

Views From The Foothills

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Conservation Easements 101

There currently is significant interest within the Culpeper District in farmland protection and preservation, open space preservation, natural resource conservation and land conservation generally and increased interest by many in the financial remedies or benefits that exist at both the state and federal levels for such. These are all worthy of exploring by anyone even remotely interested in conservation incentives, farmland preservation and open space. Due to the increased interest, we thought it worthy of a brief article on such. And on a related matter, we call your attention to page 4 of this newsletter which announces an upcoming program on generational transfer of land; another land conservation tool. We have heard very good reviews about this program and encourage your interest.

Moving on, and keeping with current times, if you Google “What is a Conservation Easement” here is what AI has to offer; with brief “add-ons” by SWCD.

A conservation easement is a voluntary legal agreement where a landowner restricts certain uses of their property to protect its natural resources or historic values **or its farming value**. It allows the landowner to retain ownership and use of the land while conveying some property rights to a conservation organization or government agency, thus limiting future development and protecting the property's conservation attributes. **Add-on: It does not grant anyone access to your land except for any easement monitoring that was agreed to. And it does have value; tax credits, potential outright purchase and other.** Here's a more detailed explanation (more AI):

- **Voluntary Agreement:** Landowners enter into conservation easements voluntarily, choosing to limit their future development rights. **Add on: Most often in exchange for something.**
- **Protection of Natural Resources:** The primary goal is to preserve natural resources, such as habitat, water quality, and open space, and historic values. **Add on; and to protect farmland and farming, now and forever.**
- **Retained Ownership:** Landowners retain ownership and can continue to use the land, sell it, or pass it on to their heirs. **Add on: And landowners still fully control access by others. No rights to the public have been created.**

Welcome!

You are receiving this newsletter because you receive land use tax benefits in our counties.

Please call

540-825-8591 or email

stephanied@culpeperswcd.org to remove yourself from our mailing list.

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- **Limited Development:** The easement typically restricts or prohibits certain types of development, such as building on certain areas, subdividing, or altering the natural topography.
- **Qualified Holder:** The easement is held by a qualified conservation organization or government agency, which is responsible for monitoring and enforcing the restrictions.
- **Benefits:** Conservation easements can offer tax benefits for the landowner and provide long-term protection for the land. **Add on: And can be purchased outright, at least in part and there are several opportunities currently available for such. This is worth exploring.**

Read On. So that's the AI version.

Next: We at SWCD are not easement experts. There are others who are, and we are aware of who they are. Virginia Outdoors Foundation as a Virginia State Agency is a good place to start, especially if you need an education on the topic (www.vof.org). USDA Natural Resources Conservation Service (NRCS) is also knowledgeable, particularly about their programs (www.nrcs.usda.gov). Piedmont Environmental Council is currently very active. (www.pecva.org). There are others. There are some presentations from past SWCD workshops and can review them on our website at www.culpeperswcd.org/new-landowner-binder/.

USDA Agricultural Conservation Easement Program (ACEP)

The Agricultural Conservation Easement Program (ACEP) protects the agricultural viability and related conservation values of eligible land by limiting nonagricultural uses which negatively affect agricultural uses and conservation values, protect grazing uses and related conservation values by restoring or conserving eligible grazing land, and protecting and restoring and enhancing wetlands on eligible land.

ACEP has two components:

Agricultural Land Easements (ALE) help private and tribal landowners, land trusts, and other entities such as state and local governments protect croplands and grasslands on working farms and ranches by limiting non-agricultural uses of the land through conservation easements.

Funding is awarded up to 50% of the fair market value of the agricultural easement.

There is a continuous application period with scoring done annually.

Wetland Reserve Easements (WRE) help private and tribal landowners protect, restore and enhance wetlands which have been previously degraded due to agricultural uses. **Funding is 100 percent of the easement value PLUS 75 to 100 percent of the restoration costs. NRCS also pays all costs for appraisal, title insurance, survey and recording. There is a continuous application process and applications are scored annually.**

Virginia Department of Conservation and Recreation

DCR's Division of Land Conservation helps citizens and organizations protect land by assisting in the distribution of state funding for land conservation, and acquiring land for Virginia State Parks and the Virginia Natural Area Preserve System. The Virginia Land Conservation Foundation has 5 categories of land protection: farmland protection, forestland conservation, historic area preservation, natural area protection; and open space and parks.

The Land Conservation team helps to distribute funding for conservation by reviewing the conservation value of Land Preservation Tax Credit applications for more than \$1 million and providing administrative support for the Virginia Land Conservation Foundation Board (VLCF) and grant program.

The Real Property Office also works with the State Parks and Natural Heritage Divisions to delineate and enforce boundaries for these DCR-owned lands. The Office works with landowners near parks and natural area preserves to protect properties with open-space easements and to provide stewardship for those easements.

Both teams connect landowners with information to explain conservation programs and the different conservation mechanisms available to them.

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Landowners interested in conserving their land have several options, including conservation easements and fee simple gifts through donations, sales or bargain sales. Usually, a landowner will work with a land trust, local government or state agency to protect their land. Occasionally, a landowner will work with a federal agency to conserve land. Some federal and state agencies provide grants to localities or landowners to pursue land conservation.

Funding from the VLCF can be awarded up to 50% of project costs

There are many reasons why landowners choose to conserve their land. They may want to conserve land that has been in their family, protect environmental resources, protect wildlife, or maybe provide for future generations to be able to enjoy what they have been able to.

The Land Conservation office offers information on the benefits of protecting land, methods to conserve it and the organizations that can assist.

Virginia Department of Forestry Conservation Easements

The goal of the VDOF Conservation Easement Program is to enable forest landowners to make certain their land is available for forest management in perpetuity. Managed or working forests provide a sustainable flow of natural goods and services that benefit all Virginians. Because larger blocks of working forest provide the greatest range of benefits, VDOF Conservation Easements focus on keeping the forestland intact and undivided, enabling landowners to manage their forestland for timber products and environmental values. A VDOF working forest conservation easement is similar to a traditional conservation easement, except that the easement terms are primarily developed to protect the working forest. Language is included in the easement that will guide and encourage long-term natural resources stewardship within the context of a forest stewardship management plan.

So that's Conservation Easements 101. We hope we have piqued your interest and you reach out to one of the organizations below to learn more. These are the primary organizations we are familiar with; there are more.

- Natural Resource Conservation Service (NRCS): www.nrcs.usda.gov
- Virginia Land Conservation Foundation: www.dcr.virginia.gov
- Virginia Outdoors Foundation (VOF): www.vof.org
- Piedmont Environmental Council: www.pecva.org
- Virginia Department of Forestry: www.dof.virginia.gov

Selling your Land? Got BMP's?

By Lily Smith, CSWCD Conservation Specialist II

If you're planning to sell your land, don't forget to check for active Best Management Practices (BMPs) on the property. Many BMPs, such as livestock exclusion fencing or watering systems, receive cost-share or tax credits and come with a maintenance requirement that can last anywhere from 10 to 15 years. New landowners are often unaware that a BMP is under contract, which can lead to compliance issues down the road.

To make the transition smoother, the cost share program offers a Transfer of Maintenance Agreement. This form allows the responsibility for maintaining the BMP to shift from the seller to the buyer, ensuring the practice continues to be properly maintained for the remainder of its lifespan. If you're selling land with BMPs that are still in lifespan, contact our office to obtain the form and then get it dual signed. Not only will this protect the investment, but it will also set the new owner up for success. If you do not officially transfer the responsibility, you remain responsible for the BMP regardless of who owns the land.