



# Landscapes

News from the Land Trust of the Eastern Panhandle Summer 2018

## KEY OPEQUON STREAMBANK AREA PROTECTED

The Land Trust finished 2017 by permanently protecting a scenic half mile of steep, forested Opequon Creek bank – hopefully the forerunner of future easements promoting water quality and native fauna and flora.

Mark Eddy donated a conservation easement to the Land Trust of the Eastern Panhandle that covers 30 acres along the Opequon in an area straddling Berkeley and Jefferson Counties where the banks rise over 100 feet from the creek itself. Oak, cherry and hickory trees dominate the forest there, with some cedar and scrub pine in the drier sections.

When asked what inspired him to protect his land, Mr. Eddy said “I grew up in Southern California in the 1940s and ‘50s and saw much of the amazing natural beauty of my surroundings destroyed by the overdevelopment that occurred in the postwar economic boom. When it became possible for me to protect even a small portion of the earth’s surface, the decision was a no-brainer.”

The conservation easement prohibits any houses in addition to the single one

that already exists, or any construction outside the designated residential area.

Mr. Eddy already has entered the property into the West Virginia Forest Stewardship Program, and the easement prohibits any commercial forestry. The resulting stream buffer will reduce runoff and provide important habitat.

Under terms of the conservation easement, Mr. Eddy continues to own the property, with use of it for the existing residence and for recreation. The restrictions of the easement apply to all future property owners.

With the addition of this easement, the Land Trust of the Eastern Panhandle holds 49 easements protecting over 4800 acres in the three counties of the Eastern Panhandle. Many of its older easements are co-held with either the Jefferson or Berkeley County Farmland Protection Boards, but in the future it hopes to add more easements like that donated by Mr. Eddy.

Property owners donating conservation easements can benefit from a federal tax deduction of the difference in the value



*Mark Eddy enjoying his woods and the view of Opequon Creek now protected in perpetuity with a conservation easement.*

of the land when it can be developed and when it cannot. This federal tax deduction survived the rewrite of tax laws earlier this year. The property owner should also benefit from a lower county tax assessment as a result of the easement.

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# ADDITIONAL BATTLE OF SHEPHERDSTOWN LAND PROTECTED

**P**reservation of the site of the brief but significant September 1862 Battle of Shepherdstown moved a step forward in November with signature of a conservation easement permanently protecting an additional 2.5 acres along the Potomac River at the intersection of River and Trough Roads.

The 2.5 acres are located on the downstream side of the intersection, adding to the 16 acres already preserved by conservation easement on the upstream side of the intersection. The land now protected includes not only the key half mile of riverbank but also the heights overlooking Pack Horse Ford – heights temporarily held by Union forces chasing Confederate forces retreating from Antietam and then by Confederates, who used the location to bombard Yankees fleeing back across the Potomac.

Confederate troops had made a dramatic overnight retreat from the battle of Antietam across Pack Horse Ford to that intersection, after which they moved up Trough Road. Union troops pursued but were forced back across the Potomac in an action that is credited with convincing the Confederate forces not to invade Maryland again in 1862 and Union forces, not to attempt further pursuit of General Lee on the southern side of the Potomac.

All 18 acres are owned by the Jefferson County Historic Landmarks Commission, with the conservation easement held by the Land Trust of the Eastern Panhandle. Funding for purchase of the additional 2.5 acres came from the Civil War Trust. Reimbursement to the Civil War Trust by the National Park Service's American Battlefield Protection Program (ABPP) was conditioned on placement of a conservation easement on those acres.

The Historic Landmarks Commission hopes to acquire additional land in the battle area. Even land that it does not buy can be protected by conservation easement through the Land Trust, which already holds easements on 59 acres, 16 of which in the battle area, uphill along Trough Road, leading away from the Potomac. That land continues in private ownership but can never be developed further.

The land upstream from the intersection of River and Trough Roads was the site of a Cement Mill that supplied hydraulic cement for the construction of the Chesapeake and Ohio Canal and continued in operation until 1901. Still visible are the cement mill kilns below River Road, where Union soldiers took cover, and the ruins of some of the cement mill buildings.



*Susan and Michael Whalton's conservation easement, co-held by the Land Trust and the Berkeley County Farmland Protection Board, shows natural landscapes and stream buffers along Tilhance Creek, which protect our surface and ground water systems.*

## THE WATER WE DRINK

To focus attention on the importance of drinking water quality and source water protection the West Virginia Rivers organization is serving as a nucleus in the Eastern Panhandle to build a Private Lands, Public Waters West Virginia Conservation Collaborative for safe drinking water. Over 23 organizations and groups are participating to help develop a Land and Water Initiative.

# CONSERVATION EASEMENTS AND THE WATER WE DRINK

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Conservation easements are an important asset in the Eastern Panhandle. They contribute to the rural character of our landscape. They maintain the long agricultural history in the economy of our area. As the population of the Eastern Panhandle has tripled especially in Berkeley and Jefferson Counties, over the past 3+ decades, so also has the infrastructure increased to house and businesses to support the people. Buildings, roads, driveways, and parking lots create impervious surfaces, so that rain and snow can not soak into the ground and recharge the ground water system. The water runoff during storms creates localized flooding and the rapid rise of streams. Flood water not only damages infrastructure, but also contributes pollutants, debris, and mud into the streams and rivers.

Our drinking water in the Eastern Panhandle comes from ground water, wells and springs and surface water streams and rivers e.g. the Potomac River or the Shenandoah. The limestone (Karst) geology in the area allows active communication between the surface and ground water systems, which has implications for water quality in our drinking water.

Conservation easements preserve the natural landscape and protect the watersheds of streams and rivers. The Land Trust of the Eastern Panhandle holds or co-holds 49 easements in the Panhandle. Twenty easements (40 percent) significantly protect surface water streams and springs. Most of these streams are direct drains to the Potomac River. Both the Potomac and Shenandoah River, also have easements adjacent to them. Rattlesnake Run in Jefferson County has a cluster of 5 easements plus 2 additional easements, which protect 2 miles of stream reach. Opequon Creek in Jefferson/Berkeley area has 3 easements protecting over 1.5 miles of stream reach. The Eddy easement (page 1) protects a steep bank along Opequon Creek with a tree buffer to help maintain the stability of the slope and enhance percolation of moisture into the ground and prevents washing of soil into the creek. In the Shepherdstown area 3 easements protect the bluff above and along the main stem Potomac River for a half mile, plus the National Park Service C&O Canal provides a buffer on the opposite shore.

Conservation easements cover a small area compared to the area of the Eastern Panhandle, but where there are clusters of easements their importance is magnified. The Berkeley and Jefferson County Farmland Protection Boards (FPB) are important partners in implementing conservation easements. Berkeley County FPB has several easement clusters, one protects part of the Back Creek Watershed.

Thanks to landowners who put a conservation easement on their land, they are protecting the open space and beauty of our landscape, the agricultural economy of our area, and the valuable water resources to sustain us all.

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### 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 developments;
- Encourage wise stewardship of the regions 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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### Board Members

Barbara Humes  
Kevin T. McLaughlin  
Gavin Perry  
Grant Smith  
Bonnie Stubblefield  
Susan Whalton

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### Land Trust of the Eastern Panhandle

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# Support Your Community Conservation Partner!

- ☐ I would like to **discuss** sharing my expertise 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.
- ☐ Please contact me to discuss Estate Planning Opportunities.

NAME

ADDRESS

CITY/STATE/ZIP

PHONE

FAX/EMAIL

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Visit our website for more information: [www.landtrustepwv.org](http://www.landtrustepwv.org)



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