



virginiaoutdoorsfoundation.org

Living Landscapes 2011



More than 150 VOF landowners and supporters attended our Living Landscapes Celebration on May 14. We thank the Goddard, Leavell, Reynolds, and Vogel families for graciously hosting the event at Elmwood Farm in Culpeper County. We also thank our event sponsors: Dominion Resources, Inc., Conservation Partners, *The Piedmont Virginian*, DuCard Winery, Veritas Winery, Tom Harvey of Afton, Forbes Reback of Charlottesville, and the Shackelford family of Orange.



Clockwise from top-left: VOF Executive Director Bob Lee, Delegate Ed Scott, and Elmwood landowner Frances Byrd Goddard; members and friends of the host families in front of the historic house at Elmwood; Bob Lee and Dominion Resources' Scott Reed; members of the family spoke about why they protected Elmwood with a VOF easement; VOF Board Chairman Hank Hartz and past Chairman Paul Ziluca; VOF Trustee Charles H. Seilheimer, Jr., and Virginia Secretary of Natural Resources Doug Domenech.



Preserving Virginia's scenic, natural, historic, recreational, and open-space lands for future generations.

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LOOKING BACK AND MOVING FORWARD

Letter from the Executive Director

Anyone interested in the early years of the environmental movement in Virginia will enjoy the recounting of significant events in *Conserving the Commonwealth*, by Margaret T. Peters with an afterword by Fitzgerald Bemiss (University of Virginia Press, 2008). The notion that you can't really understand where you are going if you do not know where you have been seems apropos for voluntary land conservation in the Old Dominion.

It was not by sheer chance that Virginia adopted the best land conservation legislation in the nation in 1966. George Clemon Freeman, Jr., serving as Special Counsel to the Virginia Outdoor Recreation Study Commission (1964-65), worked with Senator Fitzgerald (Gerry) Bemiss and other enlightened legislators and conservationists to craft the Virginia Open-Space Land Act based on the preservation program of the National Trust of Scotland. This landmark legislation was bolstered in 1970 when George Freeman convinced Lewis Powell, his senior law partner who served on the Virginia Commission on Constitutional Revision, to craft complementary conservation language for the 1970 Virginia Constitution in Article XI, Sections 1 & 2. These provisions of the Virginia Constitution affirm and prescribe that "...it shall be the Commonwealth's policy to protect its atmosphere, lands, and waters from pollution, impairment, or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth." Voluntary land conservation is the quintessentially Virginia approach to this constitutional stewardship prescription.

Some of the farsighted public officials and concerned citizen conservationists who set this course for Virginia are no longer here to continue to guide us. Thankfully, we have pertinent documents and organizational structures in place to help us continue to chart a responsible land-use course for a sustainable future for Virginia that exhibits appropriate reverence for our shared and exceptional natural and cultural heritage resources.

Regrettably, Gerry Bemiss' real-time sage counsel is now lost to us, but his October 2007 advice printed in the afterword of *Conserving the Commonwealth* deserves our collective and collaborative serious consideration, to wit:

"Perhaps the best way to get Virginia back on the right track is for the governor to do what Governor Harrison did in 1965 and create a blue-ribbon commission to look at the current state of conservation, historic preservation, and badly needed mandatory regional planning. Only in this way can we get a clear view of where we are headed, and determine what we need to accomplish if we are to realize a new vision for the Commonwealth of Virginia."

Bob Lee

Bob Lee, Executive Director
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Gifting Land to VOF

Most of VOF's conserved lands are protected through conservation easements that allow land to remain in private hands while preserving its public values. Some landowners, however, have opted to give entire properties to VOF. Their reasons vary: they might not have heirs; they no longer use the property; they are trying to reduce estate taxes; or perhaps they just feel the land is so special that it would be safest in public hands. Whatever the reason, land donations are one of the most generous legacies that landowners can leave to future generations. Here are some ways landowners can donate property to VOF.

DONATING PROPERTY OUTRIGHT

When VOF evaluates a potential land donation, it first examines the property's value as public land. Does it provide opportunities for public recreation? Does it protect important water resources or endangered species? The higher the public benefit, the more likely VOF will accept ownership of the land. If the property doesn't meet the criteria for public land but has high conservation value, VOF may place a conservation easement on the property and sell it to another entity or private landowner.

If the property has little conservation value but high market value (for instance, if it's a small urban lot with a building on it), VOF may—with the donor's permission—sell the property and use the proceeds to protect other land with higher conservation value.

DONATING LAND BY WILL

Some people wish to donate property to VOF after their death. If they are not concerned about getting a tax deduction on their income taxes, they can leave the property to VOF through a will. This will benefit heirs by reducing estate taxes. It's important for donors to notify VOF if they plan to include such a gift in a will, to be sure that VOF will be able to receive it.

DONATING A REMAINDER INTEREST

What about donors who want to continue living on and using a property and donate it to VOF after their death, but wish to receive the tax benefits now? That's when they could consider donating a remainder interest. They could continue to enjoy the land during their lifetimes and may be eligible for an income tax deduction when the gift is made. The value of the deduction is based on the fair market value of the donated property less the expected value of the life estate.

If you are considering any of these options, we would welcome your inquiry. Please talk to your attorney, tax advisor, and VOF before making any decisions. You may contact VOF development specialist Renee Russell at (804) 225-2756 or rrussell@vofonline.org for more information.

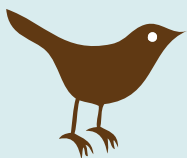


POP QUIZ

What percentage of land preserved in Virginia's portion of the Chesapeake Bay watershed has been protected by VOF since the 2000 Bay Agreement was signed?

- A. 21%
- B. 39%
- C. 66%
- D. 80%

Answer on page 5



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Please notify us if you have a new mailing address, email address, or phone number. Send your new info to russell@vofonline.org or call (804) 225-2756.

Protecting Virginia's Military Bases

It's a bright summer day in Virginia's Southside, and Major Jaycee Shaver is leading a private tour of Fort Pickett. The 42,000-acre base is home to the Virginia National Guard, but it's also used by military and law enforcement units throughout the East Coast. It's where they train with aircraft, mortars, machines guns, grenades, tanks, and other things that go boom.

Major Shaver stops the truck along a country road just outside the southeastern boundary of the base in Brunswick County. The surrounding landscape is quintessential Southside—row after row of tobacco, a few weather-beaten barns, and not a home in sight.

As we drive north into Dinwiddie County, however, the landscape starts to change. A doublewide trailer here, a brick rancher there. On the left side of the road through a thin line of trees are training stations where soldiers shoot everything from rifles to miniguns that fire thousands of rounds per minute. On the right side are small residential lots carved out of farm fields.

Further north, the country road intersects with State Route 40, which leads into the eastern entrance of Fort Pickett. Next to the perimeter of the base sits Butterwood Church, which is listed on the National Register of Historic Places. The sign out front indicates that Sunday services start at 10:00 a.m.

Several hundred feet up the road, a yellow road sign reads "Tank Crossing." Across the street are tank training stations, where up to four Abrams tanks can fire their weapon systems into a part of the base described as a "high hazard zone."

Residential homes, public roads, a church, and some of the

world's mightiest firepower—all within a few hundred yards of each other.

Reconciling these seemingly incompatible land uses can be a challenge. As development increases around military bases, so do public complaints about noise, smoke, and military traffic. Fortunately, the Army has a secret weapon in the war against encroachment: conservation easements.

CREATING COMPATIBLE-USE BUFFERS

The Army's interest in land conservation began in the 1990s at Fort Bragg, in the Sandhills region of North Carolina. The base is located in a pine ecosystem that is home to the red-cockaded woodpecker, an endangered species. As residential development increased around the base, it drove the woodpeckers to seek refuge in Fort Bragg's forested firing ranges. As a result, the federal Endangered Species Act required that the military limit training in ways that would protect the bird.

To stop the decline of woodpecker habitat and prevent further restrictions, Fort Bragg and the U.S. Fish and Wildlife Service worked with The Nature Conservancy to acquire private land or development rights from willing sellers around the base. In 2003, Congress expanded the initiative to other installations, naming it the Army Compatible-Use Buffer (ACUB) Program.

According to the Army, nearly half of all installations suffer training restrictions because of encroachment in one form or another. In Virginia, urban facilities such as Joint Base Langley-Eustis in Hampton have greatly restricted the type of training soldiers can do. Usually, the restrictions are related to noise complaints from the public.



Left: This picture was taken from a watchtower at one of the Fort Pickett training stations, where soldiers train with everything from rifles to rapid-firing miniguns. It illustrates just how close residential homes are to training sites. The tree line in the foreground marks the approximate base boundary. Just behind it is a public road.

Right: Signs like this one line public roads that pass through the base, reminding drivers that they need to watch out for more than deer.

Fort Pickett is fortunate to remain fairly rural. “That’s one of the reasons why our base is so heavily used now,” says Major Shaver. “There just aren’t many places left with this much undeveloped land.”

That doesn’t mean Fort Pickett is immune from encroachment. The base gets its fair share of complaints from the public during certain training exercises.

“When the tanks are shooting, it can be pretty continuous for maybe an hour,” says Major Shaver. “Then they’ll take a break and come back at night to do night training. That’s when it really gets loud. Depending on the weather and the contour of the land, you could be a mile off the base and it can still be 100 decibels.”

The goal of ACUB is to ensure that Fort Pickett and other rural bases don’t suffer from the same kind of encroachment and restrictions that Fort Bragg and Langley-Eustis have endured. The Army works with local partners to purchase development rights on land adjacent to the base. The development rights are extinguished through conservation easements.

Although any qualified land trust can hold easements through the ACUB program, most ACUB easements in Virginia are held by the Virginia Outdoors Foundation. VOF first started holding ACUB easements in 2008, when it recorded an easement in Essex County as part of the Fort A.P. Hill ACUB program. Since then, the Army and VOF have protected more than 4,300 acres of land on 9 easements in Caroline, Essex, and King George counties.

Fort Pickett’s program launched in 2007. Its initial partner was the Ward Burton Wildlife Foundation (WBWF), which held the first easement, recorded in 2008. Later that year, WBWF asked VOF to serve as a partner in holding easements. Since then, VOF has recorded four easements, protecting about 1,100 acres. Two more are slated to record before the end of 2011.

ACUB easements are generally the same as other conservation easements in Virginia. The biggest difference is that landowners are paid by the Army for giving up certain development rights. Fort Pickett’s program pays a flat rate of \$750 per acre for development rights. If the payment doesn’t cover the full value of the easement, the landowner can apply for additional federal and state tax benefits.

Major Shaver emphasizes that landowners aren’t going to get rich from ACUB, but notes, “It may be the best money maker with the current situation of the economy, especially if you want to continue to farm the land and pass it down to your children. ACUB is a pretty good deal, because we’re going to pay you to do exactly that.”

THE BROADER BENEFITS

One landowner who has protected land through the Fort Pickett ACUB program is David Hite of Blackstone. He has recorded two easements: one on 313 acres in Brunswick County, and one on 125 acres in Lunenburg County. He started buying the land in 1970 with just seven acres. Over time, he added more parcels. With more land came more tax liability. “Since I bought the land in the 1970s, I’ve been paying for it every 20 years in taxes,” he notes wryly.

Several years ago, Mr. Hite was approached by a friend about the Fort Pickett ACUB program. That friend, Tom Inge, is the executive director of the Ward Burton Wildlife Foundation, which at the time was starting to reach out to landowners about the program. He explained how easements could reduce property taxes.

“As I understand it, the easements lower my taxes to reflect the loss of value,” Mr. Hite says. “When I say ‘loss of value,’ that’s to developers. They can’t go in there and build 30 homes on 20 acres. But to me, there’s no loss of value. I can still do exactly what I’ve always done on the property, which is farm it and hunt it.”

More than half of Mr. Hite’s land is designated by the U.S. Department of Agriculture as Prime Farmland. The property has frontage along a Virginia-designated Scenic Byway, and is also adjacent to Fort Pickett Reservoir, which the military uses for training. All of these resources are being protected by the easement’s restrictions.

Although the most important benefit to the Army is that Mr. Hite’s two parcels won’t someday become a hundred parcels, Major Shaver points out that the public benefits from the easements, too.

“What we’re doing is also protecting the rural landscape and the character of this part of the state. A hundred years from now, somebody is going to say ‘I’m glad the Army did this.’”

Learn more about the ACUB Program at <http://aec.army.mil/usaec/acub/>. ★

POP QUIZ ANSWER

The answer is C. Since June 28, 2000, when the Chesapeake Bay Agreement set a goal of conserving 671,142 new acres of open space in Virginia’s portion of the Bay watershed, the Commonwealth has conserved 563,759 new acres, of which 375,714—about 66%—are protected by VOF easements.

LINKING LANDOWNERS WITH ASPIRING FARMERS

Personal connections between existing farmers and aspiring farmers are essential to keeping farmland in production and making sure the next generation of farmers has the skills needed to become thriving entrepreneurs. In Virginia, it just takes the click of a mouse to make that connection through the Virginia Farm Link Program.

The Virginia Farm Link Program, operated by the Virginia Department of Agriculture and Consumer Services (VDACS), serves to connect existing farmers and aspiring farmers. The Virginia Farm Link is an online database that is free and easy to join. If you are a farmer or landowner seeking to keep your land in production, you simply enter basic information about

your operation, such as acreage, crops, and even photos. If you are seeking an opportunity to purchase or lease farmland, you can search the database by region or by crop. Since 2008, nearly 100 farmers have been contacted by more than 1,000 individuals interested in joining the farming community.

To explore the Farm Link, visit <http://www.vdacs.virginia.gov/preservation/program.shtml>. If you have questions about the program, contact Kevin Schmidt, Office of Farmland Preservation coordinator, at (804) 786-1346 or Kevin.Schmidt@vdacs.virginia.gov. —Heather Barrar

VOLUNTEER SPOTLIGHT



In June, volunteers from the Northumberland Association for Progressive Stewardship and the Northern Neck Master Naturalists joined VOF staff to combat invasive English ivy on VOF's 40-acre Kohl's Island Preserve property, which lies at the confluence of the Potomac River and the Chesapeake Bay. The work day was part of VOF's ongoing effort to utilize volunteers in the management of its owned properties.

VOLUNTEER OPPORTUNITIES

With more than 3,100 easements and 600,000 acres of land to protect, VOF needs volunteers to help us carry out our mission. Here are some of the volunteer opportunities available:

- Performing roadside easement monitoring.
- Assisting VOF staff on site visits.
- Helping manage 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 website at 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.

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 online at virginiaoutdoorsfoundation.org.





EASEMENT SPOTLIGHT

The Farm at Sunnyside

By Roger Piantadosi

As if it wasn't enough of a challenge to follow all the rules and guidelines necessary to have your products designated as "organic," Nick Lapham has also tackled . . . biodiversity.

"We're trying to, first, grow food," says Lapham, as he and a guest hunkered over a map of their Farm at Sunnyside before a recent informal tour. "And to grow biodiversity. And . . . to explore where those two things intersect."

The Farm at Sunnyside is one of two organic farms in Rappahannock County, and it grabbed a few national spotlights in 2009 when First Lady Michelle Obama shopped for the photographers at Sunnyside's stall in the farmer's market that opened near the White House.

Not a bad thing when the poster for the nation's budding sustainable-food, local-food movement features your local organic farm prominently. But not necessarily a lasting boon, or a license to put your feet up and relax.

Anyway, this does not appear to be the sort of thing you'd expect from Nick Lapham – who divides his time between his family's home in D.C. and the farm here, with the majority of his time at the farm. The farm sells a lot of produce at the Dupont Circle farmers' market in D.C. most warm-weather weekends, and sells shares in its local CSA program. It offers a wide array of organic vegetables and fruits and organic eggs.

But Lapham, who serves on the boards of the American Bird Conservancy and the National Council of the World Wildlife Fund, and who has been coming to Rappahannock County since his father bought property there in 1971, always wanted to attempt something more than a raise-'em, ship-'em-out operation.

He put the farm into a Virginia Outdoors Foundation conservation easement in 2008. He began talking to folks he knew at the Smithsonian Conservation Biology Institute (SCBI), the Piedmont Environmental Council (PEC) and to people like Bruce Jones, who's been growing biodiverse, native habitats on a much smaller scale but for a much longer time at his place on Long Mountain.

This photo and a longer version of the article originally appeared in the Rappahannock News and are reprinted here with permission from the publisher.

Lapham hired a biologist, Sam Quinn, to do the soil, water, weather and wildlife tests and surveys.

He has planted several large native-grassland meadows over the past year, and though the experiment as yet has no clear results, a recent tour of the grasslands—and the fence rows and borders between the active produce and orchard tracts—revealed at least one completely visible difference.

Over a standard hay meadow of tall, yet-uncut fescue, nothing moved—no birds, no butterflies, no bees. Nothing else but straight green shoots grew in the hayfield—which is, of course, what's supposed to happen in a hayfield. But a brief walk into one of Lapham's new native-plant meadows was like walking into some giant, acres-wide glass jar where Goliath's kid brother keeps his collection of butterflies, wasps, bees, hummers, blackbirds, swallows and a bunch of buzzing, jumping things too small to identify.

"Native grasslands are one of the most endangered habitats in the country," Lapham says. So he's keeping a close eye on the populations of quail and eastern meadowlarks. Some of the work is done in conjunction with PEC and SCBI programs meant to encourage "working landscapes" that

connect and diversify wildlife habitat; some of it is improvised experimentation.

So far, Lapham says, "I have lots of anecdotal evidence that this is making a difference." But, he points out, when we first got the farm, "I didn't know any of this."

As far as sustainability goes, Lapham says the honest answer to the question—is the Farm at Sunnyside a sustainable operation?—is that he doesn't know yet.

"I think the only way to look at it realistically is to take a long-term perspective," he says. "We're still tweaking our business model, and we're not yet fully sustainable . . . but we're closer than I thought we were going to be when we started four years ago."



Nick Lapham at Sunnyside

SUMMER ★ 2011

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The Virginia Outdoors Foundation recently protected its 500,000th acre in the Chesapeake Bay watershed.