

Land Protection

NEWS



WESTERN VIRGINIA LAND TRUST

SPRING 2007

2006: A Banner Year for Conservation *3,000 more acres saved; 10-year total is 21,000 acres*

2006 was a banner year for conservation here in Western Virginia, with the Western Virginia Land Trust helping landowners preserve more than 3,000 acres in our 10-county service area.

This represents the second-highest acreage total in WVLT's history. Only 2001 saw a higher total, when WVLT championed the state's purchase of the 8,500 acre Big Survey tract in Wythe County. Since WVLT's founding, the non-profit organization has helped to save nearly 21,000 acres.

In all, landowners recorded 19 easements, including land on the James River, Smith Mountain Lake, Johns Creek, the Little River, and Tinker Mountain, as well as a purchase of land on the Peaks of Otter and a donation of land adjacent to Grassy Hill Natural Area in Rocky Mount.

Land trust staff cited enhanced federal and state tax incentives, as well as the cumulative effects of 10 years of landowner outreach, as the reasons for the boom in easements.

"Interest in conservation easements is at an all-time high," said WVLT Executive Director Roger Holnback. "Landowners are taking advantage of the increased conservation tax benefits, which significantly lower their state and federal income taxes and reduce the estate tax burden when the land is left to their children."

Holnback added that much more could have been done in 2006, had it not been for staffing shortages at the Virginia Outdoors Foundation (VOF), the state agency that is the holder of most of the easements that WVLT negotiates.

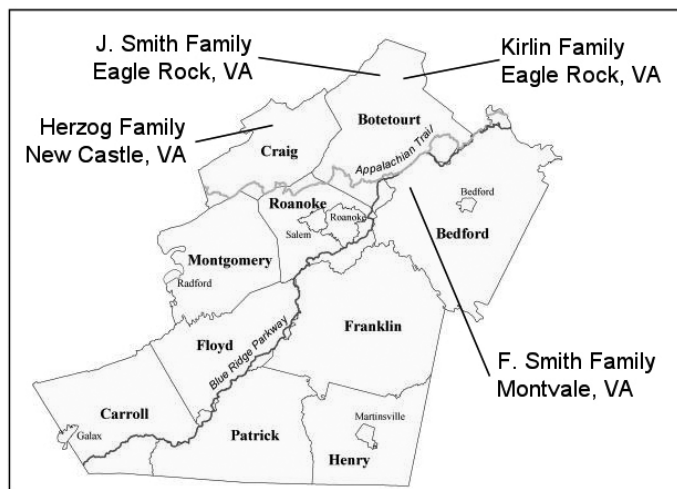
"After August, we were forced to tell landowners that we'd follow up with them after the first of the year," said Holnback. "VOF just didn't have the staffing to take on the additional easements."

The Blacksburg office of VOF has just four employees to cover 14 counties.

The situation has continued into 2007, says Holnback.

"In a typical January or February, we'd get three or four serious calls about easements in a month. Now, we're getting one a day, and VOF is telling us they can't speak with the landowners until late spring or early summer, and it's unlikely they will take easements under 100 acres this year."

The General Assembly recently included Governor Kaine's request for \$950,000 in additional one-year funding for VOF in next year's budget. This will enable VOF to better address their staffing issues for one year, but future additional funding is uncertain unless it becomes part of their "baseline" request in the budget.



Landowners featured in this issue

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**Look inside for your free copy of "Your Land, Your Legacy...Your Choices:
A Conservation Easement Guide for Virginia Landowners."**

Jim Smith Saves Four Locust Bottom Farms

Jim Smith, a tall, ruddy guy who loves the hard work of farming seven days a week, has locked the future of 587 acres of prime James River bottom land in northern Botetourt County near Eagle Rock with a conservation easement. He sees big houses on a hill overlooking his bottom and he doesn't want them in his pasture, too. Developers would buy his land in a minute, Smith said.

His easement protects four separate tracts, and he would like to use returns from the sale of his state tax credits to buy another neighboring farm. Smith is saving the land for two major reasons: To ensure that it's farmed after his lifetime, and to protect the property from a rumored coal-fired power plant. The plant could be served by a coal company on its land near the river and the Chessie railroad. Smith's farm splits the two parcels owned by the coal company, and his easement providing permanent land protection heads off any court fight should the coal company try to build nearby.

Stepping down from his tractor across from Locust Bottom Church on a recent Saturday afternoon, Smith talked about his love for the land. A Clifton Forge native, he has traveled to sell adhesives for H.B. Fuller for 37 years, living in Kansas City and Greensboro before settling in Daleville. He's close to retirement from sales. He began buying James River land in 1976, including a farm once owned by his father.



Jim Smith's cattle herd in Botetourt County

He has one farm helper who feeds his Angus and Charolais cattle when his sales travels take him afar. Smith often feeds as late as 10:30 p.m. His wife, Lois, commutes to a job in Salem, but she also loves the farm, he said. Their daughter in Florida is not interested in farming.

Smith is not optimistic about the future of agriculture and the environment. Agriculture is losing, he said, because it involves

(continued on page 5)

Federal Conservation Tax Benefits Set to Expire *Warner Supports Extension Bill; Ask Webb to Join as Co-Sponsor*

In 2006, Congress passed legislation providing increased tax incentives for landowners who place conservation easements on their properties. The legislation:

- increases the federal deduction for donating an easement from 30% to 50% of adjusted gross income
- allows farmers to deduct 100% of adjusted gross income
- and extends the time frame to use the federal deduction from 5 to 15 years

These incentives have been a boon for conservation here in Virginia and across the country. However, these tax benefits are set to expire on Dec. 31, 2007, unless Congress acts. Fortunately, Senators John Warner from Virginia, Max Baucus (D-Montana) and Charles Grassley (R-Iowa) are co-sponsoring Senate bill 469, the Rural Heritage Conservation Extension Act of 2007, to make these tax incentives permanent. President Bush also supports making the incentives permanent.

Without these tax incentives, many landowners will simply not be able to afford to place conservation easements on their properties.

We encourage you to contact Senator Jim Webb and ask him to join Senator Warner as a co-sponsor of S.469, and to contact Senator Warner to thank him for his support.

Senator Jim Webb
3140 Chaparral Drive, Building C, Suite 101
Roanoke, VA 24018
Phone: (540) 772-4236 • Fax: (540) 772-6870
<http://webb.senate.gov/contact/>

Senator John Warner
1003 Wachovia Building
213 South Jefferson Street
Roanoke, VA 24011
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For more information on these issues, contact WVLT at (540) 985-0000 or by e-mail at rholnback@westernvirginialandtrust.org or dperry@westernvirginialandtrust.org.

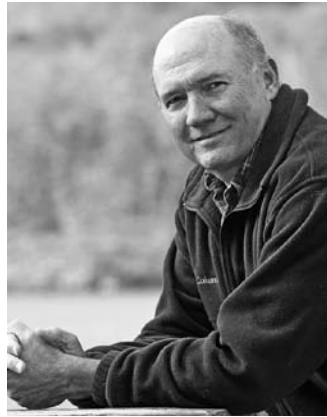
From the Director

Roger Holnback

The tax changes featured in our fall newsletter have created an unprecedented rush of interest in conservation easements at a time when WVLT is ready for the challenge, with Dave, Judy and I sharing the load. I do most of the public presentations and meetings with landowners, Dave deals with grants, newsletters and day to day development issues, and Judy keeps us out from under the correspondence and recordkeeping piles that tend to build up when I am not looking. The team is working smoothly and I can't say enough about the great work Dave and Judy do each week. Your land trust is turning into a well oiled machine for conservation thanks to your support and a hard working board.

However, the small staff of good folks at the Virginia Outdoors Foundation (VOF) are struggling to keep pace. VOF is our state's land trust and holder of over 90% of the conservation easements in Virginia. They have been attempting to stay on top of the demand the past couple of years, but this year with the new federal tax incentives making 2007 the best year ever to do a conservation easement, they are already overwhelmed.

Now, still very early in the year, they are forced to tell us they can't meet with our potential easement donors for months. I can tell you if this trend continues one had better get an easement going by June



DOUG MILLER

or you can forget getting your easement recorded this year. This is not the fault of the dedicated, hard-working VOF staff, but an unfortunate side effect of Governor Kaine's visionary challenge to secure 400,000 more acres under easement by 2010, and the 2006-7 window for the increased federal tax deductions.

The sad reality is that the national land trust community was surprised by the huge one-year increase in the deductibility for easement gifts by the federal government last August, and there has been no funding for many of us to staff up for the rush it has created. And now even if the funding is increased there will be time lost in the training process, as we wouldn't want unskilled staff dealing with the complicated legal issues associated with conservation easements.

All is not bad news, there is a bill in Congress (see "Federal Conservation Tax Benefits Set to Expire" on page 2) to make the 50% deductibility permanent, and we will be asking for your support for it in the coming months as it works its way through the legislative process. When the governor suggested that 400,000 acres might be preserved by 2010, I thought the idea of more than doubling the acres under easement was crazy.... but if the federal tax breaks are made permanent, and VOF gets the much needed funding to double its staff, we might make it yet. Look for alerts and ways you can participate in making the 400,000 acres by 2010 possible!

Honeysuckle Blues

David Perry, Project Manager

A Tale of Two Valleys

The towering, jagged volcanic peaks of the Sierra Madre Mountains in the distance left me awestruck. Because Guatemala City is located on a plateau more than a mile above sea level, I would have never guessed



A view to the southwest in Guatemala City, with volcanoes in the background.

that I was in the midst of some of Central America's highest mountains, were it not for those distant monoliths soaring upwards of 6,000 ft. above the city's skyline. My wife Kelly and I made our first visit to the country last spring, and the scenery was breathtaking.

Like Guatemala City, Roanoke too is in a high mountain valley, a much lower one, at just under 1,200 ft. at the airport. Here, we are surrounded by the Blue Ridge and Allegheny Mountains, and it's all too easy to forget that fact, until you look over the rooftops and see those gentle, blue, rolling hills.

Our mountains are old, sleepy, and weather-worn – a half-billion years old, geologists say – and speak to the quiet pace of life that we enjoy in the Roanoke Valley. Guatemala City's peaks are young and raw. Volcanoes such as Agua ("Water") and Fuego ("Fire") often send smoke and haze into the sky above the city, a not-so-subtle reminder that Mother Nature is still drawing that violent landscape. Guatemala City became the capitol of Guatemala in 1776 because previous seats of government had been destroyed by lava flows, ashen mudslides, and earthquakes. The continual destruction set the tone for the tiny country, which endured numerous bloody civil wars and coups in the next 200 years.



The Roanoke Valley or Guatemala's Sierra Madre Mountains?

Very different places, with very different pasts. Yet Roanoke and Guatemala City both share that special magic that comes from being in a mountain valley – the feeling that you are in two places at once, in the flatlands and high in the mountains at the same time. The mountains surround us, and define where we are. The mountains give limits and identity to the valley. Without them, we'd just be another relatively flat place on the map.

LANDSAVERS

A Botetourt horseman and a Bedford retired teacher save their streams and land with riparian easements

Proving that conservation easements are for both the young and the young at heart, steeplechase horse trainer Tom Kirlin of Botetourt County and retired high school government teacher Frank Smith of Bedford County will become the latest local landowners to protect their streams with riparian easements.

Kirlin, a former Alexandria engineering executive who moved 15 Clarke County horses to a beautiful, remote corner of Botetourt near Eagle Rock two years ago, is saving a 200-foot-wide, 1 ½-mile ribbon of land along Sinking Creek, which flows into the James River.

Smith, who lives on a hill north of Montvale, will place an easement on an 11-acre Day Creek wetland before it empties into Goose Creek. An 89-year old retired government teacher at the old Jefferson High School in Roanoke, he has lived in a scenic valley between Taylor and Porter mountains for 30 years. His family has owned land here for two centuries.

Kirlin and his fiancée, Dawn Carey, made a major shift in lifestyle when they left Berryville in Clarke County to move to a wooded farm in the Big Hill section between Eagle Rock and Iron Gate, near the Alleghany-Rockbridge county lines. In the move, "I sold 40 acres and bought (almost) 400," he said. He says he is saving the mile and a half of creek banks on the property "because it's the right thing to do."

Kirlin used to make a 70-mile, one-way, daily commute from Clarke County to a family-owned environmental engineering business in Alexandria. When the company was sold, he headed for the mountains. A graduate of Dickinson College, he came with an environmental background of goose hunting and fly-fishing in Maryland. The couple, who plan to marry in September, live in a 1960s log cabin.

Kirlin's horses race all over, from Colonial Downs to Saratoga, and he frequently rides in Rockbridge County fox hunts. The horses—he calls them "professional athletes"—are well-fed with a special diet



Tom Kirlin and New Zealand native Te Akau Five

four times a day, and groomed and trained on a regular basis. Kirlin rides and trains from four to six hours a day and feeds the horses at intervals from 5:30 a.m. to 10 p.m. with the help of two others. On cold winter days, he throws blankets over the horses and hauls four at a time in a trailer to Lexington where they can train indoors.

His easement will forbid farm structures and plowing and tilling for crops along the creek. He has built fences to contain a small herd of Angus and Hereford beef cattle. Kirlin plans a track for his horses along the route of an old Roanoke-to-Covington carriage road beside Sinking Creek. Eventually, he plans to protect his entire 389 acres with an overall conservation easement.

One county to the south, Frank Smith is saving a unique wetland populated by beavers, frogs, herons, wood ducks and other creatures. His easement will cover 11 acres along the stream on his 55-acre property. Like Kirlin, Smith hopes to eventually protect the entire property with a conservation easement.

Smith has deep thoughts about his attachment to the land of his forefathers. "Land is part of my existence," he said. "It's ever-present, good company...I like the land and want to keep it the way it is."

A native of Roanoke, Smith grew up in Rainelle, W. Va., graduated from the University of Michigan and also studied at the University of North Carolina. He traces his family back five generations to John Otey, who came from Knotty Oak, a New Kent County plantation, to settle in Goose Creek Valley in 1809. His father was in the lumber business in West Virginia and later built the house and raised beef cattle where Smith lives in Goose Creek Valley. For 30 years, Smith taught government at Jefferson High and he continued for another five years at Patrick Henry High.



Tom Kirlin's Botetourt horse stable



Day Creek bottomland at the Frank Smith place



*Ann Smith, Mary Poleglase, and Frank Smith
at their Bedford homeplace*

Back in World War II days, his father cleared a stand of pine for pulpwood with the help of German prisoners of war from a POW camp on Catawba Mountain. Today, the property is mostly wooded, with some ancient yellow poplar and other second growth trees.

Smith and his daughter, Ann, live comfortably on old land in this scenic valley, and his four children and granddaughter Hanna love to visit there. His wife died years ago. Another daughter, Mary, and her archaeologist husband live in Frederick, Md.. He has two sons: Frank, who works for the Christian Science Monitor in Boston, and Danny, who works in construction at Smith Mountain Lake.

Jim Smith Saves *(continued from page 2)*

only a small percentage of people so politicians are not interested. "This country is dependent on imported food and we are becoming more dependent on other countries...Farm subsidies are a joke," said Smith.

As for the environment, "We are all polluting," he said. A short distance upstream, the James is formed by the confluence of the Jackson and Cowpasture rivers. The Cowpasture is clear but the Jackson is brown from industrial waste, Smith said.

He's so attached to his farm that he regrets the location of his new house in a cow pasture. "It should have been in the woods," Smith said. His long hours of feeding cattle in winter and making hay and raising corn in summer are not easy but Smith says "I enjoy working."

Smith has a scenic retreat in Locust Bottom, between Rich Patch Mountain and Big Hill, southwest of Iron Gate, and he's obviously sleeping better since his easement was approved.

Remember the Land Trust in your will.

Just like the land, our legacies endure long after we're gone. Remembering the Land Trust with a gift in your will is a powerful way to care for the hills, valleys, and streams of Western Virginia forever.

For more information on bequests or other planned giving, contact the Land Trust at (540) 985-0000, or visit our website at www.westernvirginialandtrust.org/bequests.pdf.



Visit the New WVLT Website

Western Virginia Land Trust's website has received a facelift! Always a great source for conservation information, the site now features easy-to-navigate menus and banners featuring beautiful scenes from across Western Virginia. The latest WVLT conservation news is listed right on the main page, as are links to join the Land Trust and to get your WVLT Kroger Card. Please visit us at www.westernvirginialandtrust.org and let us know what you think!

Thoughts from the board

Preserving a Sense of Place

by Lucy Ellett

Those of us who live in Southwest Virginia understand what it means to feel "a sense of place." Even where a stretch of highway is cluttered with fast-food businesses, big-box retailers, and strip malls, we can usually raise our eyes above the rooflines to glimpse the tops of mountains and rolling hills. That glimpse tells us that we are not in Kansas, or Texas, or Florida, but in the Blue Ridge Mountains of Virginia.

I cherish this sense of place, and when returning from a trip, these mountains and valleys are a welcome sight indeed. Now living on the farm where I grew up and in the house which my grandfather built, I know I am fortunate to also have a family connection to the land.

Our grandchildren are the fifth generation to play in the barns, pick the blackberries, and fish in the pond, and they are enthralled by the tales of the "old days" when I did the same things as a child. Some of my most precious memories involve the times I spent walking in the fields with my grandfather looking for arrowheads and learning from him about Indian settlements and native plants and animals.

But one doesn't have to live on a farm or in the mountains to appreciate open space. Indeed, urban dwellers may need the restorative powers of forests and farmland more than those with a more rural lifestyle. Runners, hikers, and bikers prize open space for recreation, while birdwatchers and wildlife viewers use it for pursuing their avocations. Farmers of course need the land for growing crops and raising cattle, and they may develop a very special relationship to the land from which they derive their living, hoping to pass their way of life on to their children.

I recently read an article in the Journal of the Land Trust Alliance about religious communities in different parts of the country who seek to protect their land through conservation easements. As thoughtful stewards of the land, Trappist monks in South Carolina wanted to preserve their three thousand acres of land not only as a place for quiet meditative walks and sacred reading, but also as a place for visitors to come for recreation and to learn about the history and heritage of the place.

And so there are many reasons for supporting land preservation. It is easy to take the beautiful area that we inhabit for granted,

assuming that the family farms and seemingly limitless forests will always be there for us. Only when we see some new scar on the landscape do we realize how quickly things can change.

Within the next ten years it is predicted that nearly 70% of the forests and farmland in Virginia will change ownership. Huge tracts of timberland and mountainside land are being sold by coal and timber companies, and farmers are finding that they cannot afford to pass their land on to their children as farmland.



Lucy Ellett and grandson Harrison enjoy the outdoors.

Preserving enough of the farm and forest land to maintain the beauty and the sense of place which we treasure is a major goal of the Western Virginia Land Trust. Working with the thoughtful and dedicated staff and volunteers of this fine organization, I have been heartened by the focus on balancing the need for economic development and well-planned land use with land conservation. I am grateful to all those who support this organization and hope you will join me in encouraging friends and neighbors to join in the effort to preserve our sense of place.

Land Trust Receives Grant to Fund Accreditation Work

The Western Virginia Land Trust received a \$3,500 grant from the Southeast Land Trust Matching Grants Program to fund additional staffing needs as we prepare for accreditation in 2008. The grant will provide for a part-time staffer for a few months this spring and summer to assist with drafting and revising Western Virginia Land Trust policies and meeting the new Land Trust Alliance Standards and Practices.



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200-year-old Nutter Farm is Preserved in Craig County

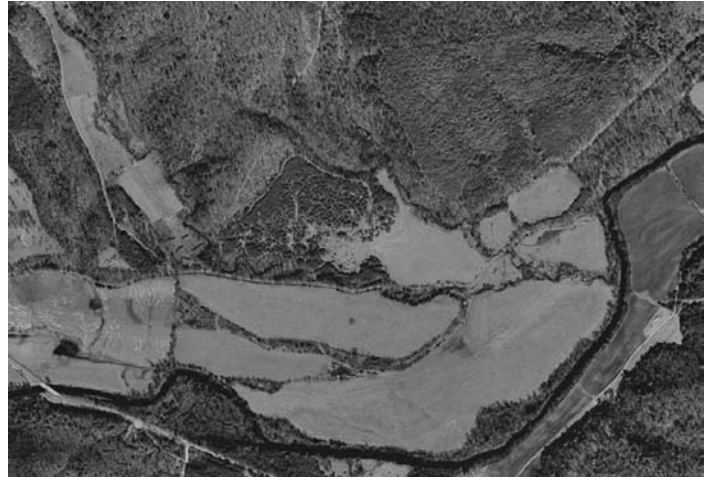
A 450-acre farm on Johns Creek in Craig County will remain in woodland and pasture forever under a conservation easement obtained by Henry W. "Chip" Herzog Jr., of Knoxville, Tenn., and his sister, Garland Herndon, who lives in Michigan and Arizona. They inherited land owned by their mother's Nutter family for more than two centuries.

"We wanted to create a legacy for the Nutter family, to honor our relatives and protect the land in the future," said Herzog, who recently retired after 30 years as an economist at the University of Tennessee. His sister is a retired CPA.

The Nutter property is in the Red Brush section of Craig northwest of New Castle, named for its red leaves in the fall. The farm contains Nutter Mountain and a stand of white and loblolly pines. It adjoins Washington-Jefferson National Forest on the west and straddles Rt. 611. Charles Barnes, a neighboring farmer, feeds beef cattle on the Nutter farm and keeps up the property today.

The farm includes 1 ¾ miles of frontage along Johns Creek, as well as 120 acres of pasture with the remainder in woodland and undeveloped farmland. The creek is protected by a 35-foot buffer with provisions for hunting and forestry. Under the terms of the conservation easement, the farm cannot be divided into more than three tracts, and one house is permitted on each.

Zadock Nutter settled on the land in 1803, moving from a plantation on the Eastern Shore of Maryland. Herzog has not been able to find much information about his great-great-great-grandfather and his family of eight children, but says they "likely faced hard times as they cleared and farmed their land along Johns Creek." Nutter had been an



The Herzog property viewed from above, showing their 120-acre hay bottom on Johns Creek.

army private in the Revolutionary War. Herzog says he took "no pleasure" in learning that some of Nutter's descendants owned slaves.

As he looked over the countryside from a family cemetery on a visit to Craig County, Herzog said his ancestors "chose their land well ... and for my part, wise stewardship must accompany ownership." Since his daughter and three nephews live far away and "have no great interest" in the land, the future ownership of the property is uncertain, he said. But he takes comfort and pride in knowing that the conservation easement will protect the land long after he's gone.

Kroger Cards a Success!

More than \$7,000 has been raised through WVLT's Kroger Card program since its inception in 2005. Thanks to the purchases of 60-plus Kroger Card users, WVLT is receiving an average of \$375 in rebates each month from Kroger. How can you "Buy Food and Save Land?" It's easy – just send \$5 to WVLT. We'll send you a WVLT Kroger Card with \$5 already on it. Before you shop at Kroger, stop by the service desk at the front of the store and add money to the card in any amount up to \$500. Kroger then gives WVLT a rebate equal to 5% of what you added to the card, at no cost to you whatsoever!

Use your Kroger Card just like a debit card at the register. Any money you add to the card stays on it until it's used. And it's good for all of your Kroger purchases – food, medicine, gas...anything! Remember, the money WVLT receives comes from Kroger, not from your pocket. All you have to do is make your usual purchases, and remember to pay with your Kroger Card! To order one for each shopper in your family, just send a check made payable to "WVLT" for \$5 per card, along with your name and address, to:

Western Virginia Land Trust
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Roanoke, VA 24016



Check out our website at: westernvirginalandtrust.org



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