



Farmland Protection Effort Progresses

Entering their second year of Federal farmland protection awards, the Eastern Panhandle counties are well on their way to establishing impressive land protection efforts. Coming on the heels of \$288,100 of Federal awards on three properties for fiscal year 2002, the Eastern Panhandle captured an additional \$729,516 in Federal funds for fiscal year 2003. This represents 75 percent of all Federal farmland protection funds awarded in the state of West Virginia. These funds, along with \$577,975 in local matching monies will be used to protect 548 acres of farmland with a fair market easement value of over \$3 million.

The Berkeley, Jefferson and Morgan County Farmland Protection Boards (FPB's) have also enjoyed the benefit of their newly approved real estate transfer tax of \$2.20 per \$1,000 of real estate transactions effective April 1, 2003. Partially as a result of the robust housing market in the Eastern Panhandle, annual estimates of transfer tax revenue available for farmland protection continues to rise. Berkeley County anticipates a whopping \$1 million for the fiscal year, followed closely by over \$700,000 in Jefferson County. The slower pace of development in Morgan County has them netting \$120,000 for the fiscal year.

Applications to the FPB's by interested landowners for the two fiscal years now total 1,375 acres, of which approximately 902 acres will be funded with local and Federal assistance. Interested landowners should contact their FPB or the Land Trust for more information.



Fall in the Eastern Panhandle highlights the need for land protection.

\$1.04 Million in Funds Secured for Civil War Battlefield Sites

Driving South along Engle-Moler and Bakerton roads from Shepherdstown is a journey through historic fields. The view is not much changed from that seen by General Robert E. Lee and his army in September 1862 as they crossed the Potomac River at Pack Horse Ford to advance and later retreat from the battle at Antietam. Preserving open space in this area enhances the overall setting of Antietam Battlefield. It helps people to understand how Lee's army maneuvered and how the terrain eased his passage.

The Civil War Preservation Trust, Acting as an agent for the National Park Service under the American Battlefield Protection Program engaged the Land Trust to find landowners along these roads who were willing to put their land under permanent conservation easement. The easements would preserve the still open space and the historic view. The Land Trust

located three property owners willing to participate in the initial submission by the Civil War Preservation Trust, and negotiated conservation easements on those properties.

The Civil War Preservation Trust had the conservation easements on the properties appraised and the owners agreed to accept payment of 50% of this appraised easement value. The total funded value approved by the National Park Service for the three transactions, including the costs to close the easements, is \$1,040,000. The property owners will continue to enjoy use of their land for agricultural or any other uses that do not detract from the scenic and historic values being preserved. To conform to National Park Service regulations, a government entity must be a holder on these easements. The Jefferson County Farmland Protection Board has agreed to be a holder, along with the Land Trust. Donations by the property owners to the Land Trust will ensure the perpetual monitoring of these easements at no cost to the Farmland Protection Board or Jefferson County. The participation of the Farmland Protection Board on these rural properties ensures that they will also receive the low, agricultural tax assessment rate in the future. No development can occur on these lands.

This has been an exciting pilot project for the Land Trust. Writing a conservation easement to satisfy legal requirements and the property owner's desires is challenging. Coordinating the needs of Federal, private and local governmental activities is an additional service the Land Trust has been able to provide. Other property owners in Jefferson County are awaiting their turn to participate in the Civil War Battlefield Protection Program. As Congress appropriates additional monies in upcoming years, the Land Trust will work to bring protection to more local historic acreage.

Landscapes

News from the Land Trust
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.

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LTEP News

The Land Trust in Action

Working to preserve the Eastern Panhandle

Website Coming Soon

As West Virginia's Eastern Panhandle continues to experience unprecedented rates of population growth and development, the need for conservation and preservation of our rural landscapes has never been more important. The Land Trust of the Eastern Panhandle was formed in 1994 to provide landowners with a means of preserving the regions precious farm economy, open space, natural areas, and historic landscapes.

To better serve in educating and encouraging people and landowners to be good conservation stewards, the Land Trust will soon unveil a new Web Site at www.landtrustepwv.org. The objective of this initiative is to add yet another powerful tool in aiding landowners and concerned citizens in safeguarding our farmland, open space, and scenic views.

The new web site will contain information regarding the operation and mission of the Land Trust as well as provide ways for interested landowners to research options for preserving their land. In addition, the site will give everyone a more efficient way to stay abreast of current news and events taking place with the Land Trust. The Land Trust newsletter, Landscapes, will also be available for downloading. We thank all of our supporters who made this website possible!

Federal Legislative Proposals

The Land Trust Alliance and others have vigorously supported legislation on Capital Hill to expand the tax benefits resulting from the sale or donation of a conservation easement by a landowner. The sought-after provisions, encapsulated in several bills in both the House and Senate, seek to expand the rate of charitable deduction in any one year from 30 percent of your adjusted gross income to 50 percent. For landowners whose income is predominantly from farming, ranching or timber sales, this deduction would

increase to 100 percent of their income. In addition, the years over which the deduction could be taken is proposed to increase from 6 years to 16 years. Finally, the capital gains rate on the sale of a conservation easement is to be cut by 50 percent of the current rate.

Currently the Senate bill contains the provisions, but the House bill does not. Their inclusion in final legislation will be determined in conference committee later this fall. These provisions make the sale or donation of conservation easements much more attractive. In their journey seeking passage into law, these are provisions we can all support!

Land Trust Co-sponsors

Ed McMahon at NCTC

On Monday, October 27 at 7:00 PM, Ed McMahon, Vice President of the Conservation Fund, spoke on "Green Infrastructure: Smart Conservation" at the U. S. Fish and Wildlife Service's National Conservation Training Center in Shepherdstown. Ed McMahon is the co-founder and former President of Scenic America. He has authored eight books and over 125 articles.

Green infrastructure is the ecological framework needed for environmental, social and economic sustainability. It is our nation's natural life support system. Green infrastructure is an interconnected network of green space that conserves natural ecosystems values and functions and provides a wide array of benefits to people, wildlife and communities. Like other infrastructures, green infrastructure should be planned and provided for as a part of any community.

The talk was free and open to the public. For more information on future events, contact Mark Madison at (304) 876-7276 or see the web page <http://training.fws.gov/history/publiclectures.html>. This presentation was co-sponsored by the Land Trust.

West Virginia Forest Legacy Program

Forests in West Virginia

The forests of West Virginia provide employment for thousands of workers and recreational opportunities for millions of residents and visitors annually. At the same time, the state's woodlands serve as habitat for a rich variety of native wildlife and plants. The Central Appalachian Mountains represent one of the most significant hot spots for biological diversity in the continental United States.

More than 75 percent of West Virginia is now forested – more than existed in the early 1900's. It is the third most heavily forested state in the nation. And the majority of West Virginia's productive forestlands (an astounding 87 percent) are privately owned. These private owners are comprised of individuals, families, trusts, investment partnerships, mining interest, and privately held forest products companies.

These private landowners are facing increasing pressure to convert their forestlands to other uses, such as residential development. From 1982 to 1997 West Virginia lost 178,000 acres of forest to residential and urban development. To protect the state's forestlands and the jobs, recreation, and wildlife they support, Governor Wise directed the West Virginia Division of Forestry to initiate participation in the federal Forest Legacy Program in the spring of 2003.

Forest Legacy

Funded by the U. S. Forest Service, the Forest Legacy Program is a voluntary program to purchase conservation easements on private forestland to protect it from conversion to non-forest uses (such as development). The program is implemented through state agencies working with willing landowners. Currently 33 states participate in the Forest Legacy Program, and another seven states, including West Virginia, are just beginning programs. Compared to \$50 million per year of funding for farmland protection under the 2002 Federal Farm and Ranchlands Protection Program, almost \$91 million has proposed for program funding for Forest Legacy for

the 2004 fiscal year.

As a voluntary program, the landowner must apply for a property to be considered for Forest Legacy funding; furthermore, the land must also be within Forest Legacy Areas to be designated by the state. The Forest Legacy Program allows for the acquisition of a conservation easement from a willing seller. The easement allows the landowner to continue to own the property and to use it for forestry and recreation, but restricts development and subdivision. The terms of the easement are tailored to the characteristics of the property and the objective of the landowner. Under the Forest Legacy Program, public access is not required, and timber harvesting is permitted subject to a Forest Stewardship Plan. Up to 75 percent of the money comes from the U. S. Department of Agriculture; the other 25 percent must come from non-Federal sources, either as cash or in-kind contributions.

Conservation easements will be acquired and enforced by the West Virginia Division of Forestry, although they may assign annual monitoring responsibilities to qualified land trusts.

To be eligible to create a Forest Legacy Program, the West Virginia Division of Forestry was required to complete an Assessment of Needs (AON). This was begun in the spring of 2003, with a final copy completed on June 30, 2003. The AON identifies the condition and importance of West Virginia's forest resources, major threats to the forest resources, important areas for the implementation of the Forest Legacy Plan in the state, and the criteria to be used for the selection of projects.

The AON stated the goals of the Forest Legacy Program to be the acquisition of easements to prevent conversion or parcelization of forests by:

- Maintaining large and intact forestland tracts
- Investing in areas that will not be engulfed by other land uses
- Conserving tracts with significant timber resources
- Maintaining important water fea-

tures by conserving forests

- Sustaining the most ecologically significant areas of the state

The eastern part of West Virginia rated high for nearly every one of the stated eligibility criteria and was the most significant part of the state when considering all of the criteria. Initially, the AON excluded the Eastern Panhandle except for a small portion of Morgan County west of the Cacapon Mountain range. Those preparing the AON had concerns about the development in the Eastern Panhandle, and the sustainability of the forest. Initial proposals had the parcel size to be 100 acres or larger. After a vigorous phone call and letter campaign from concerned citizens of the Eastern Panhandle, the Forest Legacy area was expanded to include all of Morgan County and the portion of Berkeley County west of Interstate 81. Minimum parcel sizes were dropped.

The Forest Legacy area in the final proposal comprised approximately 43 percent of the state. The Eastern Panhandle is included in what is known as Forest Legacy Area 2 – Potomac Highlands.

Next Steps

The AON has now been approved by the West Virginia Division of Forest and has been sent onto the National Forestry Director for approval. Soon, the West Virginia State Stewardship Committee will be accepting applications from willing landowners. Landowners will be competitively awarded based on the following criteria:

1. Degree of threat
2. Forest resource economic benefits
3. Scenic and outdoor recreation benefits
4. Water quality and watershed protection
5. Ecological benefits
6. Community support
7. Historical or cultural resources
8. Educational opportunities and other important values

We look forward to the start of this important program in West Virginia and the Eastern Panhandle

911 Conversion

Recently you may have received a letter from the Land Trust regarding your new Emergency 911 address. Due to regulations by the U.S. Postal Service, we must obtain this new address directly from you. Approximately one year from conversion date, the Postal Service will not longer deliver to an old address.

Please fill in your current information and your new address and return this form to us. If you do not wish to remain on our mail list, indicate below.

Name _____

Current Address _____

I wish to remain on your mailing list. My new address is:

I wish to be removed from your mailing list.

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