

Landscapes



News from the Land Trust of the Eastern Panhandle

Fall 2002

Land Trust Assists Farmland Protection Boards

For the first time, West Virginia has applied for Federal monies for farmland protection. The 2002 Farm Bill has earmarked almost \$50 million for farmland protection in the United States during the next fiscal year. The three counties of the Eastern Panhandle led the way on this new initiative, meeting a July 15, 2002 deadline for submissions. With assistance from the Land Trust and representatives of the National Resources Conservation Service (NRCS), all three Farmland Protection Boards were able to meet the technical requirements necessary to apply.

On May 30, 2002 Denise Coleman, the Farmland Protection Program Manager for the Federal farmland protection program under the U.S. Department of Agriculture made a special trip to the Eastern Panhandle to address representatives of the Morgan, Berkeley and Jefferson Farmland Protection Boards, as well as the Land Trust. Ms. Coleman noted that the 2002 Farm Bill monies have been the first Federal monies available for farmland protection since the 1996 Farm Bill allocated \$40 million for a four-year period. In contrast, the 2002 Farm Bill provides for \$50 million *a year* over the next 10 years. She outlined how the Federal program was administered and encouraged the Farmland Protection Boards to move ahead in getting West Virginia in the program.

The Federal program works to assist state or local farmland protection programs to acquire conservation easements. Federal monies awarded for farmland protection must have a 50 percent local or state match. Up to 25 percent of this match may be contributed by the landowner by taking less than the full conservation easement value.

Awards are to be made by the end of the year, and the Eastern Panhandle is eagerly anticipating the start of many successful years of operation under the program.



Orchard land in the Eastern Panhandle eligible for protection

Real Estate Transfer Tax Passes State Legislature

Only one year after the passage of the Voluntary Farmland Protection Act, another major milestone was achieved through the West Virginia state legislature in March 2002 with the passage of a county real estate transfer tax.

In the fall of 2001, the Land Trust hosted a legislative forum at the Holiday Inn in Martinsburg for the Eastern Panhandle's legislators. The forum was well attended by our legislative delegation, as well as many supporters of conservation efforts, including the Morgan, Berkeley and Jefferson Farmland Protection Boards and the Eastern Panhandle Conservation District. Senator John Unger III, Delegate Dale Manuel, Delegate John Doyle and Delegate John Overington interacted with the group for almost two hours during the productive session.

During the forum, the participants discussed a list of top legislation initiatives important to the conservation community. The group quickly highlighted the need to fund the county Farmland Protection Boards with a real estate transfer tax. Each of the legislators in attendance unanimously agreed to support the effort.

In January 2002 legislation was introduced in both the Senate and House, increasing the chances of passage. The delegation knew that passage of a transfer tax during the session was a long shot—it is indeed rare to have proposed legislation pass in the first year of introduction, especially legislation enabling a new tax. The Senate bill was stalled by mid-session and the House version bumped along until the

last day of the legislative session. Supporters of the bill went to sleep in apparent defeat on that last day, only to awaken to learn that the bill passed during the last five minutes before midnight, the end of the session!

The Voluntary Farmland Protection Act was amended to allow the county commission of any county with a Farmland Protection Program to enact a real estate transfer tax of up to \$2.20 per \$1,000 of property transfers. This tax can be implemented by a majority vote of each eligible county's County Commission without going through a voter referendum. The tax would generally be assessed to the buyer. In the case of the Eastern Panhandle, the majority of the potential transfer tax would be raised from the tremendous increase in population that we continue to experience as many from the Baltimore-Washington area seek to move to our more rural area. All monies raised under this real estate transfer tax provision must go solely to the county's Farmland Protection Board.

Estimates of the amount of transfer tax may be as high as \$250,000 for Morgan County, and up to \$400,000 to \$500,000 a year in Berkeley and Jefferson Counties. Each county will be free to assess such tax upon completion of their Farmland Protection Program.

This is indeed a great success for conservation in the state of West Virginia! Our deepest appreciation goes to our senator and delegates who worked so hard to make this a success, and to its many supporters along the way.

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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.

Executive Staff

President/Treasurer -

Lavonne Paden

Vice President -

James Keel

Secretary - Euphemia Kallas

Board Members

Mark Benedict

Mike Gurson

Grant Smith

Peter Vila

Conservation Coordinators

Christina Hogbin

Margarita Provenzano

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LTEP News

The Land Trust in Action

Working to preserve the Eastern Panhandle

Board Elections

The Land Trust Board of Directors is pleased to announce their election of officers for 2002-2003. Lavonne Paden was elected President of the Land Trust. Lavonne has served on the Land Trust Board since October 2000. She was instrumental in the passage of the Voluntary Farmland Protection Act (2000). Lavonne is a CPA with over 20 years experience in the financial services industry; she has served as the Land Trust's Treasurer since May 2001. She currently also serves on the Berkeley County Planning Commission and the Berkeley County Farmland Protection Board. Lavonne and her family own an 80-acre organic farm in Back Creek Valley.

Jim Keel was elected Vice President. Jim has ably served the Land Trust as its President for the past five years and now desires to spend more of his retirement traveling and enjoying his farm in Rippon, the Wayside Farm.

Euphemia Kallas continues to serve as the Land Trust Secretary. Effie is leader in many Jefferson County political and community activities, including the Jefferson County League of Women Voters.

The Land Trust also welcomes to the board Mike Gurson. Mike works in computer training at the National Conservation Training Center. He is a native of Morgan County and continues to reside there today.

Congratulations to our new officers and member.

New Addition to Staff

The Land Trust is most excited to announce the addition of a new Conservation Coordinator, Chris Hogbin. Chris is a seasoned environmental activist in the state, representing the Eastern Panhandle on the West Virginia Environmental Council's (WVEC) board of directors for the past ten years. Chris received the 2001 Grassroots Activist of the Year from the WVEC. She will be assisting the Land Trust in all phases of its operations, from maintaining contacts with supporters, completing mailings and answering landowner inquiries with information and assistance. Chris, her husband Clint, and



The passing of the gavel to the new President.

their two small children live in Hedgesville. Welcome Chris!

West Virginia Land Trusts Meeting

In July of this year, the Canaan Valley Institute hosted the first meeting of the West Virginia Gathering of Land Trusts (WVGLT) at Thomas, WV. The Land Trust was represented, along with the West Virginia Land Trust, Indian Creek Conservancy, Greenbrier Land Conservation Trust, Cacapon & Lost Rivers Land Trust, along with other regional and national groups such as the Potomac Conservancy, The Nature Conservancy, and the Trust for Public Land. WVGLT determined that almost 10,000 acres of land is under conservation easement in the state of West Virginia, with the majority being held by The Nature Conservancy. Joyce McConnell, Professor of Law at the West Virginia University College of Law provided the group with insights into West Virginia's conservation laws. WVGLT spent the afternoon developing a work plan for new initiatives that would be helpful to conservation efforts in West Virginia, including a Forest Legacy program and tax incentives for conservation easements. The group envisions that through a cooperative effort, additional conservation measures may be successfully achieved.

Progress on the 911 Conversion

Address conversion has now been completed in Berkeley County. Thanks to all of our supporters for assisting us in updating your old address. The city of Martinsburg, as well as Jefferson and Morgan Counties are in the midst of their conversions. Please help us stay in touch by informing us of your new address. Thank you!!

The Drought: Where Did the Water Go?

By Lavonne Paden

It seems like only a few years ago the creeks were overflowing their banks during the seasonal rains, springs gurgled with their abundance like they had done for decades upon decades, and well water was plentiful just about everywhere in the Eastern Panhandle. Then came the drought of 1999 and life changed. During the summer of 1999, Gus Douglas, West Virginia's Commissioner of Agriculture, visited the Eastern Panhandle in the throes of the worst drought in decades. At the Commissioner's request, conservationists dug down four feet into the soil to demonstrate that the depth of the dryness was unprecedented in recent memory.

That was now four years ago, and we have gone from dry to drier. Creeks and rivers are running 70 percent below their normal flows. Many springs have stopped producing and wells are running dry in record numbers. Earlier in the year, the Berkeley County Public Service Water District came so close to exhausting their water supply that they enacted emergency restrictions and began to limit the amount of Water Availability Statements that would be given for new development in the county.

Several countywide studies have begun to address these and other water issues, including a Source Water Assessment Protection (SWAP) initiative in Berkeley County and a study by the Leetown Science Center in Jefferson County.

Elsewhere in West Virginia, the state's only natural lake, Hardy County's Trout Pond, has nearly disappeared. Normally a three-acre lake with depths of clear, cool water of up to 35 feet, the lake and its thriving trout population has been reclaimed by the underlying limestone formations.

Once buoyed by limestone conduits and shafts filled with water, the now empty underlying channels acted like a straw to drain the life from the lake. Some blame the drought, others blame quarrying in the area.

And, of course, we are not alone. Up and down the East coast, cities and counties are wrestling with the worst drought conditions since the Dust Bowl of the 1930's. Baltimore's reservoirs became so dangerously low that the city began to tap into a new but foul tasting water source, the Susquehanna River. Factories are closing in South Carolina due to lack of adequate river water to complete their industrial processing. Frederick County, Maryland has drained the last allowable drops from the Monocacy River and is planning to truck water in to its residents: one truck every six minutes, all hours of the day, seven days a week.

Even the normally unflappable Washington Metropolitan Area has been rattled. Much of the drinking water for the Washington area comes from the Potomac River. When the Potomac River's flow gets too low, two massive reservoirs, the Savage Reservoir in Maryland and the Jennings Randolph Reservoir in West Virginia, with a total capacity of 17 billion gallons are requested to release supplies into the Potomac River. Such a request was made of West Virginia's Jennings Randolph Reservoir in 1999—and again in August of 2002 when 300 million gallons a day began to be sent downstream.

While 30 percent of the country in drought at any one time is considered fairly "typical", having 70 percent of the country in drought, much of it severe or exceptional, has made everyone aware that we have a problem. The experts say that there is no end in

sight.

In the limestone or karst regions comprising the majority of Berkeley and Jefferson Counties, geologists estimate that 85 percent of the rainwater is utilized to replenish our aquifers. Without adequate rain, the effects on groundwater availability are fairly immediate and certainly severe. In addition, like the drought, increased urbanization and the impervious surface created by development tend to cause precipitation to be treated like waste water: directed into storm drains and pipes and quickly diverted to streams heading out of the jurisdiction rather than allowing it to replenish our aquifers. Open space, forestland and farmland have the opposite positive affect by allowing adequate area for the rainwater to slowly infiltrate into the karst as it has done for millennia, providing plentiful groundwater.

As we wait for a better day, hopefully soon, when our abundant rains will be restored, we take away some reminders of what we already knew: Conservation of our natural resources, including water, forestland, farmland, and open space is absolutely critical. The protection and maintenance of natural areas is not only important for a rural lifestyle, but is essential in order to safeguard and replenish our aquifers. This is true whether we are in a drought or not. Maybe the drought was just a wake-up call. Unlike the trout in Trout Lake—we can say that we have been warned.

Lavonne Paden is the Co-chair of the Berkeley County Source Water Assessment Protection (SWAP) Task Force. The SWAP Task Force is comprised of approximately 35 stakeholders representing various groups from Berkeley and Jefferson Counties examining water quantity and quality issues.

An Appreciation

Without the generous donations of our supporters, The Land Trust could not continue the work of protecting the farmland and open space of Morgan, Berkeley and Jefferson Counties. Our deepest appreciation to all who contributed to our 2002 Spring Campaign and helped us to preserve the natural beauty of the Eastern Panhandle.

Anonymous
Martin Baach
Mark Benedict & Georgia Jeppesen

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Donald Briggs
Frank W. Buckles
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(A copy of the book *Preserving Family Lands* will be sent FREE as a special thank you with each donation of \$50 or more.)

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