

# Landscapes



News from the Land Trust of the Eastern Panhandle

Summer 2009

## Land Trust Protects 295 Acres

The Land Trust of the Eastern Panhandle joined with the Berkeley and Jefferson County Farmland Protection Boards to permanently protect 242 acres of prime agricultural land in 2008 and added another conservation easement in early 2009 covering 53 acres, bringing its total to 2655 acres through May of this year. The Land Trust also continued its efforts to attract straight donations of conservation easements and to find additional sources of funding for purchase of easements.

Under the conservation easements the landowners retain ownership of their property but relinquish development rights, thereby insuring its availability for agricultural uses in the future. The value of an easement is the difference in the value of the land for the development and its value for agricultural or other non-development uses. This value can be a donation, which can qualify for a federal tax deduction, or can be paid for either totally or in part under a county, state or federal program.

### Berkeley County Easements

Nancy Needy and LaRue Stanley, sisters with property in the Van Clevesville area of eastern Berkeley County, donated easements on their 29 and 92 acres, respectively, to the Berkeley County Farmland Protection Board and the Land Trust on February 19, 2008. Both easements contain prime farmland in an area under heavy development pressure; the Stanley easement also includes a wooded area.

### Jefferson County Easements

Donald and Vickie Davidson concluded a conservation easement with the Jefferson County Farmland Protection Board and the Land Trust on September 12, 2008, permanently protecting their 121 acre farm



*121 acres of prime farmland co funded by the Jefferson County Farmland Protection Board and Donald and Vickie Davidson have been permanently protected.*

on Trough Road outside Shepherdstown. The Farmland Protection Board paid the Davidsons approximately two-thirds of the easement value, with the Davidsons donating the remainder of the value.

Now in corn and pasture for the Davidsons' cattle, the land includes an historic barn and a sunken road used by soldiers during the retreat from Antietam to gain access to the water of Rattlesnake Run. The easement is the fifth on property along Rattlesnake Run, protecting a total of 571 acres on the stream before it flows into the Potomac.

Timothy Smith and his grandfather, Garnet Payne, placed 53 acres of their farmland into easement with the Jefferson County Farmland Protection Board and the Land Trust on March 27, 2009, with funding for the easement coming from

the Farmland Protection Board and the US Department of Agriculture's Natural Resources Conservation Service. The land is located on Melvin Road, adjacent to Elk Run as it parallels the CSX tracks west of Harpers Ferry.

### Other Land Trust Efforts

The Land Trust is in touch with several landowners about straight donations of conservation easements on farmland or forest in the Eastern Panhandle. In addition, it wants to again facilitate applications for payment from the National Park Service's American Battlefield Protection Program for easements on land in the five federally-recognized civil war battlefields in the area, and to help seek funding for easements from state sources.

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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

Ron Gunderson, D.D.S.

Barbara Humes

Edward Moore

Grant Smith

Bonnie Stubblefield

### Land Trust of the Eastern Panhandle

P.O. Box 2240

Martinsburg, WV 25402

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304-876-2583 (Grant Smith)

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## LTEP News

## The Land Trust in Action

*Working to preserve the Eastern Panhandle*

### Preserving Harewood

The February 2009 issue of the magazine *Wonderful West Virginia* has an excellent article by Diana Kile Green on Harewood built by Samuel Washington, brother of George Washington, and the conservation easement that protects the 219 acres of land that surround it. The photographs by Justin Smith show the beauty of the farmland, and a marl marsh with its unique habitat, which the easement protects. As we shared in last year's newsletter, the LTEP is pleased to have facilitated funding for this easement and to take lead responsibility for monitoring and enforcing the Harewood easement.

### Enhanced Tax Deduction for Easements Still Available

The enhanced federal tax deduction continues available for conservation easements donated through 2009. Under the enhanced benefit, the deduction can be for up to 50 per cent of income over 15 years, and up to 100 per cent of income for farmers. If it is not extended—and the national Land Trust Alliance is pushing for an extension—the deduction will revert to a maximum of 30 per cent of income over six years.



*LaRue Stanley permanently protected 92 acres of farmland with funding from the Berkeley County Farmland Protection Board.*

## Accreditation Update

The LTEP was planning to publish the official notice of its application for accreditation by the Land Trust Accreditation Commission in this issue of the newsletter. After lengthy deliberation and careful consideration the LTEP board decided not to proceed with the application for accreditation at this time.

The LTEP began preparing for accreditation over a year ago by reviewing all of our records and files and adopting the necessary policies. Our board members spent a great deal of time preparing the documentation to complete the accreditation process. One month before submitting our final application the Board was informed by the Land Trust Accreditation Commission that it would be necessary for the LTEP to

increase its financial assets by a significant amount in order to obtain accreditation. Specifically, we were told we would have to build an endowment now to cover costs of monitoring easements if at some point in the (distant) future we would no longer be able to recruit volunteers for that task.

Our land trust is an all volunteer operation, from board members to professionals, who all donate their time and talents free of charge. We have no full time employees. As a result our expenses are minimal. This allows us to focus on our primary goals of acquiring conservation easements, stewardship of the land, education and outreach to the public.

The Board felt that the time and effort that would be necessary to raise the additional funds to satisfy this new financial requirement would be an unwelcome distraction from the Land Trust's primary purposes and impose an unreasonable burden on the community in light of current economic conditions. Therefore, on June 15, the Board unanimously voted to not proceed with its final application for accreditation and notified the Land Trust Accreditation Commission of that decision by a letter dated June 16, 2009.

The Board feels that this has been a positive experience even though it declined to submit the final application. We appreciate the continued support of the community and look forward to focusing once again on our primary goals.

## Easement Stewardship - Monitoring

An important role of the Land Trust of the Eastern Panhandle (LTEP) or any land trust is stewardship of the easements it holds. This means ensuring that the conservation values that the land owner expressed in the documentation of the conservation easement are protected in perpetuity. A major stewardship responsibility is to annually visit the property placed under a conservation easement to monitor any changes to the property. The purpose of monitoring is to establish compliance and also provide an opportunity for communication with the land owner to maintain a cooperative and supportive relationship. Regular monitoring also demonstrates that the land trust board is personally engaged and committed to preserving the property and maintaining the

terms of the easement. It is a pleasure to talk with land owners vested in conservation and to walk on some of the most beautiful land in the Eastern Panhandle.

The LTEP has an effective all-volunteer monitoring program. Each year, on the anniversary of the closing of the easement, a monitoring team, consisting of Board members and other volunteers, visits each property held or co-held by the Land Trust to meet with the owner and view the property. The condition of the property is evaluated in comparison to the original baseline documentation of the easement and assurance is made that the terms of the easement are being observed. Any concerns about the property are discussed with the landowner and issues are resolved.

Following each monitoring visit a written report is prepared, supported by appropriate photographs. A copy of this report is kept in the LTEP permanent files, given to all co-holders, and also provided to the owner.

The Land Trust of the Eastern Panhandle takes very seriously the obligation to ensure the preservation of land under the terms of the easement. An active and ongoing monitoring program is an integral part of this stewardship responsibility.

The LTEP welcomes volunteers who would like to become part of this monitoring program. Joining Board members and meeting land owners provides excellent insights into the importance of land conservation in the Eastern Panhandle.

# 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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