

Landscapes



News from the Land Trust of the Eastern Panhandle

Spring 2003

Farmland Protection Effort Progresses

Efforts by the Land Trust and the county Farmland Protection Boards to apply for Federal matching funds on applications submitted by a July 15, 2002, deadline have met with a resounding success. Two months after the applications were made, the National Resources Conservation Service (NRCS) reported that \$288,100 of Federal funds was awarded on three easement applications. The Federal awards will be matched by \$311,900 in local Farmland Protection Board funds to secure permanent protection on 290 acres in Jefferson and Berkeley Counties.

NRCS State Conservationist Lillian Woods traveled to Martinsburg on September 18, 2002, to participate in a signing ceremony with Land Trust President Lavonne Paden to enter into the first cooperation agreement in the state of West Virginia for access to these Federal funds. Ms. Woods remarked, "I am most pleased to be here on this historic day as West Virginia initiates its participation in the Federal program."

The Morgan, Jefferson and Berkeley County Farmland Protection Boards have all received approval from their county commissions for the maximum real estate transfer tax allowable under West Virginia state law, \$2.20 per \$1,000 of real estate transactions. These funds will provide the required local match in order to access Federal funds. The tax is effective April 1, 2003. Estimates of the annual tax are \$100,000 for Morgan County, \$600,000 for Jefferson County and \$850,000 for Berkeley County. These funds must be used solely for farmland protection in the respective county.



Battlefield sites all over the East coast have been protected through efforts of the Civil War Preservation Trust.

Civil War Battlefield Areas Protected

The Land Trust, in partnership with the Civil War Preservation Trust, is seeking to preserve important tracts of rural land in Jefferson County associated with Civil War battle actions. This exciting project is funded by the Civil War Battlefield Preservation Act which was authorized by the U. S. Congress. A whopping \$10 million has been appropriated for the current fiscal year 2003. These funds are available in a matching grant program to purchase preservation easements adjacent to 384 battlefield sites in the United States, including those in Jefferson County. Grants are awarded competitively by the American Battlefield Protection Program, an arm of the National Park Service, with the Civil War Preservation Trust, a non-profit organization, acting as the negotiator between the local governmental and land trusts organizations and the Battlefield Protection Program.

There are two historically significant areas in Jefferson County which are currently eligible under this program. The Packhorse Ford area, particularly the properties along Trough, Engle-Moler and Bakerton Roads, outside of Shepherdstown, part of the Antietam Battlefield Advance and Retreat Study Area, and along stretches of Route 51 between Charles Town and Middleway which is

associated with military action in Middleway, Locust Hill and Cameron's Depot.

Large tracts of open undeveloped land in these areas offer a scenic view little changed from the Civil War era and are therefore prime candidates for preservation. Landowners are currently being contacted and offered the chance to voluntarily enter into negotiations that may lead to a historic preservation easement on their property.

The federal money available under this program can pay for up to one half the value of an easement. The easement value is roughly equivalent to the development rights associated with the property. When the property owner is paid for half the value of the easement, the remaining easement value becomes a tax-deductible charitable gift from the landowner to an easement holder, such as the Land Trust of the Eastern Panhandle. The property owner continues to enjoy the use of the land for agricultural, or any other uses that do not detract from its scenic and historic value of the property.

Intrigued by the proposal, a number of Jefferson County landowners have already signed letters of intent to place their land under protection in this program. If you are interested in learning more about preserving property connected with the Civil War, please contact the Land Trust.

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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

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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

Land Trust of the Eastern Panhandle
P.O. Box 2240
Martinsburg, WV 25402
304-262-1800

LTEP News

The Land Trust in Action

Working to preserve the Eastern Panhandle

The Legislative Forum

The Land Trust held a legislative forum at the Holiday Inn on December 3, 2002, for the Eastern Panhandle state legislative delegation. Participants offered a range of suggestions that they would like to see legislative initiatives on for the 2003 legislative session, including: transfer of development rights (TDR's); and several amendments of the Voluntary Farmland Protection Act, including removal of the \$1 million cap on real estate transfers for taxation purposes and provisions to allow for retained development rights.

We are pleased to report that the efforts were overwhelmingly successful, resulting in new laws for TDR's and a lifting of the restrictive \$1 million cap. Working together, our delegation has substantially advanced land use and protection efforts for the benefit of the Eastern Panhandle and the whole state. Thank you legislators!

Forest Legacy

At the September 11, 2002 meeting of the WVGLT (West Virginia Group of Land Trusts), Rodney Bartgis, Director of the Joint Central Appalachian Program of the Nature Conservancy informed the group that preparations were being made to complete the work for a Forest Legacy Program in West Virginia. Like the Federal Farmland Protection Program, the Forest Legacy program seeks voluntary conservation easements on forestland in the state, wherein development rights are purchased from the landowner. Up to 75 percent of the money comes from the U. S. Department of Agriculture under the Federal Farm Bill. The other 25 percent may come from local or state funds, or from an in-kind donation of easement value from the landowner. Such easements will allow continued harvesting of trees but would generally prohibit development and subdivision of the property.

While the Farmland Protection Program has approximately \$50 million of Federal funds to allocate nationally, Forest Legacy has \$90 million. Currently 33 states have begun Forest Legacy programs to access this Federal money. Another seven states, including West Virginia, are in the process of developing their state plans.

Public hearings were held around the state in March 2003 to discuss the program. A final series of public hearings will be held in May.

Initial indications are that the only portion of the Eastern Panhandle to be included in the program is Cacapon Mountain and points west in Morgan County. The Land Trust is actively working with many local partners to expand the eligible area to include more of the Eastern Panhandle. We urge you to submit comments via e-mail to the Conservation Fund at wvforest@conservationfund.org (visit their website at www.conservtionfund.org to review the West Virginia proposed program); and to attend the next public hearing in Romney, WV on May 8, 2003, at 7 PM.

Invitation to Social

The Land Trust invites all of its friends and supporters to an informal picnic at Morgan Grove Park in Shepherdstown on May 30, 2003, at 6 PM. Morgan Grove Park is located on Route 480 approximately 1 mile outside of Shepherdstown.

We anticipate a beautiful spring evening of good food and great dinner conversation. No RSVP required, just bring the family along and meet Land Trust members and its many supporters in the community.

911 and Database Conversions

The city of Martinsburg, as well as Jefferson and Morgan Counties are in the midst of their 911 conversions. Please help us stay in touch by informing us of your new address. In addition, the Land Trust converted to a new database system over the last several months. Please let us know if any of your information did not convert properly.



The Forest Legacy Program helps to protect forests with high quality watersheds.

Jefferson County Agricultural Development Plan

By James Keel

In July 2001, the Jefferson County Agricultural Task Force was formed to answer the question: Does local agriculture have a role in Jefferson County's future? The Task Force was composed of local farmers and nonfarmers having a stake in agriculture. As President of the Land Trust at the time, I was invited to be a member of the Task Force. After more than a year's work, I can report that the Task Force's answer to that question is a very clear, resounding "Yes." Even more important, the Task Force produced the Jefferson County Agricultural Development Plan, a "blueprint" that will guide efforts to improve the economics of agriculture for farmers.

Funding for the project and administrative support was provided by the Jefferson County Commission, the Jefferson County Planning Commission, the Claude Worthington Benedum Foundation and the West Virginia State Conservation Committee. Additional support and facilitators were provided by the Potomac Headwaters Resource, Conservation and Development Council (Roger Boyer and Marian Buckner) and Philip Gottwals of Clagget Wolfe Associates.

The Task Force conducted a strategic planning process over a period of fifteen months. They considered numerous issues such as sustainability, agricultural land preservation, economic viability, new types of agricultural activity, the environment and public support. They then defined their vision of Jefferson County agriculture as "*A more profitable and economically viable livelihood reinforced by supportive public policy, a critical mass of farmland, and a diversity of support industries*". From this vision the Task Force identified their mission as being: "*To advance the interests of Jefferson County's agricultural community to all concerned fronts, particularly the state and local governments, related organizations, and to the public.*"

Twenty goals were developed by the group from which a Five Year Action Plan was formed which includes 27 specific programs grouped into five areas:

1. The **Economic and Business Development** plan is to create an Agricultural Development Office to promote, market, and sustain agriculture in the county over the next five years. A working group will pursue the development of a shared-processing facility, access to capital, a Young/New Farmer Program similar to one operating in New York State, and a formal leadership development program.
2. **Work Force Development** encompasses the establishment of a clearing house to facilitate grower access to screened (including INS) laborers for seasonal and temporary employment. A training program for unskilled workers and efforts to increase the availability of non-traditional labor sources will be pursued.
3. **Education and Training** over the next five years will attempt to improve the farmer's ability to access and manage new resource opportunities. Grant writing ability, improved recruitment, and labor management skills are action items to be addressed.
4. **Marketing and Communications** is the major focus of the five planned actions. A Product Identity Program will assist consumers to identify locally grown or processed products and will be tied into the planned Agricultural Development Office. Several innovative programs dealing with new products such as agriculturally related arts and crafts and "Out-of-the-Box" approaches to marketing and management will also be explored. Finally the equine industry, an increasingly important component of Jefferson County agriculture, will be examined to determine how it can better be accommodat-

ed in the broader programs of traditional agriculture.

5. Finally, **Policy, Planning and Legislation** comprises the final list of actions required by the Development Plan. The need for a Farmland Protection Plan has recently been addressed through the establishment of the Jefferson County Farmland Protection Program. Local money from the new transfer tax, paid in large part by new residents when purchasing homes and setting up new businesses in the county, will be used to match available Federal Government funds for the purchase of agricultural conservation easements. This program, new to West Virginia, has met with success in neighboring states as a means of preserving farmland and open space and relieving farmers of the pressure to accept money from developers who are eager to buy their open fields for new subdivisions. Existing county regulations will be systematically reviewed and recommendation made to increase the agricultural "friendliness" of county policy. The newly drafted proposed Comprehensive Plan is currently friendly to agriculture and needs to remain as such. Flexible land use policies such as on-farm-value-added activity, the authorization of rural farm sales outlets, and other activities not recognized in existing regulations may be recommended. The action plan envisions the creation of county legislation requiring purchasers of residential property to sign agricultural disclosure documents at settlement. Disclosure documents would be required in agricultural districts (to be defined) and would indicate that the purchaser had been advised and accepted that the property was in an agricultural district. Further, the document would describe the industrial nature of agriculture and the "right to farm protections" afforded to agriculture.

An Appreciation

Without the continued generous donations of our supporters, The Land Trust could not progress in the important work of protecting the farmland and open space of Morgan, Berkeley and Jefferson Counties. Our deepest appreciation to all who contributed to our Fall 2002 Campaign and helped us to preserve the natural beauty of the Eastern Panhandle. Thank you for a successful campaign!

John & Jenny Allen
The Ashelmans
Rodney Bartgis & Debra Auble
Lisa & Martin Baach
William & Julia Belton
Charles & Margaret Biggs
Wallace & Carolyn Bishop
Marian & Hank Buckner
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\$25 \$50 \$75 \$100

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\$10.00 for a copy of *Preserving Family Lands*

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Please contact me to discuss volunteer opportunities

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Land Trust of the Eastern Panhandle
P.O. Box 2240
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