

Conserving farmland, forests,
open spaces, and historic places in
Virginia's New River region.

New River Land Trust Board

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**Don't forget to visit our
website at
newriverlandtrust.org**

If you are aware of other websites
related to conservation easements,
please email their addresses to
betho@newriverlandtrust.org



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A year's effort to save land

The best moment in conservation work is when a landowner calls to say, "I want your help in saving my land." Despite the development we see around us, this year has also proven a fertile time for land conservation. As the New River Land Trust has worked to spread the news

about how landowners can keep their farms and harvest the cash they need to live on, more people have asked for our help in donating conservation easements.

Easements

It's so exciting to stand on a mountain or walk along the New River Trail State

Park or tour a beloved farm with a landowner and see the land that will be conserved for future generations. Some of the sites scheduled to be protected this year include:

- 1,000 acre farm and mountain ridge in the scenic Ellett Valley
- 270-acre mountaintop bald in Grayson County in the viewshed from Mt. Rogers
- 100 acres including forested walking trails in a development in Blacksburg/Montgomery County
- 75 acres protecting one and a half miles along the New River Trail State Park in Galax
- a 400-acre third-generation family farm in Floyd county
- 70 acres protecting both sides of a scenic stretch of the Little River
- 200+ acres of wildlife habitat on Walker Creek where it intersects with U.S. 100
- a 50-acre tract at the foot of Buffalo Mountain

Several other significant sites are under negotiation, including:

- Over 400 acres protecting three miles and a waterfall along Wolf Creek in Giles County adjoining the National Forest
- Two historic farms in Montgomery County



Cows at home. Photo by Ruth Babylon, Virginia Outdoors Foundation.

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- An historic farm in Pulaski County
 - A scenic 113-acre site on the headwaters of Torey Creek in Floyd County
- Whew. It's been a busy and fruitful year for land conservation in the New River region.

Education

Virginia tax credits that can be sold for cash to encourage conservation easements are so new that most landowners and professionals know little about this advantage of donating an easement. Much of our work this year has been in education. In May, we organized a conservation easement seminar that drew 150 people, a whopping size for such a program. Almost half were landowners. Secretary of Natural Resources Tayloe Murphy called it one of the best organized such seminars he had ever attended. Our thanks to the Virginia Environmental Endowment for generously underwriting this seminar. Three weeks later, together with the Floyd Fund of the Community Foundation, we organized a meeting on easements in Floyd that more than 80 landowners attended. Then in August, a follow-up meeting to our seminar drew 25 landowners for a question-and-answer session on easements.

Partnerships

None of this work would be possible without the leadership and expertise of Tamara Vance, Executive Director of the Virginia Outdoors Foundation, the agency that actually holds the easements. We've had support also from groups such as the Community Foundation of the New River Valley, the Skyline Soil and Water Conservation District, the Montgomery County Planning Department, the Virginia Department of Conservation and Recreation and many others.

Grants

As we work to encourage easements and save land, we especially appreciate those groups that have trusted us with the stewardship of their funds. We've received grants to further our work with landowners from the William E. Larsen Charitable Trust, established by Riner's well-known Christmas tree grower before his death; the Community Foundation of the New River Valley; the Virginia Environmental Endowment; and the State Department of Forestry.

Don't forget to thank yourselves

Our work would not be possible without the unselfish support of our members and donors. Your belief in this work and your dollars make it possible for us to reach more and more landowners and save land. Our hard-working board members, our volunteers and our members are the key to our success. Thanks to you all.

Learn about Conservation Easements from A-Z

COME PARTY!

The New River Land Trust will celebrate its first full year of land conservation with a benefit concert and membership gathering.

- Come celebrate with us.
- Enjoy good music.
- Learn about all we've accomplished this year.

Date: Saturday, Oct. 18th 7:30 p.m.

Who: **Celtibillies**, a band with both Celtic and bluegrass overtones

Where: NRLT President Joyce Graham's house and farm along the historic Elliston Straightaway on U.S. 11

Cost: \$10 in advance, \$12 at the door

Refreshments: NRLT will provide light refreshments and non-alcoholic beverages; BYOB if you'd like.

Call the NRLT Office at 951-1704 to reserve your ticket and get directions.

A one-day seminar on conservation easements for professionals and landowners will be presented on Dec. 11th at the Donaldson Brown Conference Center on the Virginia Tech campus. The program is being organized by Harry Haney, a Virginia Tech professor known statewide for his expertise on forestry and land conservation issues. It will offer continuing education credits for professional foresters and accountants. CLE credits for attorneys are now pending.

The workshop will provide an overview of conservation easements in the morning. The afternoon session will offer panel presentations by landowners, by land trust representatives and a discussion on ethics and legal issues. The New River Land Trust and the Western Virginia Land Trust will be among the session's sponsors.

The seminar will cost \$135, including lunch and workshop materials. Interested landowners can contact the New River Land Trust about a scholarship to cover the fee. The program will be held at the Donaldson Brown Conference Center on the Va. Tech campus beginning at 8 a.m. A two-day workshop on easements is also being organized for May 3-4, 2004.

Anyone interested in attending can contact the New River Land Trust office at [540] 951-1704 or betho@newriverlandtrust.org or contact Harry Haney at [540] 231-5212 or at HHANEY@VT.EDU.

Protecting the New River Trail State Park by Elizabeth Obenshain

Land along the New River Trail State Park is rapidly being converted from family-owned farms to small vacation lots and campgrounds. Sprawling development not only destroys the view for those who hike and bike the trail but also endangers wildlife habitat and water quality for the river.

The New River Land Trust received a \$15,000 federal and state grant this summer to initiate a fund to conserve land and views along the New River and the New River Trail State Park. The 57-mile trail, which attracts over one million visitors a year, is particularly vulnerable to adjacent, inappropriate development because it is only 80 feet wide in most areas. Every dollar raised from the public through the New River Trail Conservation Project will go directly into a land conservation fund administered by the Virginia Outdoors Foundation. Joe Maroon, director of the Virginia Department of Conservation and Recreation, called the New River Trail Conservation Project "a model for how local citizens, land trusts, and government agencies can work together to protect our most valuable, scenic natural resources. This kind of citizen-led campaign will be crucial to the future of land conservation across the commonwealth."

The grant from the Virginia Department of Forestry and the U.S. Forest Service is the third grant that the New River Land Trust has received in the past year. The

Trust received a \$10,000 challenge grant from the Virginia Environment Endowment that underwrote a major seminar and other educational programs for landowners and pro-professionals about conservation easements. It has also received a generous \$25,000 grant to further its conservation work from the William E. Larsen Charitable Trust. This Montgomery County-based fund was established by well-known Christmas tree farmer and environmentalist who died in 2001.

The New River Trail Conservation Project will use the grant funds and another \$22,600 from in-kind and other matching donations to raise public awareness and generate donations to purchase conservation easements and threatened lands along the scenic trail that borders the New River. The New River Land Trust has worked with State Parks and other Department of Conservation and Recreation officials, the New River Resource Conservation and Development Board, the National Committee for the New River and the Virginia Outdoors Foundation on a strategy to conserve land along the trail and the New River. Joyce Graham, president of the New River Land Trust Board, said the project advances the Land Trust's mission of conserving important farmland, forests and scenic views in the New River region.

Funds from the grant will pay for printing and displaying posters, brochures and envelopes at the trail's numerous access points to educate visitors about the eminent threat to the trail's rural views of farmland and forests. The brochures and donation envelopes will allow the park's users to contribute to conserving the trail's beauty and ecology. "From the state park's inception the communities all along the trail have been its biggest supporters," said Joe Elton, director of state parks for the Department of Conservation and Recreation. He called the state park a state and national treasure. "Its scenic values are breathtaking, and it captures the history of the New River Valley from the earliest westward expansion of our nation through the Industrial Revolution."

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Robert Blair and his grandmother Aline Ogle take a rest on the New River Trail State Park. They are among several heirs of the Jackson Farm, seen in the background, which is now for sale. Most scenic corridors along the trail are privately owned and vulnerable to development. The New River Trail Conservation Project will raise money to protect such views along the trail. Photo by Liza Field.



Two young naturalists learn about mushrooms on an after-work guided hike along the New River Trail State Park at Bylesby Dam. Max Lawrence is on the left (in orange) and Elliot Van Noy (in yellow) is on the right. Max is the son of Jennifer and Don Lawrence of Radford. Elliot is the daughter of Rick and Catherine Van Noy of Radford. Interpretive events along the trail, sponsored by the New River Trail Conservation Project, benefit the fund that directly protects trail corridors. Photo by Liza Field.

All donations will be deposited in a special account maintained by the Virginia Outdoors Fund. These funds will be used to acquire conservation easements and to otherwise protect lands along the New River and the New River Trail State Park.



Aline Ogle, [black-haired lady], and Edd [cq] Jennings [backpack wearing man] stand on a trestle along the New River Trail State Park with a farm behind. Both are landowners along the New River and they speculate on the future of the lovely Jackson Farm at Ivanhoe, which is in need of a conservation buyer. Photo by Liza Field.

“The window of opportunity for protecting the river and trail is brief, due to the ongoing exodus of farmers, climbing land prices, an influx of corporate and resident development and a lack of zoning and land use regulation in many of the counties that host the trail,” according to the Land Trust’s grant.

Liza Field, a well-known local conservationist and member of the Land Trust, has been the energizing force behind the project and will serve as project coordinator.

“Watching that majestic, historic landscape unravel feels like a kick in the stomach,” said Field. “One is torn, walking the trail, between the rapture of its beauty and the urgency to save the rare place while we can. Time is running out. With little prospect of state money for land conservation, we outdoor folk need to skip a few luxuries and buy this never-again landscape for the wildlife, the river and future hikers.”

In addition to the brochures, this project to protect the New River Trail is also starting a native-tree nursery at Foster Falls, the park’s headquarters, where seedlings, planted and tended by Boy and Girl Scouts and other volunteers, will be sold to visitors. Proceeds will go into the land conservation fund. A third component of the project will be educational programs, hikes and lectures about the region’s ecology and history offered at the state park by volunteers.

Elton, state parks director, pointed out that the trail “has been recognized as both a National Recreational Trail and a National Millennium Trail. It provides remarkable recreational opportunities for hiking, bicycling, horseback riding and access to the New River for fishing, canoeing and kayaking.” Mark Hufeisen, manager for the New River Trail State Park, endorsed the project, saying it provides visitors and local communities alike “a simple way in which to help conserve open space . . . and ensure protection of the scenic and pastoral landscape of the New River Valley.”

Land along the trail is coming on the market every few months as older landowners sell out, said Elizabeth Obenshain, the Land Trust’s executive director. Without a fund to purchase conservation easements and land, the state of Virginia and the public are helpless to save those critical properties essential to preserving the scenic character of the trail and the river.

Elton called preservation of the trail experience for future generations “a worthy endeavor and I commend those participating in the New River Trail Conservation Project.” If this project is successful along the New River Trail, it can be replicated along other scenic corridors in the state, such as the Blue Ridge Parkway and the Virginia Creeper Trail.

In the past year, the New River Land Trust has helped to conserve almost 1,000 acres of land in the New River region, according to Obenshain. For information on conservation easements or the New River Trail Conservation Project, please contact Elizabeth Obenshain, New River Land Trust Executive Director, at [540] 951-1704.



People, plants, trees, car: Naturalist Gary Lavallee shows hikers an invasive Tree-of-Heaven plant found along New River Trail at Byllesby Dam. The New River Trail Conservation Project will offer native tree plantings and dedications along the river and trail. The purchase of these trees will contribute directly to land protection. Photo by Liza Field.

Landowner Workshop Answers Questions

"I am moving ahead on the easement with more confidence as a result of the meeting last Friday." — Howard

Landowners interested in conserving family farms and communities had a chance to ask questions of easement donors and conservation experts at a "question and answer" seminar organized by the New River Land Trust in August. The session was a follow-up to the NRLT's "Landowner Education" workshop that drew 150 landowners and professionals in May. Three landowners – Kitty Brennan, Howard Dickerson, and Bud Jeffries – who have put or are in the process of putting easements on their property shared their experiences and answered questions. Steve Wagner, a local attorney and landowner, and Tamara Vance, Executive Director of the Virginia Outdoors Foundation, also answered questions. The three landowners each said they had considered an easement for several years and consulted with family members, attorneys, and accountants before deciding to move forward.

Q: Why does a landowner have to spend so much money [often \$3,000-\$4,000] on an appraisal?

A: These types of appraisals are different – usually more involved and detailed — than a residential appraisal.

Q: Does an appraisal start with present value and then go to market/developed value?

A: An appraisal will generally give the highest value, which is the developable value of land. The difference between the land's valuation with development rights and without development rights is what determines the value of the conservation easement. The highest and best-use value is after infrastructure is put in place. The land would have to have the infrastructure to appraise the highest.

Q: Could you average the value of two appraisals?

A: That's probably not unreasonable, but there is a practical problem of what to attach to your income tax. Both appraisals could be attached – your decision may depend on how divergent the two appraisals are.

Q: Is there any change anticipated as far as the acreage requirement for an easement?

A: The acreage requirement is a VOF guideline. Normally, 50 acres is the minimum size for a conservation easement unless the land has special characteristics, such as bordering the Blue Ridge Parkway or the New River. VOF guidelines allow one house site per 100 acre parcel, if you have a 400 acre farm, you can divide it into 4 parcels of any size with four house sites.

Q: Is there anywhere on the Internet we can go for a definition of conservation easements?

A: The IRS has made some letter rulings about what it means to define "conservation use." The VOF doesn't guarantee our conservation easements will meet IRS guidelines for conservation use. Landowners need to bring that up with their attorneys and make sure it will. VOF tries to make our program compatible with IRS requirements but we don't guarantee it. Check out <http://www.virginiaoutdoorsfoundation.org> for more information.

Q: If a property owner only has 50 acres and they go through the process of putting a conservation easement on it, is it possible that the IRS still might not recognize it?

A: It's still all about circumstances – for example the nature and location of the property. One of the IRS definitions is that open space is protected for fairly delineated governmental policy. While VOF is a state agency, its conservation easements are based on governmental policy. Up to this point, VOF's conservation easements haven't been challenged on conservation use definition; they have been challenged on appraisal values.

VOF has a lot of easements that are 50 acres or less, that protect a high conservation value.

Q: VOF guidelines allow one home and two secondaries for each 100 acres. What is a secondary?

A: A secondary is a residential structure that's subordinate to the main house. For example, a cabin, mother-in-law or tenant house. VOF likes to see a size limit on the secondary structures of 2,500 square feet or smaller, but it's not required.

Q: What about two houses that are 1,000 square feet each? We may choose to share our land with another couple and we would each want to have houses but they'd be very small.

A: That would be fine.

Q: What if a locality or the state wants to build a road through an easement?

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Building partnerships in the community

"Our future depends on organizations like the NRLT." –
Chris Thompson

by Lesley Howard

The New River Land Trust is building partnerships with local community groups to further its mission of land conservation. In November 2002, the Community Foundation of the New River Valley awarded NRLT one of its first grants — a \$500 gift from the Chris Thompson Fund to help the Land Trust undertake its strategic planning effort.

In addition, The Community Foundation's Floyd Fund then initiated an exciting project to combine forces with NRLT and organize a meeting to educate all Floyd County landowners about conservation easements. Floyd County, despite its rural image, is one of the most fractured counties in the state with 50 percent more road miles than Montgomery. Floyd community leaders such as Nola Albert and Jackie and Woody Crenshaw were key partners in developing the evening's program and in identifying and inviting local landowners to the June 12th meeting. Over 80 Floyd landowners attended to discuss conserving family farms. NRLT looks forward to continued work with the Floyd Fund to reach out to landowners about easements. Several Floyd landowners now have easements under way.

What drives our partnership with the Community Foundation? Local residents, landowners, nonprofit organizations, and philanthropists have a passion for the land that's rooted in personal experience. Chris Thompson,, founder of his named fund at the Foundation, said that he "moved here 25 years ago because of the natural beauty of the region, and the NRLT is the premier organization working to preserve that beauty and natural resources. Our future depends on organizations like the NRLT."

The support shown by the Chris Thompson Fund, the Floyd Fund, and the CFNRV has been critical to NRLT's fledgling successes. The NRLT plans to continue building bridges, and travel often on those we've already established, in the years to come. As Mr. Thompson aptly noted, "the goals of the NRLT and the CFNRV are very closely aligned – preserving and enhancing the quality of life in the New River Valley."

The NRLT recognizes this alignment as well and has established an endowed fund at the CFNRV. When it is fully endowed (\$10,000), the interest it earns will be dedicated to conservation projects in the New River region. Please contact the NRLT at 951-1704 or the CFNRV at 381-8999 for information about how you can help insure that land conservation will happen now and into the future.

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A: An easement doesn't prevent eminent domain, but an easement can provide some protection to the property owner. Other state agencies are required to work with VOF in carrying out its mission. VOF provides other state agencies, such as the Virginia Department of Transportation, information about where our easements are. They try to avoid those areas in their planning processes. They've moved roads in more than one case because it's so hard for them to meet the requirements of what they'd have to do to take the land. If there is a taking, there has to be a finding that the land is essential for orderly growth and development of the locality — only if it's an emergency or safety issue.

Q: What does the definition of agricultural use really constitutes? How does that work with county restrictions?

A: VOF doesn't go by county definitions, Our easements are required to be compatible with county Comprehensive Plans but we don't necessarily have the same definition. VOF doesn't have a specific legal definition of agriculture; we leave it open-ended because agriculture has evolved over the years to mean different things and probably will continue to evolve.

Here are things to keep in mind in hiring an appraiser:

1. Contact the Virginia Outdoors Foundation at 951-2822 or the New River Land Trust at 951-1704. They can provide a list of local appraisers with experience in conservation easements.
2. Make sure the appraiser has experience with conservation easements. The degree of experience will vary.
3. Do not suggest to an appraiser what amount you would like your land to appraise for.
4. Do some research on your appraiser to determine if they are aggressive or conservative. A very aggressive appraisal could invite an IRS audit.
5. If you have two appraisals done on the same piece of property, the IRS will find out and use the lower appraisal to challenge the higher appraisal you filed for your tax credit. This is definitely a problem with the gift and estate tax.

IT'S THE LATEST STYLE

New River Land Trust T-shirt:

- *It's a walking atlas of the New River Region!*
- *It tells all your friends that you're a land saver!*
- *It's the perfect (cheap) holiday gift!*



Conserving the Natural Beauty and Cultural Heritage of Virginia's New River Region

Alleghany Springs · Allison · Allisonia · Alum Ridge · Appalachian Trail · Austinville · Barren Springs · Barringer Mountain · Bastian · Baywood · Belspring · Bertha · Bethany · Big Survey · Big Walker Mountain · Blacklick · Blacksburg · Bland · Blue Ridge · Blue Ridge Mill · Boom Furnace · Bridle Creek · Briarpatch Mountain · Browns Store · Brush Mountain · Brushy Mountain · Buck · Buck Mountain · Buckhorn Mountain · Burkes Garden · Byllesby · Camp · Camp Creek · Cana · Carnot · Carroll · Carsonville · Carthage · Cascades · Centerville · Cedar Springs · Ceres · Chapel Check · Chestnut Creek · Chestnut Yard · Childress · Christiansburg · Claytor Lake · Clover Hollow · Cloyds Mountain · Conners Grove · Copper Hill · Copper Valle · Corinth · Cove Creek · Cove Mountain · Cox Chapel · Cox Mill · Crandon · Cripple Creek · Crockett · Crooked Oak · Crooked Creek · Delhart · Dismal Falls · Draper · Drenn · Dry Branch · Dublin · Dugspur · Duncan · Early · Effna · Eggleston · Ellett · Elliston · Elk Creek · Eona · Fagg · Fairlawn · Fairwood · Fallville · Fancy Gap · Farmers Store · Favonia · Five Forks · Flat Ridge · Flatwood · Floyd · Fort Chiswell · Fosters Falls · Fox · Fries · Galax · Galena · Garden Mountain · Gardner Mills · Gladesboro · Glade Mountain · Glen Lyn · Goldbond · Goodwin's Ferry · Gose Mill · Grahams Forge · Grant · Grapefield · Gratton · Grayson Highlands · Graysontown · Hebron · Hicksville · Higgins Crossroads · High Rocks Mill · Hilltown · Hillsville · Hiwassee · Hoges Chapel · Holly Brook · Huddle · Huffman · Huffville · Independence · Indian Valley · Iron Mountains · Ironto · Ivanhoe · Jackson Ferry · Jefferson National Forest · Jett · Johns Creek Mountain · Kayoulah · Kimballton · Kimberling · Kings Store · Kire · Lafayette · Lamsburg · Laswell · Laurel Branch · Laurel Fork · Liberty Hill · Lick Mountain · Little Mountain · Little Town · Little River · Little Walker Mountain · Locust Hill · Lone Ash · Longshoal · Longshop · Long Spur · Lower Elk Creek · Low Gap · Luster's Gate · Mabry Mill · Macks Mountain · Max · Max Meadows · Maybrook · McAdam · McCoy · McDonalds Mill · McKnights Mill · Mechanicsburg · Merrimac · Mitchell Crossroads · Montgomery · Mountain Lake · Mountain View · Mount Rogers · Mouth of Wilson · Murpheyville · Narrows · Newburn · Newport · New River · New River Trail · Niday · Oak Grove · Oak Hill · Oldtown · Pandapas Pond · Paris Mountain · Park · Parrott · Patterson · Peach Bottom · Peak Creek · Pearisburg · Pembroke · Penvir · Peppers Ferry · Petunia · Piedmont · Pierce Mill · Pike City · Pilot · Pine Mountain · Pipers Gap · Pizzaro · Poff · Point Lookout Mountain · Point Pleasant · Pond Mountain · Poor Mountain · Poplar Camp · Poplar Hill · Porters Crossroads · Price Mountain · Prices Fork · Prospectdale · Providence · Pulaski · Pumpkin Center · Rackettown · Radford · Raketown · Reavistown · Red Hill · Reed Junction · Richardson · Rich Creek · Rich Mountain · Riner · Ripplemead · Riverhill · Rocky Gap · Round Bottom · Rugby · Rural Retreat · Selu · Sharon Springs · Shawsville · Shawver Mill · Sheep Town · Shelors Mill · Shorts Creek · Shumate · Simmonsville · Simpsons · Sinking Creek · Smithfield · Snowville · Solitude · South Gap · Speedwell · Spring Valley · Spruce Run Mountain · Staffordsville · Staley Crossroads · Stevens Creek · Stones Mill · Stony Creek · Stroupes Store · Sugar Grove · Summit · Sunnyside · Sylvastus · Terry's Fork · Thessalia · Tindall · Tintytown · Toms Creek · Trigg · Troutdale · Tuggle Gap · Union · Vicker · Virginia Creeper Trail · Virginia Tech · Volney · Walker Creek · Walker Mountain · Walton · Wangle Junction · West Galax · West Piney · White Gate · Whitethorne · Whitetop · Willis · Willis Store · Wills Ridge · Wolf Creek · Wolf Glade · Woodlawn · Woods Store · Wythe · Wytheville · Yellow Sulfur Springs

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