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## A Landowner's Guide To Managing Recreational Access In Virginia

*This article is excerpted from a longer article by Peter T. Bromley, Extension Specialist, Virginia Tech.*



Private landowners, including forest industries, control access to 50 percent of the land suitable for outdoor recreation in Virginia. In the Old Dominion there are about 500,000 licensed hunters and over one million anglers. In addition, the numbers of hikers, canoeists, picnickers, campers, berry pickers, and bird watchers are growing each year. Many landowners report undesirable levels of trespass, litter, property damage, and game law violations. Consequently, owners of private lands suitable for public outdoor recreation are increasingly reluctant to permit public access to those lands.

Recent research on landowner-sportsmen relations conducted at Virginia Tech documented that 90 percent of landowners in the Central Piedmont region permit hunters—usually family, friends, and local people—access to their fields and woods. The positive approach to working with recreationists involves managing access. Providing limited roadside parking at designated access points discourages uninvited parties, littering, and vandalism and encourages reasonable distribution of desirable recreationists.

Once the location and extent of access has been decided, the landowner then decides who may have access. Here are several options available and their pros, cons, and consequences.

### OPTION 1. PERMISSION-BASED ACCESS

This option involves posting, issuing written permission cards, and prosecuting trespassers. The landowner should require all non-family users to carry permission cards. If the landowner desires, inexpensive, colored plastic badges may be obtained and guests required to wear them. The landowner can designate certain sections of the property by color and distribute hunters accordingly. Game wardens need the support of landowners to successfully prosecute trespassers.



One VOF easement donor in Rockbridge County posted information about how anglers can get permission to fish on a trout stream that runs through the property.

The obvious advantages of granting written permission and posting include better control of recreationist pressure and reduced probability of property and game law abuses. The permission card should include not only room for the name of the user, signature of the landowner or his representative, validity dates for the permit, but also a statement that the permit holder will conduct himself ethically and assume liability for his actions and personal safety.

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# REMEMBERING THREE LEGENDS

## *Letter from the Executive Director*

The Virginia Outdoors Foundation would not be the leading public land trust in the nation if it were not for the foresight of Fitzgerald Bemiss. Gerry, as he was affectionately known to his legions of friends, worked tirelessly with many constituencies to craft landmark conservation legislation including the Virginia Open-space Land Act, the Virginia Outdoors Foundation Act, and the legislation that created what today is the Virginia Department of Historic Resources. His myriad conservation accomplishments are too many to recount in this short tribute, but Senator Bemiss, who passed away on February 7, was indisputably one of the founding fathers of Virginia's revered programs for natural and cultural heritage recognition and conservation. His prescient vision still inspires those of us who work in the voluntary land conservation field.

Another conservation stalwart who made a huge impact on a regional scale was Arthur W. "Nick" Arundel, who passed away on February 8. Mr. Arundel was a founder of the Piedmont Environmental Council and, more recently, the Journey Through Hallowed Ground. He thought globally, acted locally, and led by example. He purchased a bucolic piece of Fauquier County's scenic landscape, now known as Great Meadow, and to assure its perpetual open space preservation he gifted it to the Meadow Outdoors Foundation (now the Great Meadow Foundation). Not surprisingly, Nick used Gerry Bemiss' Virginia Outdoors Foundation language in crafting the state corporation charter for the Meadow Outdoors Foundation. The Arundel family has been responsible for gifting both land and conservation easements for more than 5,000 acres in the Northern Piedmont. Nick and his family were engaged in "perpetual open-space conservation" before most Virginians understood these terms.

Like Gerry and Nick, R. Philip "Phil" Hanes, Jr., who passed away on January 16, leaves a land conservation legacy that is exemplary. His work to protect the natural and cultural resources of Virginia and North Carolina, and particularly the New River watershed in both states, has been heralded. For several decades, Phil, together with his wife, Charlotte, purchased iconic threatened lands to make sure they are protected for posterity. He served on boards of many national conservation organizations, was tirelessly active with several regional land trusts, and was the recipient of a long list of conservation awards.

All of us at VOF are better for knowing these great conservationists, and it was uplifting for me to join with other benefactors of their inspirational legacies at their respective memorial services. We will miss their leadership, keen insights, and exemplary personal commitment to heritage conservation, and we will continue to aspire to follow in their footsteps. Nick Arundel could have been speaking for Gerry and Phil when he said, "In the first part of your life, you learn, and in the second, you earn, and in the third, you give it all back."



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## Join VOF for Living Landscapes Celebration

VOF landowners are invited to join us for the 2011 Living Landscapes Celebration on Saturday, May 14, 2011 from 4pm–7pm at Elmwood Farm in Culpeper County.

This event offers an opportunity to celebrate an extraordinary decade of land conservation in Virginia. A greater amount of open space was preserved in Virginia between 2000 and 2010 than in any other decade. Of the 896,000 acres that were protected during that time, 471,000 acres—more than half—were the result of landowners granting conservation easements to VOF. The Living Landscapes Celebration is VOF's way of thanking easement owners by bringing them together for an afternoon of food and fun.

The site of the celebration, Elmwood Farm, was placed under conservation easement with VOF in 2009. The property represents the rich natural heritage and cultural history that VOF easements protect. Listed on the National Register of Historic Places and the Virginia Landmarks Register, Elmwood is home to the sites of Culpeper County's first store, first post office, and the old Boston (VA)-to-Culpeper road where travelers once crossed the Hazel River.

VOF wishes to thank Dominion Resources, Inc., Conservation Partners, and *The Piedmont Virginian* magazine for generously sponsoring this event. For more information about the Living Landscapes Celebration or to RSVP, contact Renee Russell at (804) 225-2756 or [rrussell@vofonline.org](mailto:rrussell@vofonline.org).

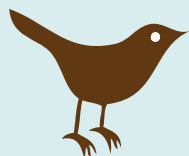


### POP QUIZ

**VOF holds easements on 44 of Virginia's 122 Civil War battlefields, protecting about 26,800 acres. Which battlefield is pictured here?**

- A. TREVLIAN STATION, LOUISA COUNTY
- B. CEDAR CREEK, FREDERICK COUNTY
- C. BRANDY STATION, CULPEPER COUNTY

*Answer on page 5*



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MANAGING RECREATION *continued from page 1*

## OPTION 2. LEASING TO CLUBS OR ASSOCIATIONS

Landowners who lease recreational rights usually charge, as a minimum, enough to pay taxes. If the tract is large enough to attract and hold an organization of sportsmen, the landowner can reserve recreational rights for his family and perhaps a few friends and still obtain financial and security benefits from leasing. Several neighbors with small tracts of forested land can band together to attract a hunting club. The lease agreement should be viewed as a contract, with the responsibilities of both parties spelled out in detail.

There are several advantages of leasing recreational rights to responsible sportsman organizations. Aside from income, the landowner gains valuable assistance in catching trespassers, preventing property damage and littering, posting the land, controlling the harvest of game, and preventing and suppressing of forest fires. Also, close friendships often develop between landowners and club members.

## OPTION 3. DAILY USE WITH FEES

This alternative is used by owners of dove shooting fields, by operators of upland gamebird and waterfowl shooting preserves, and owners of fishing ponds and campgrounds. The owner posts and patrols his lands, prosecutes violators, and issues written permits in exchange for fees at a business office or desk at the only

public entry to the property. The amount to charge is determined by operator costs and recreationist demand. Heavy public use demands access to drinking water, rest facilities, first aid kits, litter receptacles, adequate parking facilities, and supervision of users. Intense public use of private lands for fees greatly increases the potential for injury to recreationists and damage to their property. The commercial operator should consult his lawyer and insurance agent to be sure of his liability and insurance coverage.

## OPTION 4. FORMING A LANDOWNER COOPERATIVE

Many landowners share their hunting and other recreational opportunities with neighbors and friends. In a cohesive rural community, no one wants to be the first to put up posted signs and break the unwritten agreement that neighbors share hunting rights. However, in a local area where trespass is frequent and there are already enough hunters among neighboring landowners and their families and friends to hunt the area effectively, a landowner cooperative can be the answer.

Neighboring landowners should get together well before the next hunting season and make the important decisions. Ideally, the cooperative should include all owners in a locality. In effect, the landowners form a hunting club and can incorporate just as do other sportsman clubs. The members adopt a standard sign and posting system for all property boundaries. A map of the cooperative is drafted, showing all boundaries, roads, and safety zones around residences and work buildings. Permit cards are



U.S. Fish and Wildlife Service




issued for use by members and their families and friends.

Landowner cooperatives need not be limited to managing hunting opportunities. The cooperative can decide to offer local scout troops, natural history clubs, canoeists, campers, and school groups the use of certain areas. The maps can show where various recreational activities are allowed. The cooperative should establish ground rules for obtaining permission, to include the names of members authorized to approve the activity.

### OPTION 5: OPEN PUBLIC USE

This option entails no effort or expenditure in posting. Users of unposted land must have at least verbal permission from the landowner, but it is difficult to enforce the law. Court records indicate that landowners are often unsuccessful in prosecuting trespassers. Also, unposted lands are probably subject to more trespass, other property abuses, and game law violations than posted lands. Although it is possible to charge user fees for access to unposted land, in all practicality, income from recreationists cannot be generated from open lands. Finally, uncontrolled public use of private lands may decrease the quality and quantity of recreational opportunities for the landowner and his friends.

...

In Virginia, great opportunity exists for bringing together landowners and ethical sportsmen. Positive management of access results in improved recreational opportunities and benefits landowners. Landowners and their families feel more secure when they know who is on their land and where they are. Property damage and littering will be reduced. Forest fire problems will be reduced. Permitted guests will help post boundaries and assist preventing trespass. Wildlife populations, especially deer herds, will be better managed through controlled harvests. New friendships will develop. And perhaps, landowners may obtain additional income from permit and lease agreements. 

### ADDITIONAL RESOURCES

The full version of this article is available from Virginia Cooperative Extension at [pubs.ext.vt.edu](http://pubs.ext.vt.edu). Search for document 420-035.

The Virginia Department of Game and Inland Fisheries has information about hunting on private property online at <http://www.dgif.virginia.gov/hunting/regulations/privateproperty.asp>.

VDGIF also offers a printable permission card that landowners can use. Download the PDF at <http://www.dgif.state.va.us/hunting/regulations/privatepropertypermission.pdf>.

## VOLUNTEER SPOTLIGHT



Between January and April, Maria Critzer (pictured here with Zach, one of her three sons) volunteered more than 50 hours at VOF's Charlottesville office, doing everything from preparing packets of information for landowners to performing courthouse research. She also logged more than 40 miles driving around southern Albemarle County completing roadside visual assessments as a part of VOF's new stewardship monitoring program for volunteers. And she did it all while going back to school at Piedmont Virginia Community College to pursue a nursing degree. Thanks, Maria!

## POP QUIZ ANSWER

The quiz pictures on page 3 are from Cedar Creek and Belle Grove National Historic Park, which is managed by the National Park Service in partnership with several nonprofit and governmental entities. Of the 3,700 acres within the park's authorized boundary, more than half are on private land. VOF easements protect about 333 acres.



## VOLUNTEER OPPORTUNITIES

With more than 3,100 easements and 600,000 acres of land to protect, VOF is increasingly looking for volunteers to help us carry out our mission.

Volunteer opportunities include:

- Performing roadside easement monitoring.
- Assisting VOF staff on site visits.
- Helping with management activities on VOF-owned properties.
- Researching records at local courthouses.
- Performing light office duties.
- Assisting with communications and outreach projects.

If you are interested in helping with any of these activities, you can apply to become a volunteer by visiting our Web site at [virginiaoutdoorsfoundation.org/volunteer](http://virginiaoutdoorsfoundation.org/volunteer). Simply fill out the application, and once it has been processed we will send you regular updates on volunteer opportunities at each of our eight offices across the commonwealth.

If you would prefer to receive a volunteer application by mail or fax, please contact: Jason McGarvey, Virginia Outdoors Foundation, 1108 East Main St., Suite 700, Richmond, VA 23219. You may also call (804) 786-9603 or e-mail [jmcgarvey@vofonline.org](mailto:jmcgarvey@vofonline.org).



Dana Skadden

### A HONEY OF A DEAL

A program in Northern Virginia is offering landowners a chance to help honeybee populations, support local charities, and get free honey to boot.

The Sweet Virginia Foundation ([sweetvirginia.com](http://sweetvirginia.com)) is a nonprofit group of volunteer beekeepers who use their honey to raise money for the Northern Virginia Conservation Trust, Capital Hospice, and other small-scale local charities. When someone donates \$50 or more to the foundation, Sweet Virginia distributes 100 percent of the money to the charities and gives the donor free honey as a thank-you gift.

Founder Dan Price started the program a few years ago when he realized his beekeeping hobby could serve a larger purpose. "People really like local honey, but nobody wants to pay market rates. So I decided that if people really want our product, they could make a donation to the causes we support and we could give the honey away for free."

Price is looking for landowners to host beehives in Northern Virginia. He prefers easement-protected sites that are near streams or ponds and have plenty of flowering plants and trees (tulip poplars and black locust are ideal). Landowners must allow volunteers to access the site in the spring and summer to manage the hives. In return, Sweet Virginia gives the landowners free honey.

If you're interested in hosting beehives next spring, contact Price at [dan@sweetvirginia.org](mailto:dan@sweetvirginia.org).

### PLANNING TO HARVEST TIMBER ON EASED LAND?

Before you begin, please be sure to contact your local VOF stewardship staff to ensure compliance with the terms of your easement. You can find contact information for our regional offices on page 2 of this newsletter and on our Web site.



# EASEMENT SPOTLIGHT

## Seeds of Conservation

In the 1800s, a Scottish silk manufacturer named Morris Pollok inherited land in Pittsylvania County from his brothers who lived in Virginia. He decided to establish a silk plantation there, with his young nephew—also named Morris Pollok—in charge. He arranged for silkworm eggs and mulberry trees to be sent to his nephew from Europe.

According to *The History of Pittsylvania County*:

The venture was working out successfully, the silkworms thriving and feeding on the vigorous young mulberry trees, when Morris Pollok the elder crossed the seas to visit his Virginia silk plantation. He criticized the method of cultivation used by his nephew in the mulberry orchard, and ordered that the young trees be ploughed and cultivated closer to their roots. These instructions were followed with the dire result that all the young trees died, and with them perished the infant silk industry in Pittsylvania.

After the silk business unraveled, the nephew switched to more conventional farming—cattle, wheat, and tobacco. Today, his great-great-grandson, Bob Pollok, Jr., carries on the family business at Hill View Farm with his wife, Billie.

The farm has come a long way since its failed silk venture. Today it is one of about two dozen certified seed conditioners in Virginia. The Polloks grow certified wheat, barley, oat, and soybean seeds and sell them to other farmers throughout the region. The certification process happens through the Virginia Crop Improvement Association ([virginiacrop.org](http://virginiacrop.org)), a nonprofit organization that works with Virginia Tech and the Virginia Department of Agriculture and Consumer Services.

To be certified, the seeds must meet high genetic standards and be grown under carefully managed conditions. Growers adhere to best management practices, and their fields are subject to physical inspections to make sure there are no noxious weeds, contamination, or diseases that could affect the purity of the crop.

The practices find a welcome home at Hill View Farm, where approximately 85 percent of the land is considered Soils of Statewide Importance by the U.S. Department of Agriculture.

"We consider ourselves to be stewards of our land," Bob says. "We participate in the Conservation Reserve Program, fence



Hill View Farm in southern Pittsylvania County is one of about two dozen certified seed conditioners in the state. The owners, Bob and Billie Pollok, grow and sell certified wheat, barley, oat, and soybean seeds to other farmers throughout the region.

livestock out of ponds and streams, leave habitat for wildlife, and practice no-till farming." Their efforts have earned them Clean Water Farm and Cooperative of the Year awards from their local soil and water conservation district.

The Polloks demonstrated their conservation ethic again in 2010, when they donated a 252-acre conservation easement to the Virginia Outdoors Foundation. The easement marked VOF's 600,000th protected acre in Virginia.

"We saw housing developments going up all around us and seed farms being cut up completely, and we just didn't want that to happen to our farm that has been in operation for generations," Bob explains.

He notes that the easement also protects the farm from mining, which has become a growing interest in uranium-rich Pittsylvania County.

"We have uranium deposits under the farm, and for a short period of time my daddy leased it out," he says. "When we had the opportunity to continue the lease for a dollar an acre or drop out, we got out as quick as we could. When we did the easement, we put in a provision against mining. I'm against tearing up the land for short-term gain."

*"We saw housing developments going up all around us and seed farms being cut up completely, and we just didn't want that to happen to our farm that has been in operation for generations."*





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Virginia Outdoors Foundation easements protect 81 miles of designated trout streams in Virginia, including 64 miles of high-quality wild trout streams.

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