

# Landscapes



News from the Land Trust of the Eastern Panhandle

Summer 2014

## Progress in Protecting the Shepherdstown Battlefield

A key area of the steep shore of the Potomac River outside Shepherdstown that saw a brief but deadly clash between Union and Confederate forces in 1862 is receiving an additional layer of protection thanks to the work of the Land Trust of the Eastern Panhandle.

In October 2013, the Land Trust closed on a conservation easement on the 14-acre Cement Mill property on the Potomac at the intersection of River and Trough Roads, which is where Confederate troops crossed the river after the Battle of Antietam, followed by pursuing Union forces. The Battle of Shepherdstown ensued, during which the Union forces were driven back to the Maryland side of the river.

The Jefferson County Historic Landmarks Commission purchased the Cement Mill property in 2011, using funds provided, in part by the Civil War Trust. The National Park Service's American Battlefield Protection Program conditioned reimbursement to the Civil War Trust for its contribution on the placement of a conservation easement on the property, which the Land Trust agreed to hold.

The main 14-acre property contains the structures from an 1829 Cement Mill, including the ruins of the mill itself, six kilns along the bank of the Potomac River, a large kiln on the uphill side of River Road, and the remnants of an office building. Some of the kilns on the river show damage from Union artillery shells fired from the Maryland side of the Potomac during the battle.

Under the terms of the easement on the Cement Mill property, no additional structures or impervious surfaces are permitted. The Historic Landmarks Commission is responsible for protecting archeological sites, with all maintenance to be in accordance with the guidelines of the Secretary of the Interior.

This year, the Cement Mill property is being expanded by addition of two small parcels on Trough Road at its intersection with River Road. Both parcels have houses on them marked for demolition, which will result in protection of an



*The Cement Mill in an 1890's photo taken from the Maryland Shore. (Courtesy of Martin Burke, Historic Land Marks Commission of Jefferson County).*

entire 16-acres along River Road upstream from the intersection with Trough Road, including two routes used by the troops to climb the slope and the cliffs from which some Union forces jumped.

Funding for purchase of the additional two parcels comes from the Civil War Trust and from the Shepherdstown Battlefield Preservation Association, which has played a crucial role in finding funding for protection of these properties. As previously, reimbursement to the Civil War Trust by the American Battlefield Protection Program will be conditioned on placement of a conservation easement on the two parcels. The Land Trust will cover its costs in expanding the documentation of the Cement Mill property to include the two parcels.

Uphill from the 16 acres along the Potomac lie two additional, privately-owned parcels totaling 59 acres that were protected by ABPP-funded conservation easements in 2006. These easements prevent development of the parcels beyond the existing one house on each parcel.

The Historic Landmarks Commission acquired the Cement Mill property in hopes that it would ultimately be taken over by the National Park Service. The Park Service is working on a Congressionally-mandated study, which should make a recommendation on this issue.

In the meantime, the HLC has gotten the Cement Mill property listed on the National Historic Register.

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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

Sam Donley

Barbara Humes

Edward Moore

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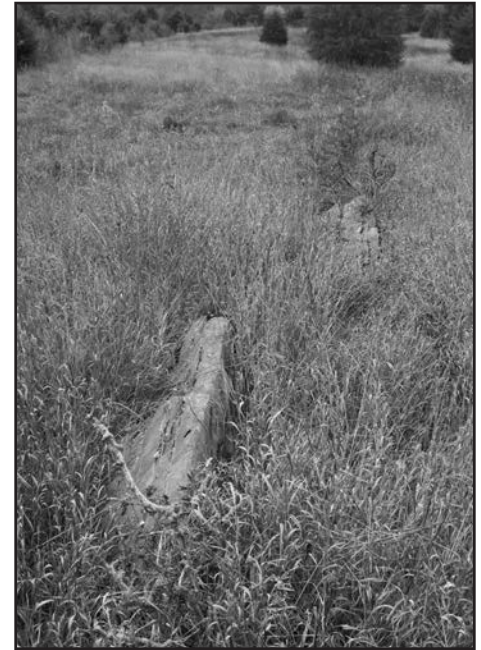
[www.landtrustepwv.org](http://www.landtrustepwv.org)

## LTEP News

### Bullet Casings from the Past

Scott and Sondra Morgan's 33 acre conservation easement in Kearneysville has a Civil War battlefield connection. Scott Morgan reports that 15 Civil War bullet shell casings were found on his property between low rock ledges about 100 feet from Middleway Pike. He believes they are from 50 caliber union bullets. It is thought that soldiers used the low rock ledges to take cover during the Battle of Smithfield Crossing, 1864.

As recorded on the Smithfield Crossing American Battlefield Protection Program Map, dated 2009, the property falls within the Battlefield Core Area. The Smithfield Crossing battle took place on both sides of Middleway Pike and extend towards Charles Town and the adjacent Summit Point Battlefield.



*Rock ledge near Middleway Pike where the bullet casings were found*

### Federal Tax Incentive Very Much Alive

Reports of the demise of the federal tax deduction for conservation easements are wrong. While the incentive declined at the end of 2013, it still exists, and efforts are underway to restore the enhanced deduction that was in effect last year.

Under the current law, a donor of a qualified conservation easement may deduct the value of the easement against up to 30 per cent of income, with a carry forward of up to five years. The easement also reduces the value of an estate, providing a possible estate tax benefit.

Draft legislation approved by the Senate Finance Committee would restore the enhanced deduction as part of a package of extensions of tax benefits. The enhanced deduction allowed a donor to deduct the value of an easement against up to 50 per cent of income, with a carry forward of up to 15 years.

The value of an easement is, basically, the difference in the value of land when it can be developed and when it cannot, as determined by an appraisal done to federal standards.

The national Land Trust Alliance is lobbying for the enhanced deduction, either as part of the "extenders" legislation or as a permanent action. Permanency was included in both the President's 2015 budget and in the tax reform proposals of House Ways and Means Committee Chairman Dave Camp.

## Conservation Easements Promote Conservation Activities

The Claymont Society for Continuous Education in 2012 put 265 acres of its property along Hyuett Road into a conservation easement, through the Land Trust of the Eastern Panhandle and the Jefferson County Farmland Protection Board. Funding for the easement was provided by the American Battlefield Protection Program.

The Claymont Society is also actively promoting other conservation measures, including participation in a grassland birds initiative with the Potomac Valley Audubon Society and providing nesting sites for Chimney Swifts. The restoration of the Claymont Court Mansion resulted in the chimneys becoming an unsuitable site for the Chimney Swifts nesting there, so the Society built a Chimney Swift Tower in the apple orchard near the Mansion. It is hoped that Chimney Swifts will nest in the tower, and the tower will also be used as a roosting site for migrating flocks of swifts.

***The following is an edited excerpt from Rehabilitation and Conservation of Chimney Swifts, Fourth Edition by Paul and Georgan Kyle. Copyright, 2004.***

*The Chimney Swift is one of four regularly occurring species of swifts found in North*

*America, and the most common one found east of the Rocky Mountains. As their name implies, they are accustomed to building their nests in chimneys as well as abandoned buildings and occasionally stone wells. Adult Chimney Swifts are most commonly seen in flight -- usually in groups. When soaring, their long, scythe-shaped wings span about 12.5 inches supporting a proportionally short body with a squared-off tail. The flickering, bat-like flight when flapping is due to short, massive wing bones. Chimney Swifts' flight is accompanied by a sharp "chirping" or "ticking" call. At rest, an average 5 inch, 22 gram adult is sooty-gray to black with the throat silvery-gray in color. Both sexes are identical in appearance. The tail feathers are tipped by pointed bristles. The claws and tail bristles are used to cling to rough vertical surfaces. Swifts are unable to perch or stand upright.*

*Chimney Swifts winter in the Amazon Basin of Peru. They arrive in the continental United States in late March and are gone by early November. Nesting begins in May, and has been known to continue into August. Chimney Swifts are usually single-brooded, and there will be only one active nest in any structure regardless of the size of the*

*site. The female normally lays three to five white eggs in a nest of twigs which are broken from the tips of tree branches, glued together with saliva and attached to a vertical surface. The eggs are incubated by alternating adults for eighteen to nineteen days. Chimney Swifts catch flying insects on the wing. Baby Chimney Swifts are fed by both parents, which continues until the birds fledge from the chimney about 30 days after hatching. The hatchlings have sharp claws which enable them to cling to textured surfaces. Twenty eight to thirty days after hatching, young Chimney Swifts will leave the safety of the chimney for their first flight. Once an entire brood has fledged, they will fly with their parents in slow, noisy parades around the area of the nest site. The young will return frequently to the roost during the first few days, but may soon begin to visit other roosts in the area.*

*At the end of the breeding season, the swifts' communal instincts peak prior to fall migration. They congregate in flocks of hundreds and even thousands at suitable roost sites. Although Chimney Swifts can withstand a few early cool snaps, they will usually ride south on the first major cold-front that blows through in the fall.*



*Chimney Swift Tower constructed in the apple orchard on the Conservation Easement of the Claymont Society for Continuous Education. The tower provides potential nesting sites for Chimney Swifts, replacing the chimneys of the Claymont Court Mansion.*

# 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.

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ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_

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