



virginiaoutdoorsfoundation.org

VOF Celebrates 50 Years of Conservation



When the General Assembly established the Virginia Outdoors Foundation in 1966, the mission was simple: preserve open space. Legislators did not specify how much land they wanted to protect, but they probably didn't expect it to be nearly two acres every hour for the next 50 years.

50th
ANNIVERSARY
1966 - 2016

Yet, that is what VOF has achieved. (Over the last decade the number has been closer to five acres every hour.) The foundation now protects nearly 800,000 acres in 107 different

localities, making it the largest non-federal land conservation program in Virginia and one of the largest in the nation.

VOF's success can be attributed to several factors: the passion Virginians have for their cultural and natural heritage; the effectiveness of open-space easements as a conservation tool; tax in-

centives that make it financially viable to preserve land through charitable donations; and a strong network of partners that educates citizens about the benefits of land conservation to the economy, water quality, health and other public concerns.

VOF is hosting regional events across the Commonwealth with our partners and landowners to celebrate what we have accomplished together. We sent out a postcard with the dates in March and will provide updated information throughout the year at virginiaoutdoorsfoundation.org/events/.

Other projects that VOF is working on to celebrate our 50 years include videos featuring landowners who have protected their land through VOF, as well as an interactive map-based Web feature called "50 Years, 50 Stories" that will highlight 50 projects exemplifying our successes across the Commonwealth. Both projects can be accessed at on our website at virginiaoutdoorsfoundation.org.

If you would like to learn more about our celebration activities this year, please visit our website or call (804) 786-9603.

Gold Medal for the Golden Anniversary

VOF was named a gold medal recipient during the Governor's Environmental Excellence Award ceremony on April 7 at the 27th Environment Virginia Symposium in Lexington, Va. The awards recognize significant contributions of environmental and conservation leaders in four categories: sustainability, environmental project, land conservation, and implementation of the Virginia Outdoors Plan. VOF was awarded in the land conservation category for its 50 years of achievement in conserving Virginia's open spaces for future generations. "These winners have made a commitment that all Virginians benefit from," Governor Terry McAuliffe said. "I congratulate and thank these organizations for their leadership, innovation and commitment to Virginia's natural environment."



From left: DCR Director Clyde Cristman, VOF Chair Steph Ridder, VOF Executive Director Brett Glymph, DEQ Director David Paylor, and Secretary of Natural Resources Molly Ward.

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Building on the Past

Letter from the Executive Director

In 1965, the Virginia Outdoor Recreation Study Commission produced *Virginia's Common Wealth*, "an analysis of the present and future outdoor recreation demands on the Commonwealth, an inventory of the State's recreation resources and facilities ... [and] a long-range comprehensive plan of action, The Virginia Outdoors Plan, to meet these demands."

The commission was chaired by Senator FitzGerald Bemiss, who wrote in the introduction, "The rich and varied resources of the Virginia Outdoors are indeed our Common Wealth, and every Virginian justly expects to enjoy its benefits.... The opportunities for enjoyment are severely limited by inadequate facilities and by a threatened and diminishing supply of enjoyable lands and waters."

The report included 21 recommendations that became the basis for the Virginia Outdoors Plan, which remains the state's comprehensive plan for land conservation, outdoor recreation and open-space planning. It called for expansion of the State Park system, formation of the Scenic Byways system, creation of the Historic Landmarks Commission, and adoption of a legal framework for expanded protection of open space and recreational opportunities. The report's authors also recognized the potential of citizens to contribute to these efforts through private philanthropy. To facilitate such philanthropy, the commissioners recommended—and the General Assembly approved in 1966—establishment of the Virginia Outdoors Foundation.

Five decades later, the commission's work has yielded amazing results. The number of State Parks has more than doubled, nearly 3,000 miles of scenic byways have been designated, and nearly 3,000 historic landmarks have been registered. For its part, VOF has preserved close to 800,000 acres of open space—nearly two acres every hour. Today, VOF's portfolio is among the largest and most diverse in the nation, protecting everything from working farms to urban parks to historic battlefields to critical habitat. We now work in 107 of Virginia's 133 localities. Approximately 95 percent of all Virginians live within 10 miles of VOF-conserved land.

Although VOF has been successful in protecting open space on private lands, few of our easements create new opportunities for public access, which was the most pressing need identified by the commission. Providing opportunities for Virginians to directly connect with the outdoors remains a priority among policymakers. Public polling continues to identify it as a major concern in the Virginia Outdoors Plan, especially as people better understand the relationship between outdoor experiences and health, especially children's health.

What is the best role for VOF to play in meeting this need? That is the question we are asking policymakers and partners as we position VOF for the next 50 years. Competing priorities for state funding means that it will be more important than ever for VOF to facilitate the kind of private philanthropy that Senator Bemiss and other authors of *Virginia's Common Wealth* envisioned. We believe we have a strong foundation to build upon, but we will need your help. Together, we can make sure that future generations will be able to enjoy the cultural and natural treasures of our "Common Wealth" for decades to come.



Brett Glymph, Executive Director
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VOF Added 100 New Easements in 2015



The Virginia Outdoors Foundation permanently protected 21,800 acres of farmland, forests, and other open space through 100 conservation easements in 2015. VOF now protects nearly 800,000 acres across the Commonwealth.

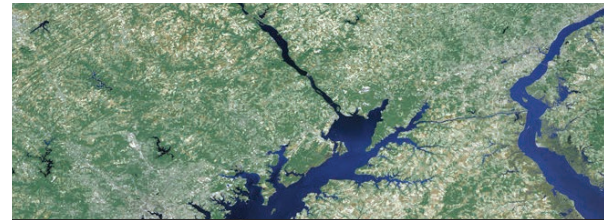
VOF protected new acreage in 49 different localities.

Lunenburg County saw the most land protected with 1,844 acres. For the third consecutive year Southside was the hottest region for easements, with 8,089 acres protected.

One of the year's highlights was VOF's first easement in the City of Norfolk, on 16 acres that are home to the Hermitage Museum & Gardens (*read more about this project on page 7*). Other highlights include:

- A 126-acre easement on a 250-year-old family farm in Grayson County.
- A 957-acre easement straddling Nelson and Augusta counties that fronts the Blue Ridge Parkway, is almost completely surrounded by public land, and contains headwaters to a wild trout stream that flows into the Rockfish River.
- Two easements in Halifax County that protect a total of 1,325 acres along the Dan River, a scenic-designated portion of the Staunton River, and River Road, a designated Virginia Byway.
- A 703-acre easement in King and Queen County that contains large areas of working forest land with more than four miles of shoreline on Dragon Run, bringing the total amount of land that VOF protects along that body of water to 3,277 acres.
- A 387-acre easement in the Cripple Creek section of Wythe County that, combined with an older adjacent easement, protects 540 acres and more than a mile of frontage along State Route 619, a designated Virginia Byway.

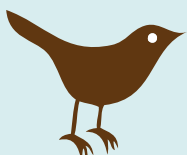
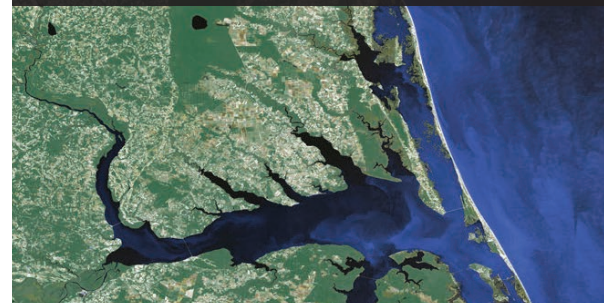
VOF easements help to protect, among other things, 350,000 acres of prime farm soils, 300,000 acres of the state's best forestland, 4,000 miles of stream and rivers, and 100,000 acres in state and federal rural historic districts.



BY THE NUMBERS

Here's how much open space VOF protects in each of Virginia's major watersheds. To learn more about Virginia's watersheds, visit <http://www.dcr.virginia.gov/soil-and-water/wsheds>

WATERSHED	ACREAGE
James River	256,622
Rappahannock River	146,901
Potomac River	142,478
Roanoke River	88,394
New River	55,900
York River	40,848
Chowan River	21,345
Holston River	14,506
Chesapeake Coastal	12,343
Clinch/Powell Rivers	5,563
Albemarle Sound	733
Yadkin River	265
Atlantic Coastal	256
Big Sandy River	0



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STEWARDSHIP CORNER:

Retained Development Rights

Answers to common questions from landowners about their easements.

VOF staff regularly field questions from landowners about a range of topics related to their easements. In this edition of Stewardship Corner, we answer common questions concerning retained development rights such as subdivisions and dwellings.

Do I have any retained development rights after recording a deed of gift of open-space easement?

The purpose of an open-space easement is to limit development rights that are incompatible with the easement's stated conservation purposes. This may include a cap on the number of divisions, the number and size of dwellings, and the amount of impervious cover on the property. Impervious cover generally includes the roofs and ground area of all dwellings and structures. Even if your property is made up of multiple tax parcels or your locality's zoning district permits multiple divisions or dwellings, the specific language in your deed of easement overrides. Although easements rarely extinguish all development rights, the safest way to know your retained development rights is to contact your regional VOF office and ask for a determination.

If my deed permits subdivision, do I have to allocate my division, dwelling and impervious cover surface rights when I convey a parcel to someone else?

Although it may not be required in every deed, VOF recommends that the owner allocate the specific number of future divisions, number and size of dwellings, and the square footage of impervious cover to the future landowner in the deed of conveyance within the limitations of the overall deed of easement. If allocation is not completed in a deed of conveyance when the property is transferred, all future division, dwelling and impervious cover limitations usually stay with the owner who created the permitted division, although older easements can sometimes allocate those rights on a first-come, first-serve basis.

Why is it important to specifically allocate my rights?

It is important to allocate rights when conveying a parcel so that future problems and disputes between neighboring landowners can be avoided, as further discussed below. VOF can assist landowners by tracking the overall number of rights on a specific property when we are kept informed by landowners. You can help by contacting your regional VOF office before exercising a division right.

What if I forget to allocate my retained property rights at the time of subdivision?

Not specifically allocating rights in a deed of subdivision, conveyance or gift can potentially create problems for landowners and future buyers of easement properties. If there is no allocation, VOF will work with all parties to determine the rights allowed for each new landowner in the hope to avoid any potential disappointment or frustration. For newer easements, if rights are not specifically allocated then they remain with the owner who created the division. But in older easements where that language is not specified, the rights will be distributed on a "first-come, first-serve" basis, and this situation has the potential for major conflicts between landowners.

What if the number of retained rights is exceeded?

Your deed of easement likely limits the total number and size of divisions, dwellings and impervious surface cover. If these limits are exceeded because they were not properly allocated, then it constitutes a violation of the easement. VOF will then have to work with the landowner(s) to extinguish any erroneous (or illegal) divisions and/or demolish any dwellings, buildings, structures or impervious surfaces that do not conform to the easement. This can create frustration and disappointment for all parties.

What if I purchase or inherit a property that was not allocated any specific rights?

VOF is always ready to help new landowners understand the rights and limitations allowed under the easement governing their properties. When there is no allocation, staff will review the easement property file, communicate with other owners and try to determine the rights allowed on each parcel. VOF can help accomplish this through a formal letter to all parties or the parties can execute the recordation of a legal instrument that allocates these rights.

May I transfer my rights to a non-easement parcel?

Most VOF deeds specifically prohibit the transfer of division and/or building rights from an open-space easement parcel to a non-easement parcel. The transfer of these rights violates the spirit and intent of an open-space easement, which is to permanently extinguish these rights in order to protect and preserve open space and other natural resources. ✨

CONSERVING THE BAY WATERSHED

VOF is playing a critical role in meeting the land conservation goals of the Chesapeake Bay Agreement.

With more than 11,000 miles of shoreline, 100,000 tributaries, and 2,700 species of plants and animals, the Chesapeake Bay is the largest estuary in the world. Its 41-million-acre watershed covers portions of Delaware, Maryland, New York, Pennsylvania, Virginia and West Virginia, as well as the entire District of Columbia. Approximately 17 million people call it home.

Virginia contains about 13.8 million acres of the Bay watershed—half of its land mass, and second only to Pennsylvania's 14.5 million acres. Millions of Virginians rely on the Bay and its tributaries for jobs, drinking water, recreation, food and other daily necessities.

In many ways, as the Bay goes, so goes Virginia.

THE BAY AGREEMENT

When Captain John Smith surveyed the Bay in the early 1600s, he wrote of “grampus, porpoise, seals, stingrays ... brits, mullets, white salmon, trouts, soles, perch of three sorts” and oysters that “lay as thick as stones.” The Bay and its rivers contained more sturgeon “than could be devoured by dog or man.”

Four hundred years of exploitation and pollution, however, took a toll on the Bay's rich wildlife. Populations of oysters, striped bass, perch and crabs and other keystone species declined. Water quality diminished to the point that “dead zones” of oxygen-depleted water began to form in the spring and summer months. By the mid-20th century, it became clear that the Bay states needed a conservation plan to ensure the watershed's health for future generations.

In 1983 the Bay became the first estuary in the nation to be targeted for restoration as an integrated watershed and ecosystem. Three states—Virginia, Pennsylvania and Maryland—joined with the mayor of Washington, D.C., the administrator of the U.S. Environmental Protection Agency and the chair of the Chesapeake Bay Commission to sign the Chesapeake Bay Agreement. This one-page pledge recognized that a cooperative approach was necessary to address the Bay's problems.

In 1987, the commission added specific goals to the agreement. One goal called on states to “plan and manage the adverse environmental effect of human population growth and land development,” by, among other things, promoting “the use of innovate techniques to avoid and, where necessary, mitigate the adverse impacts of growth.”

In 2000, the commission updated the Chesapeake Bay Agreement again to include even more specific goals and deadlines. The new agreement addressed land conservation head on. It called

for expanding voluntary and market-based mechanisms such as easements, with a goal of permanently preserving from development 20 percent of the land area in the watershed by 2010. Six million acres were already protected across Pennsylvania, Maryland, Virginia and the District of Columbia. To meet the goal, 800,000 more acres would need to be protected, or roughly 9 acres every hour over the course of 10 years.

VIRGINIA'S SECRET WEAPON

Among the states that signed the 2000 Bay Agreement, Virginia had to make up the most ground. Virginia and Pennsylvania together contained the vast majority of the watershed. But whereas Pennsylvania already protected about 19.6 percent of the Bay watershed within its boundaries by 2000, Virginia protected just 15.3 percent. Most of that acreage had come during the expansion of public lands in the first half of the 20th century—a scenario that was unlikely to happen again. It was evident that voluntary conservation of undeveloped private lands would need to play a larger role.

Since 1966, Virginia has had a tool for conserving privately owned open space—the open space easement. Most open space easements were held by the Virginia Outdoors Foundation (VOF). It had taken VOF nearly four decades to conserve 100,000 acres. Conserving 800,000 acres in one decade presented a daunting challenge.

Fortunately, the same year that the Bay partners signed the agreement, the Virginia General Assembly established a new incentive that would fuel private land conservation like never before.

The Virginia Land Preservation Tax Credit, which allows landowners to recover up to 40 percent of the value of land or easements donated for conservation, is arguably the most generous conservation tax incentive in the nation. The tax credits were made even more powerful in 2002 when they were made transferrable, enabling landowners with lower incomes (and less tax liability) to sell the credits on the open market for cash.

The tax credit was an immediate hit with Virginia landowners. The number of easement donations to VOF tripled in 2000. Donations peaked in 2006, when federal tax incentives for protecting land were expanded. That year was VOF's biggest ever—71,161 acres on 358 easements.

In 2007, three years ahead of schedule, the Bay Agreement goal was met. Of the 800,000 conserved across the entire watershed through the end of 2007, VOF contributed about 325,000 acres—more than one third. VOF was the single largest contributor. VOF went

on to protect an additional 150,000 acres through the end of 2010, helping to bring the final tally to about 1.2 million newly conserved acres in a 10-year period—an astonishing 13.7 acres per hour.

THE ROAD AHEAD

Although the 2000 Bay Agreement goal for land conservation was met, a number of other goals remain in play, especially reduction of water pollution. In 2014, the Bay Agreement was updated again to further refine goals and set new benchmarks. New York, West Virginia and Delaware joined as signatories. In the area of land conservation, the agreement now calls for 2 million additional acres of protected land in the watershed by 2025, with an emphasis on forested lands and wetlands that play an important role in controlling runoff.

If the goal is to be met, there is no question that VOF will again play a major role. The foundation remains the single largest contributor to land conservation in the watershed. Since the start of 2011, VOF has conserved about 175,000 acres.

However, the challenge will be greater this time. The Land Preservation Tax Credit, which fueled so much of the conservation work between 2000-2010 has been reduced to \$75 million in recent

years to address other state priorities. Stagnant state budgets have also diminished VOF's capacity through deficits and staff attrition. Meanwhile, the foundation's stewardship workload continues to increase, especially in Tidewater and Southern Virginia.

VOF is pursuing multiple options for covering the costs of its work, including increases to our public funding, new sources of private funding, and service fees. Services that relate to the acquisition of new easements can be covered to some degree by VOF's Preservation Trust Fund, which received a boost in funding in the 2017-2018 budget.

VOF is also looking for ways it can contribute to other goals in the Chesapeake Bay Agreement beyond simply protecting acreage. For example, there is a renewed emphasis on water quality and public access, and VOF is exploring ways to serve these needs best.

The bottom line is that Virginia's land conservation efforts, largely through VOF's easement program, have played a central role in protecting the Bay, and the foundation believes it can build upon that work with the necessary investment of resources. With strong collaboration between agencies, nonprofit conservation organizations, and Virginia's conservation-minded landowners, the Bay's future will be bright. ✨

Congress Makes Federal Tax Deduction Permanent

In December, Congress made permanent a federal tax incentive that enhances the deduction that can be taken for protecting land with a conservation easement. The incentive:

- Raises the deduction a donor can take for donating a conservation easement from 30 percent of his or her income in any year to 50 percent;
- Allows qualifying farmers and ranchers to deduct up to 100 percent of their income; and
- Extends the carry-forward period for a donor to take tax deductions for a voluntary conservation agreement from 5 to 15 years.

The incentive retroactively applies to Jan. 1, 2015. An earlier

version of the incentive expired Dec. 31, 2014.

Coupled with Virginia's Land Preservation Tax Credits, these incentives have fueled a dramatic increase in land conservation over the past decade. Since 2006, when the enhanced federal deduction first became available, VOF's portfolio of protected land has increased by nearly 75 percent, from 450,000 acres to 780,000 acres. In years where the enhanced tax deduction expired and was not renewed until the end of the year, VOF saw a decline in easement donations.

The president of the Land Trust Alliance, a nonprofit group that worked for years to make the deduction permanent, called the decision "the single greatest legislative action in decades to support land conservation."

Dominion Begins Undergrounding Project

Dominion Virginia Power is in the early stages of a multi-year effort to relocate some of its local residential overhead power lines underground to reduce outages during storms. This activity may affect particular Virginia Outdoors Foundation easements, so we have been working with Dominion to establish a VOF approval process that will ensure the conservation values protected by the easement are maintained. If you have any questions or receive communications from Dominion about this program, please contact your local VOF stewardship staff. To learn more about the program itself, visit dom.com/underground.

EASEMENT SPOTLIGHT

Hermitage Museum & Gardens, City of Norfolk

For more than 75 years, the Hermitage Foundation has been cultivating art in the City of Norfolk through its collections, exhibitions, and classes. With its museum, studio, gardens, trails, public playground, and acres of undeveloped green space surrounded on three sides by the Lafayette River, the foundation has provided an opportunity for thousands of families to not only fulfill the educational mission of its founders, William and Florence Sloane, but also to connect with nature in one of Virginia's most developed regions.

Thanks to a partnership with the Virginia Outdoors Foundation, that opportunity is now preserved for generations to come.

After three years of hard work between staff and trustees at both foundations, a permanent VOF conservation easement was recorded on June 11, 2015. The announcement was made at a concert on the property's waterfront with hundreds of families, supporters, and local officials in attendance.

The donated easement is VOF's first in the City of Norfolk, raising the number of localities in which VOF protects open space to 107 (the Commonwealth has a total of 133 counties and independent cities). Among other things, the easement prohibits future division of the property and limits new building and structures that could destroy the property's scenic waterfront, sacrifice its delicate riparian boundary or compromise its important habitat for wildlife, birds, and native plants. It also requires that most of the property be open to the public for recreational, educational, or cultural activities for at least 100 days each year-reflecting the Hermitage's commitment to managing the property as an invaluable



community asset, natural resource, and open green space for the city of Norfolk, the people of Hampton Roads and all citizens of Virginia.

Consideration of an easement was suggested by Emeritus Board member, John Meek, and initiated by the Hermitage's Strategic Planning Committee in early 2012, as one option to secure the future of its unique urban waterfront while adhering to its mission and vision for the future. The Long Range and Master Site Plans identified many benefits of protecting the property with a conservation easement. A dedicated team of board members led by Pam Combs, Chairman of the Strategic Planning Committee and members Alex Erving and Steven Blashfield, along with the Hermitage staff and Stokes Environmental Associates guided the nearly three-year application process.

Past President Bob Garris stated when the Board voted to pursue the easement in the summer of 2014, "We are thrilled that the property founded and developed by the Sloane family more than 75 years ago will be preserved and protected for future generations to enjoy and experience."

Said VOF Executive Director Brett Glymph, "VOF is honored that the Hermitage asked us to be partners in the fulfillment of its mission, and we are proud that our first easement in Norfolk protects one of the region's most vibrant natural and cultural treasures."

To learn more about the Hermitage, including information about hours, exhibits, and classes, visit <http://www.thehermitagemuseum.org>. ✨





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Since being established by the General Assembly in 1966, the Virginia Outdoors Foundation has protected open space in the Commonwealth at a rate of nearly two acres every hour.

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