

Landscapes



News from the Land Trust of the Eastern Panhandle

Summer 2013

Two Easements in Jefferson County with Civil War History

The two conservation easements completed by the Land Trust of the Eastern Panhandle in 2012 together protect 412 acres of historic Jefferson County farmland, part of it around the Claymont mansion outside Charles Town and part of it along the Shenandoah in the southern part of the county.

Both properties featured in civil war clashes.

The Claymont easement protects the 264 acres around the 34-room Claymont Mansion, built by George Washington's grand-nephew, Bushrod Corbin Washington, in 1811. In August 1864 Confederate forces attacked Union positions around Claymont at the beginning of General Sheridan's Shenandoah Valley campaign.

Under the easement, the Claymont Society retains ownership of the land but cannot place any permanent structures on the 264 acres other than a limited number of small buildings to support agricultural activities. In return for doing this, the Society received payment from the National Park Service's American Battlefield Protection Program (ABPP) for half the value of the easement, i.e., the difference in the value of the land when it can be developed and when it cannot. The Society donated the other half of the value of the easement.

The Claymont Society owns a total of 343 acres. Exempted from the conservation easement are a small area immediately around the Claymont Mansion and a larger area in the southwest corner of the property containing a barn/dormitory building and houses built in the 20th century. Nothing will be built to obstruct the view of the Claymont Mansion from Huyett Road.

Founded in 1974, the Claymont Society for Continuous Education is a non-profit educational organization with a mission of providing education and a place of learning and promoting a way of life responsible towards nature. It leases a section of farmland to a farmer who is producing organic vegetables for sale at farmers' markets, and it plans to lease additional areas for such operations.

The second property, from the estate of Hugh Hoover, has two-thirds of a mile of frontage on the Shenandoah downstream from Ann Lewis Road, in an area where Confederate Col. John



The organizations and individuals instrumental in the conservation easement around Claymont Mansion are from left to right: Grant Smith, President, Land Trust of the Eastern Panhandle; Amy Silver, President, Claymont Society; Elizabeth Ries, Grants Manager, American Battlefield Protection Program; Kit McGinnis, Claymont Society; Peter Fricke, Member, Jefferson County Farmland Protection Board; and Elizabeth Wheeler, Board Administrator, Jefferson County Farmland Protection Board.

Mosby ranged and clashed with Federal troops in 1864. While mostly open farmland, it also includes a significant wooded section in the center, just above the flood plain.

Hugh Hoover had begun work on the easement with the Jefferson County Farmland Protection Board before his death. His heirs, Dianna Gray and Steven Helms completed it even before probate of the estate was complete, using provisions of the West Virginia easement post mortem legislation.

The 148 acres of the Hoover easement adjoin an earlier Land Trust easement, donated by Jim Rogers and Pat Rissler in 2009 that protects 154 acres of historic farmland.

As of the end of 2012, the Land Trust of the Eastern Panhandle held 45 easements, protecting 4627 acres. Both of the easements added in 2012 are co-held with the Jefferson County Farmland Protection Board.

Insurance Program

Under a new program, the Land Trust of the Eastern Panhandle has obtained insurance to pay legal fees of up to \$500,000 to defend any of its 45 conservation easements.

While there have been no court challenges to its easements, legal costs for easement defense around the country often exceed \$250,000. That is more than the reserves of most small land trusts, including the Land Trust of the Eastern Panhandle.

Conservation easement defense insurance is not available from commercial or non-profit insurance carriers. The national Land Trust Alliance, therefore, created the Terrafirma Risk Retention Group LLC for this purpose, which 420 land trusts have joined to insure over 20,000 easements protecting six million acres of conserved land.

The insurance should serve as a major deterrent to individuals seeking to overturn or violate the terms of a conservation easement.

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of the Eastern Panhandle

Your Partner in Rural Conservation

Our mission is to encourage people to preserve open space and rural landscapes in West Virginia's Eastern Panhandle. We use private, voluntary initiative and education to:

- Preserve the scenic beauty and historic character that have long made our region attractive to people;
- Promote a healthy, balanced local economy by preserving productive farmland and encouraging appropriate development;
- Encourage wise stewardship of the region's natural resources.

We are a private, non-profit, tax-exempt charitable organization incorporated in West Virginia in 1995. Our board is composed of men and women from a variety of backgrounds from Morgan, Berkeley, and Jefferson counties.

We meet monthly at the Martinsburg law firm of Hammer, Ferretti & Schiavoni, and we thank them for opening their office to us.

Board Members

Terry Rieman Camilletti

Albert Stephen Cox

Barbara Humes

Edward Moore

Gavin Perry

Grant Smith

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LTEP News

Birds to Benefit from Conservation Easements



The Claymont Society with its Conservation Easement (page 1) is interested in participating in the new Grassland Bird Initiative of the Potomac Valley Audubon Society.

The Land Trust of the Eastern Panhandle is cooperating with the Potomac Valley Audubon Society as it launches a new Grassland Birds Initiative to help the dwindling population of grassland nesting birds in the Eastern Panhandle. Many species are declining so rapidly that only 20 % of their 1966 population remains today. Beleaguered species familiar to many of us include meadowlarks, bobwhites, bobolinks and red wing blackbirds. Habitat loss and changes in land management are the main factors leading to the population decline.

Land management practices that can help restore suitable grassland habitat include mowing higher and later, not mowing at all for several years, or even converting some fields to warm season grasses, which grow later in the season. The idea is to allow the grass clumping structure to remain intact, with bare soil between the plants where grassland nesting birds can build their nests and use to forage for food and flee from predators. The normal practice of cutting hay in mid-June and again in the summer robs the birds of the chance to produce young in such a location.

A pilot program of cooperation between a LTEP easement donor, The Claymont Society, and PVAS is about to begin. The Claymont Society plans to enroll a key portion of its 264 acres under conservation easement in the new Grassland Bird Initiative of the PVAS, under which it will choose from a range of conservation practices that preserve nesting areas for such birds.

Other easement donors, or landowners with some acreage, may wish to enroll a portion or all of their property in this program, choosing those practices that best fit with their farming operations. More information is available at www.potomacaudubon.org/GBI or by email at Grasslandbirdsinitiative@gmail.com.

Tax Opportunity Extended

Buried in the “tax extenders” portion of the fiscal cliff legislation at the beginning of this year was a provision that can help protect the farms and forests so important for the economy and quality of life in the Eastern Panhandle.

Specifically, during 2013 placement of a conservation easement that permanently protects land from development will entitle the landowner to a federal tax deduction of the value of the easement against up to 50 per cent of income. Any unused deduction can be carried forward for up to 15 years.

The value of an easement is the difference in the value of the property when it can be developed and when it can only be used for purposes such as farming or forestry. In Jefferson County, which has zoning, this difference now generally runs between \$3800 and \$6000 per acre; in Berkeley County, recent easement values have averaged \$6800 per acre.

This enhanced deduction should be of particular interest to landowners who do not need funding for an easement from one of the county Farmland Protection Boards or who own forest land rather than farmland. Just before the enhanced deduction lapsed the first time, three Panhandle landowners took advantage of it by donating easements protecting 274 acres to the Land Trust of the Eastern Panhandle.

Even farmers who need Farmland Protection Board funding may want to get paid for most of the value of an easement but donate the balance, thereby improving their chances of getting access to the limited FPB funds. Many have done just this in the past, effectively stretching the FPB money to protect more acres than would otherwise be possible.

Potentially important for landowners in Jefferson County is the possibility of combining the enhanced federal tax deduction with funding from the National Park Service’s American Battlefield

Protection Program for easements in the four Congressionally-recognized Civil War battlefields in the county: Harpers Ferry, Shepherdstown, Summit Point and Smithfield Crossing (Middleway). The Land Trust of the Eastern Panhandle has helped obtain over \$2 million in ABPP funding for eight easements in Jefferson County protecting 857 acres.

A conservation easement permanently restricts the use of land to non-development purposes and is recorded with the county clerk, just like a sale or mortgage. The landowner continues to own the property, and public access is not required. Details can be worked out to accommodate the specifics of the property and the desires of the owner.

The organization holding an easement photographs and otherwise documents the state of the land at the time the easement is placed. It uses that documentation to monitor the property annually so that it can enforce the terms of the easement.



The 148 acre easement from the estate of Hugh Hoover has frontage along the Shenandoah River as well as farmland and a wooded section

Support Your Community Conservation Partner!

I would like to be a **Partner** with the Land Trust of the Eastern Panhandle.

Please contact me to discuss **protecting** my land through a Conservation Easement.

I would like to **support** the Land Trust with a tax deductible contribution

\$500 \$100 \$75 \$50 Other \$ _____

Please contact me. I am interested in **volunteer** opportunities with the Land Trust.

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE _____

FAX/EMAIL _____

Mail to: Land Trust of the Eastern Panhandle • P.O. Box 2240, Martinsburg, WV 25402

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