

## Installment 1: Introduction into Farmland Protection in Berkeley County

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When you drive around the Eastern Panhandle, no doubt you have seen signs on some properties stating that the property is protected forever. Most commonly the sign is for one of the county farmland protection programs although other non-profit groups such as the Land Trust of the Eastern Panhandle, or the Potomac Conservancy also manage conserved land in the panhandle. So what does protected forever mean? From what is the land being protected? Can any type of land be part of one of these programs?

I run the Farmland Protection Program for Berkeley County and in this and subsequent articles we'll explore farmland protection efforts in Berkeley County, the Eastern Panhandle, and other counties across West Virginia.

When you see a protected forever sign on a farm it means that the property owner and the Berkeley County Farmland Protection Board (there are also farmland protection boards in Jefferson and Morgan Counties as well as 15 other West Virginia counties) have entered into a legal agreement known as a conservation easement. A conservation easement is a legal document, ultimately filed in the court house as a new deed to the protected property, which defines permitted and restricted land uses. These conditions that create the protected status are perpetual, and although forever really is a long time, the practical view is that the protected status remains as long as there is a legal system to enforce the terms of the conservation easement. Protected land means it may not be subdivided or have certain land use activities. In general, activities that relate to agriculture and the quiet use and enjoyment of the property are permitted. Examples of restricted uses would be commercial activities (beyond agricultural types of business), additional residences, billboards and large signs, and industrial operations. As a farmland protection board our focus is to enter into a conservation easement with owners of properties that have high value to either agriculture or to conservation. Land on very poor soil, former industrial sites or brownfields, and commercial properties would not be appropriate land use types for a conservation easement.

A conservation easement is usually purchased by the Farmland Protection Board, and occasionally with matching funds from the USDA Natural Resource Conservation Service (NRCS). Some property owners choose to donate the full value of the conservation easement to our board. In either case once the conservation easement is in place the property owner still fully owns their land. They are free to sell or bequeath their land at any time. As a party with interest in the conservation easement, our role as a farmland protection board is to ensure that the terms of the conservation easement are honored by the current and all future property owners. We do this by regularly scheduled property visits and the property owner is always encouraged to walk their land with us. These monitoring visits are documented and the reports are filed along with the records for the protected property. They become part of the permanent record of the easement property and serve to ensure that the terms of the conservation easement are being honored.

In the next article, I'll discuss in more detail why some individuals participate in a farmland protection program.

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