners, Bud and Mary Ann Jeffries. Last year, the rest of the historic Ingles property, on the Pulaski County side of the river, was placed under an easement co-held by VOF and the Department of Historic Resources. Altogether, VOF protects about 12,000 acres in Radford and adjacent Pulaski and Montgomery counties.





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For more information about VOF and land conservation in Virginia, visit our Web site at [www.virginiaoutdoorsfoundation.org](http://www.virginiaoutdoorsfoundation.org)

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