



The Piedmont View

A MEMBERSHIP NEWSLETTER OF THE PIEDMONT ENVIRONMENTAL COUNCIL

AUTUMN 2020

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Post Office Box 460
Warrenton, VA 20188
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Standing the Test of Time

An updated easement ensures a family legacy in Albemarle

By Cindy Sabato

When Bob and Carroll Gilges retired in 1996 from a life filled to the brim with the adventures and demands of career, raising three daughters, travel, and many moves, they found their slice of heaven in the heavily wooded northern slope of Buck's Elbow Mountain, mere miles from Shenandoah National Park and along the bank of the Moormans River in Albemarle County's historic Sugar Hollow and near White Hall.

Puppy Run Farm's 670 acres of undeveloped splendor can be seen from three miles away at the top of Buck's Elbow, along the Appalachian Trail and the Moormans River Overlook on Skyline Drive. Hikers driving out to the Sugar Hollow Reservoir Trailhead can view the farm for miles along rural Sugar Hollow Road. The farm fronts more than 3,000 feet

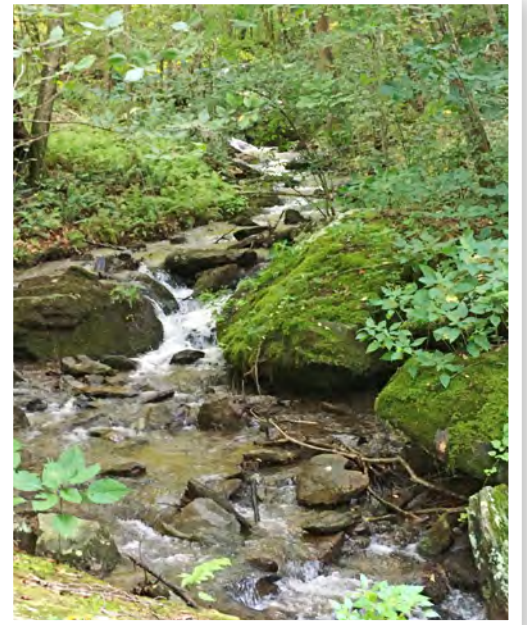
of the Moormans River, a designated Virginia Scenic River, which along with other tributaries on the farm—including Puppy Run and Porterfield Branch—supply drinking water for the City of Charlottesville and parts of Albemarle County.

"They just loved it, loved watching the wildlife and birds, loved riding horses and walking and later riding the Gator throughout the property. It's such a beautiful place," said the Gilges' oldest daughter, Peggy, who moved to nearby Ivy in 2004.

Bob reflected on what Puppy Run Farm meant to him in a 2003 article he wrote for *The Observer*. "My family and I were fortunate to live in several beautiful cities and towns before development sprawl, traffic congestion, and smog claimed them," he wrote of Atlanta, where his 15-minute commute became an hour, and

"back-country" Greenwich, Conn., where huge homes crowded out what had been designated open space. He went on to say, "Upon retirement, we looked for the perfect place, and we chose Charlottesville.... Now the question rose of how we could save this beautiful watershed land from future development and the degradation that goes with it?"

Their answer came by way of a landowner presentation by The Piedmont Environmental Council (PEC) and a meeting with Sherry Buttrick of the Virginia Outdoors Foundation (VOF). In short order, they had placed Puppy Run Farm under a conservation easement, forever protecting it from the



Puppy Run cascades through the Gilges property toward Moormans River. Courtesy of Peggy Gilges

fate of so many other places they'd lived and loved. "They were so proud to put that sign at the entrance of the farm, that it was conserved property," Peggy remembers.

Over their 22 years at Puppy Run Farm, the Gilges' became well known for their conservation mindset, inviting birders to use their trails, purchasing and restoring the nearby 19th-century

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Turning a page on involuntary land loss

Virginia becomes 16th state to pass Heirs' Property Act

By Cindy Sabato

In the years between 1920 and 2017, the number of Black-owned farms in the U.S. dropped from 900,000 to 45,508; their acreage shrank from almost 19 million to just 2.5 million. The reasons are insidious and many, but our country's broken way of dealing with land that's informally passed down without a will is among the top causes of involuntary land loss today.

That's why in 2020, Virginia

proudly became the 16th state to pass the Uniform Partition of Heirs' Property Act, a bill that Virginia Secretary of Agriculture and Forestry Bettina Ring calls, "an important first step toward ensuring more Virginia families can stay on the land they have stewarded for generations." Rockingham County's Blakey Farm, the ancestral home of Virginia native and basketball legend Ralph Sampson, was the perfect

setting for Gov. Ralph Northam's ceremonial signing of the bill; just three weeks prior, Sampson's family received the final court document ending their difficult, five-year battle to hold on to the family's farm.

Sampson remembers precisely the day it all started—September 23, 2015—he got a call from his mother, Sarah Blakey Sampson. "The sheriff had just come to the house in Harrisonburg, and she was served papers from my uncle, her brother and his wife. It says 'Blakey v. Blakey,' and she wants to know what's going on," Sampson recalled during a recent presentation for the Virginia United Land Trusts.

Sarah was the 10th of 12 children born to George and Josephine Blakey, who bought a Rockingham County farm next

door to what's now Massanutten Resort, from a white man 80 years ago for less than \$7,000. "He only sold it to my grandfather because he thought my grandfather could farm it well with nine boys to help him. My grandparents raised 12 children there, grew and produced agricultural products, and lived off the soil," Ralph said during the presentation. Like many first-generation landowners and Black families in the South, land ownership for the Blakeys represented identity and opportunity and meant economic security and stability for future generations of family.

When George and Josephine died without a will, their land informally passed on to their 12 children and their children, becoming what's known as

Continued on page 7



Ralph Sampson shares his story at his family's Blakey Farm during the ceremonial signing of the Heirs' Property Act. Photo by Marco Sánchez

The Little Park that Could

Rappahannock Co. Park’s Big Improvements

By Claire Catlett

Along the Rush River in the town of Washington, just a few miles east of the Shenandoah National Park, the 7.3-acre Rappahannock County Park is best known by locals for its pirate-ship playground, skate park, tennis courts, and picnic area. But, it has also come into focus recently for its natural beauty. Naturalists love it for counting birds and butterflies. The International Dark Skies Association has recognized the park for the remarkable star-gazing experience it offers, calling it a mini-gateway into the historic Virginia Blue Ridge foothills, one of the darkest remaining areas left in the eastern United States. And perhaps the park’s most charming element has always been the serenity of the forest and the river there.

Not long ago, you might easily have looked right past the Rush River Trail through the woods; it was grossly overgrown with invasive plant species like oriental bittersweet, tree-of-heaven, and Japanese honeysuckle. These invasive plants are known “tree-killers,” and over the years have crowded or choked out many native trees and shrubs in the park’s forest. But now, the little park has gotten a makeover, in the most natural way, with the help of a \$20,000 grant from PEC’s **Krebs Fund for Rappahannock County Conservation**.

“I want the park to be a model of environmental stewardship,” says Torney Van Acker, a local resident who joined the board of the Rappahannock County Recreational Facilities Authority, the local advisory council for the Park and its management, in 2018. “I see a vision of when the park is free of invasives and has a healthy tree canopy. And there are other great potential projects like creating an ADA-compliant walkway as a nature trail for visitors of all ages.”

These ideas, and others, have now been worked into a new master plan for the park, made possible by the Krebs Fund grant. And work is already underway! Volunteers have pulled invasives, cleared trails, felled dead ash trees and picked up litter. Earlier this spring, the park’s advisory council partnered with Friends of the Rappahannock and PEC to plant 145 new native trees. An important section of the park’s right-of-way that

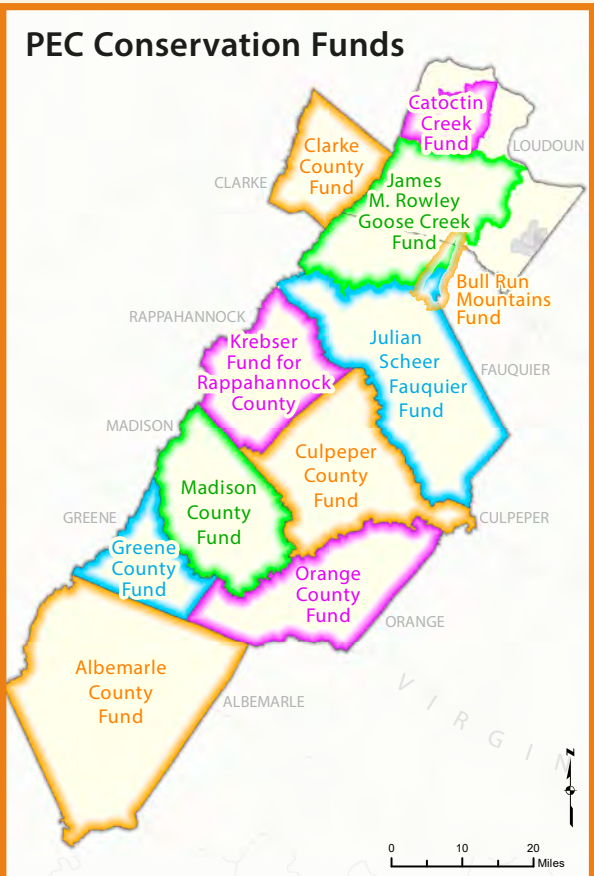


Rappahannock County Recreational Facilities Authority board member, Bonnie Beers, plants a pink dogwood. Photo by Torney Van Acker

borders Highway 211 has been planted with flowering red-buds for the spring and sugar maples that will boast bright red foliage this fall.

“It’s a very rewarding experience when you transform something into what it is meant to be.... What’s happening at the park now is that you can see the native plants and trees coming back each season,” says Torney.

While there is still work to be done, the grant from PEC’s Krebs Fund helped ensure there is a plan that guides future stewardship and capital improvements (to address aging buildings, access for all abilities, etc). In the interim, the removal of invasive species has opened up the forest edge and made access to the trails easier for the public to enjoy. Hats off to the Park’s advisory board, which can be credited with a lot of ingenuity and hard work. It has sparked a lot of new ideas for how to make the park more beautiful and more accessible for others!



This map shows donor-designated funds created for on-the-ground conservation and restoration projects in specific geographic areas within The Piedmont Environmental Council service territory. The majority of the funds are held by the Piedmont Foundation, a separate 509(a)(3) charitable organization, established to hold and manage special funds in support of PEC’s mission. Learn more at piedmontfoundation.org

PEC’s Krebs Fund for Rappahannock County Conservation was established in 2003 to support conservation easements, environmental stewardship, and educational activities in Rappahannock County. In 2014, the Rappahannock County Conservation Alliance merged with the Krebs Fund to pursue projects with their shared mission. To date, PEC has invested more than \$300,000 through the Krebs Fund in various land conservation, land stewardship, and public outreach projects that serve to enhance the rural and scenic value of Rappahannock County, as well as to protect and restore its land and water resources.

MEET PEC

Matt Coyle

Local Food Systems Coordinator

Matt Coyle joined The Piedmont Environmental Council staff in March 2020, with a background in community organizing and working with local farmers. Previously, he interned on Capitol Hill, managed political campaigns, and served as a special assistant to the mayor of Connecticut’s largest city. Most recently, he founded a small business to help connect local farmers to local consumers online.



Photo by Marco Sánchez

Matt grew up in Connecticut, but moved to Virginia to attend George Mason University, where he graduated with his degree in National Security Policy. He ended up never leaving the Commonwealth. His wife is an RN at Fauquier Hospital, and together, they have a 10-acre farm in Culpeper County and are expecting their first child in September.

Matt is excited to be at PEC to continue working on behalf of local farmers to help promote and strengthen the Piedmont’s farming economy for years to come.

MEET PEC

Cindy Sabato

Communications Advisor

Cindy Sabato moved to Fauquier County and joined the PEC staff in fall 2019, eager to tell the stories of the people and the work that preserve and honor the beauty and character of the Virginia Piedmont. You’ve seen her work or byline in a variety of PEC communications publications and stories; she also pitches articles to local news media and is inspired daily by PEC’s earnest commitment to empowering both people and communities.

Born and raised in Frederick, Md., Cindy calls her move here a sort of “coming home,” after living in South Carolina, Pennsylvania, California, Guam, and Rhode Island throughout her husband’s Navy career. She grew up fishing, camping, crabbing, and foraging streams for crayfish. She loves SCUBA diving and hiking and “makes frequent stops for wildlife.”

A graduate of James Madison University and Tufts University Institute for Nonprofit Practice, Cindy brings nearly 30 years of public relations leadership in K-12, higher ed, and environmental organizations. Before moving to Virginia, she was communications director at Save The Bay - Narragansett Bay™ and served as a board member for the South Kingstown Land Trust in Rhode Island.



Photo by Hugh Kenny

Summer on the Farm

PEC's Community Farm at Roundabout Meadows welcomed volunteers of all ages back out to the farm in a socially distant manner, beginning in June, with over 300 people helping out so far! As of early September, we have surpassed our goal and donated more than 22,000 pounds of fresh produce to Loudoun Hunger Relief, including tomatoes, tomatillos, melons, and more, with lots more to harvest.

"Hunger has always existed in the Loudoun County community, but with the onset of the Covid-19 pandemic, our neighbors need us now more than ever," said Farm Manager Dana Melby. "In response, we've tripled the production area at the Community Farm. Volunteers are really stepping up and have been invaluable to our effort to meet the needs of the food insecure people of Loudoun. While our growing season is slowing down after the summer peak, it's not too late to come volunteer!"



▲ **Socially distant summer volunteers from St. Paul VI Catholic High School in Chantilly.** Photo by Marco Sánchez



▲ **Farm manager Dana Melby planting tomatoes.** Photo by Hugh Kenny



▲ **Community Farm volunteer Jaiden Peterson helps harvest peppers this summer.** Photo by Marco Sánchez



▲ **Aerial shot of the Community Farm at Roundabout Meadows.** Photo by Hugh Kenny

Pop Quiz

QUESTION

On average, how much weight do black bears gain for hibernation?



ANSWER

c) 90 lbs. or more!

In the fall, black bears are fattening up for their winter hibernation. While not true hibernators, since they can “wake up” on warmer winter days, black bears still need to bulk up and are consuming nuts, insects, berries and fruits (and occasionally your garbage!) this time of year.

ABOVE: A well-fed bear enjoying the spring rain near Piney Branch, Rappahannock County. Photo by Denise Machado.

**Piedmont
Environmental
Council**

Virtual House Party 2020

Please join us from September 18 through September 26 for a Virtual House Party and Auction. Auction packages include outstanding items and experiences, including many that are unique to the Virginia Piedmont. Additionally, event registrants will enjoy an event video, with a never-before-shown aerial tour of the unparalleled St. Bride’s sculpture collection and much more!

Register online at www.pecva.org/virtualauction

Standing the Test of Time

Continued from cover

McAllister farm and log cabin to its former glory, saving the White Hall horse show grounds from development. They also helped form Friends of the Moormans River, which successfully pressed the local water and sewer authority to restore stream flows from Sugar Hollow Reservoir into the river to sustain the natural ecosystem. “They were very keen on our little village and our river and those lovely views. They wanted to keep it undeveloped and rural and were committed to keeping the character of the place,” Buttrick said.

Tragically, in 2018, just shy of their 58th anniversary, Bob and Carroll’s lives were cut short when their car was swept into Ivy Creek during a flash flood. The future of Puppy Run Farm fell into the hands of Peggy and her sisters Emily and Ellen. With lives, careers, children and grandchildren elsewhere, the three have made the difficult decision to sell the farm. But they wanted to honor their parents’ legacy and be absolutely sure that Puppy Run Farm forever remains the beautiful, natural slice of heaven Bob and Carroll fell in love with.



Bob and Carroll Gilges in 1998.

Turning to VOF as their parents did years before, in March 2020, they strengthened and updated the conservation easement on Puppy Run Farm, “making sure it’s strong enough to stand up to the times and really protect the property,” Peggy said.

Conservation easements are attached to a property forever, so why strengthening an easement might be necessary is not always obvious. “There is temptation and risk in writing an easement with the current landowner and conditions in mind. And yet, a piece of land is a dynamic, changing thing. The trees will continue to grow. Waters will continue to move. The land will most certainly change hands,” said VOF Deputy Director Leslie Grayson. “When we look back, we see that easements went through a period of time when they were more specific. Now we know that more restrictions aren’t necessarily better, but they need to be the most effective, essential ones. We’ve also learned a lot about how to reduce ambiguities that could jeopardize the original landowner’s intentions,” Grayson said.

For example, it’s not uncommon in conservation easements that landowners reserve more development rights than they end up needing or using during their lifetime, later realizing that if all those rights are eventually exercised by subsequent owners, the results will not be what they intended, she said. The original easement on Puppy Run Farm allowed four divisions of the land and a total of 15 dwellings.

“Mom and Dad wanted to leave open the option that we might all have homes here

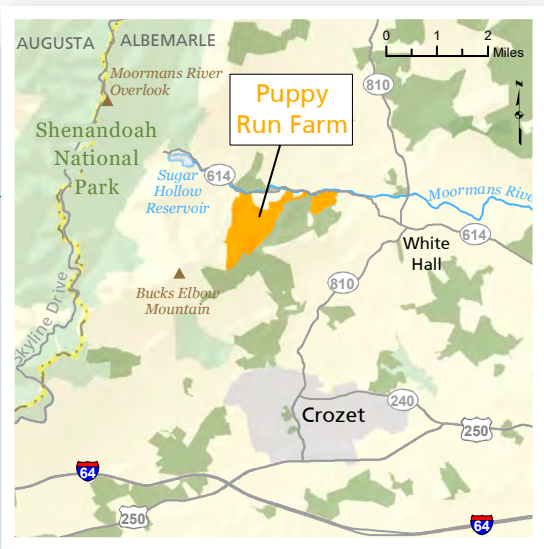
together, but they would not have wanted it to be carved up into separate parcels with roads put in and new septic systems all over,” Peggy said. The new easement allows for just one division and six dwellings, capping the collective footprint of all buildings at a half-percent of the total land area.

Another reason to update an easement is to account for much that’s been learned in the last two decades about land management and water protections as well. “The Chesapeake Bay Agreement of 2000 began to place responsibility on the Commonwealth to protect water quality; conservation organizations like VOF and PEC have realized this is part of our stewardship work. Easements now include strategies for managing forests and improving water quality in streams, rivers, and wetlands,” said PEC Conservation Director Mike Kane.

“Mom and Dad looked at the woods as wildlife and bird habitat, not as a resource for wood. They didn’t want clear-cutting, and they always tried to protect the trees. They appreciated the pristine quality of the water coming off Bucks Elbow Mountain and how rivers serve as wildlife corridors. So we really locked down the wording to protect the forests and streams and added Puppy Run and Porterfield Branch into the easement, as well as Moormans River,” Peggy said.

The new easement also better protects the viewshed that Bob and Carroll loved so much, taking the highest point of the farm on Bucks Elbow, as well as frontage along Sugar Hollow Road, out of consideration for development.

“Enhancing the easement, we felt, was the perfect way to honor our parents’



memory and their love of this place they called home for 22 years. They really cared about this place—the farm, the river, Sugar Hollow, all of it. And because they loved it so much, they felt a responsibility to protect it in perpetuity. I am hopeful that it will remain as beautiful as it is today far into the future. I know they would be grateful,” Peggy said.

Kane adds that an updated easement not only ensures a legacy, but produces tremendous public benefit in the process. Perhaps Bob Gilges said it best in the 2003 Observer article: “Albemarle County and other rural communities in Virginia are beginning to feel the impacts of overpopulation and overbuilding... in the form of traffic impasses, waste disposal problems, increased air and water pollution, loss of scenic vistas, farmlands and forests, water shortages and more. Our secret weapon is the land conservation easement. Virginians owe it to future generations to look into easements and talk about the idea with neighbors, family and community members. You can do it, and if you do, Virginia still has a chance.”

If you own land that is under easement and would like to learn more about strengthening that easement, please contact PEC or VOF staff who can help you initiate that process.

General Assembly Special Session Update

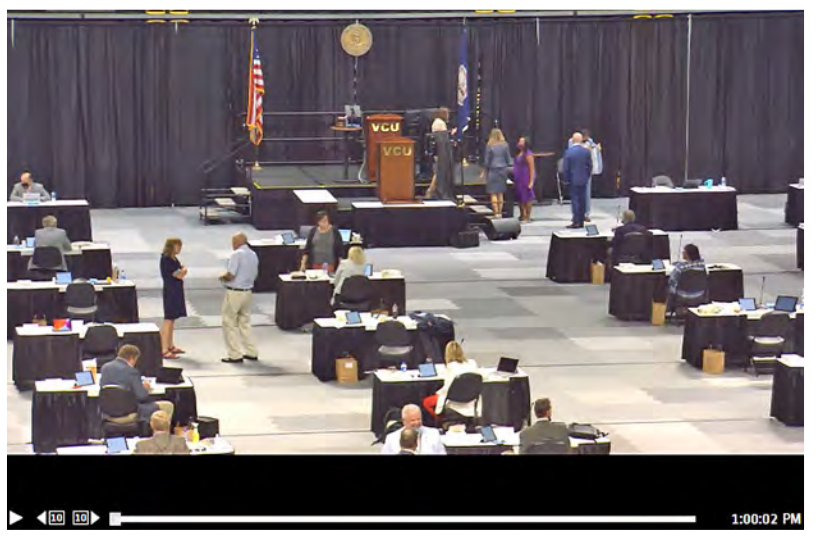
By Dan Holmes

Beginning on Aug 18, the Virginia General Assembly entered a special session to focus on budget impacts related to the pandemic and calls for criminal justice and policing reforms as local and national unrest continued following the death of George Floyd. At the time of this writing, session is ongoing and many questions remain on the shape of the final budget and some of the legislative initiatives. Legislators intend to wrap up their work before the end of September.

Virginia’s projected pandemic-related budget deficit was much less than originally anticipated (\$236 million vs. the \$1+ billion shortfall originally projected). Therefore, Gov. Northam introduced a budget that calls for no additional cuts to conservation, even adding back some of the suspended monies from the reconvened session in March. This included restoration of funds to the Virginia Land Conservation Foundation, as well as funding for the Water Quality Improvement Fund, which helps with technical assistance for landowners installing agricultural best management practices.

Most legislation focused on areas outside of con-

servation, but a few bills are of note. Perhaps the most disturbing was Senate Bill 5106 (Lewis), which would extend for two years various local land use approvals (plats, rezonings, special use permits and exceptions, etc.) that would have otherwise expired. Pushed by homebuilders and commercial developers hoping to take advantage of the pandemic, the bill represents a state override of local authority and ignores the fact there is already a process for requesting extensions at the local level. Other bills related to utility regulation and rate relief, SB5085 (Bell) and HB5088 (Jones), addressed three major issues that were incredibly timely given the ongoing economic impacts of Covid-19 and substantial over-earnings of Dominion recognized by the State Corporation Commission (SCC). These bills would have provided debt forgiveness and immediate rate relief to all ratepayers, and addressed Dominion’s over-earnings by allowing



Virginia House in action during the special session.

the SCC to set rates that fairly balance ratepayer and shareholder interests. Unfortunately, the legislation failed to get traction. But similar measures are being pursued in the budget by the administration and the patrons of the legislation.

PEC will continue to weigh in throughout the remainder of the session on critical funding and legislative matters. Stay tuned for updates, but feel free to reach out to me directly with any questions at dholmes@pecva.org.

On the Ground

Albemarle & Charlottesville

› Projects Along the City/County Boundary

A new pedestrian bridge at Woolen Mills has been all the buzz. A 2017 PEC presentation inspired the County's Economic Development Authority and developer Brian Roy to close a key gap in the Rivanna Trail. Now, the County's Broadway Blueprint is re-imagining the corridor that connects the Woolen Mills site—in Albemarle County—to Charlottesville's Carlton neighborhood and the rest of the region.

In 2019, PEC helped the City of Charlottesville acquire 142 acres adjacent to the Ragged Mountain Natural Area with funds from the USDA Community Forestry Program. This summer, PEC worked with the Rivanna Trails Foundation and the city to secure an additional \$65,000 from the Virginia Outdoors Foundation Preservation Trust Fund that will go toward acquiring an additional five acres in the same area.

› Construction Dirt Regulation Changes

In August, the Albemarle County Planning Commission unanimously recommended approval of changing the county's regulations for the placement of fill materials from demolition and construction projects, after PEC and citizens raised concerns about truck traffic on rural roads, hours of operation, and environmental and public safety concerns. Currently, fill activities are permitted in all zoning districts, and allow for soil or inert materials. Proposed changes will be voted on in September.

Clarke

› Zoning Ordinance Update

The Zoning Ordinance has been on hold for a while pending legal review. Once that's done, the draft will be ready for the public process and public hearings. The county is also preparing the preliminary steps for the Comprehensive Plan update, which is on a five-year review schedule.

› Spotted Lanternfly

Though it first invaded Frederick County and Winchester in 2018, no cases of this invasive pest have been reported in Clarke—yet. The bug has various stages of life, morphing into a distinct pink/red adult moth with black wingtips and spots. It attacks crops, orchard plants and hardwoods, and is especially fond of the invasive ailanthus (tree of heaven) tree. To get more information on how to identify, prevent and kill the spotted lanternfly, or to report a sighting, call Virginia Cooperative Extension at 560-665-5699.

Culpeper

› Utility-Scale Solar Applications and Policy Update

Greenwood Solar, a utility-scale solar application approved by the Board of Supervisors on Oct 2, 2018, is approaching its deadline (Oct 2, 2020) for site plan approval and construction commencement. The site plan approval, depicting the design for 100 megawatts of solar panels on 999 acres in Stevensburg, has been tabled for a decision and public hearing on Oct 14. Unless the Board of Supervisors intervenes or provides an extension, the Conditional Use Permit will expire on Oct 2. The county has also received a new utility-scale solar application from Maroon Solar, LLC,

calling for 149 MW on 1,707 acres in Raccoon Ford.

The board held a work session on Aug. 11 to discuss the county's ordinance and policy for utility-scale solar. The county's current policy states an upper target of 2,400 acres (240 MW) total production, while limiting projects to no more than 300 acres of panels. In order to ensure that agricultural, natural, historic and scenic resources are included in siting criteria, PEC will continue to weigh in on any utility-scale proposal and the policy that guides county decision-making.

Fauquier

› Warrenton Comprehensive Plan

The Warrenton 2040 Comprehensive Plan draft was released June 15 and the Planning Commission held a public hearing on July 21. Only a handful of speakers spoke at the public hearing, but the town received over 50 letters from residents, overwhelmingly in opposition. Primary concerns expressed were about growth (how much? what type? and where?), water and sewer needs, and a western bypass that would connect Rt. 17 to Rt. 211 to Rt. 29 south of Walmart. PEC submitted written comments outlining our concerns; check pecva.org/fauquier for more info.

› Utility Scale Solar in Rural Areas

The county is drafting a zoning ordinance to regulate utility-scale solar in rural areas of the county, as numerous landowners have been contacted by companies. This ordinance will help set standards for consideration of those applications. PEC will be following its development closely to ensure standards protect the County's valuable agricultural, natural, historic and scenic resources.

Greene

› White Run Reservoir Project

At its July 28 meeting, the Greene County Board of Supervisors voted to pull out of the Rapidan Service Authority (RSA), prompted by the RSA's termination of a facility fee necessary to help pay for the proposed White Run Reservoir and water treatment plant. Greene County began its pursuit of that project in 2005 and has already purchased the property and completed the necessary planning and permitting. The RSA's other members, Orange and Madison counties, failed to support Greene's withdrawal, calling the future of the project into question. PEC will continue to monitor and update our members as the situation develops.

Loudoun

› Banbury Cross Reserve

The Middleburg Planning Commission conditionally approved the Banbury Cross Reserve project at their special meeting in August, citing the three conditions noted in Loudoun County staff's final report. Per Middleburg regulations, the applicant has 90 days to fulfill the conditions. Local news media have reported a lawsuit challenging the title to the property, which would have an as-yet unknown impact on the project.

› Fueled Farm Brewery Withdrawn

PEC, along with several local residents, officially objected to the ABC license application for the proposed Middleburg brewery. Objectors cited concerns about the brewery's impact on adjacent properties,

including a possible school site and local park. Moved by community concerns, the applicant withdrew its license request and terminated the brewery plans.

Madison

› Crescere Agri-Resort and Spa

On Aug. 5, the Board of Supervisors held a public hearing on a Special Use Permit application for Crescere Agri-Resort and Spa, a 749-acre event venue on land zoned agricultural in Rochelle, along the Rapidan River and Route 231. Despite hundreds of written and in-person comments in opposition, including PEC's concerns related to the expansive list of approved uses, the Board of Supervisors approved the permit. PEC has stated publicly that the board's decision to put off the in-person portion of public comment until after midnight during the final hearing showed a shocking disregard for both the public process and citizen concerns. It deprived many of those in attendance of their ability to weigh in. No resident should have to sit through what amounts to a 5-hour filibuster in order to provide a 3-minute public comment.

Orange

› MAPAG Fireworks and RV Resort Special Use Permits

The Mid Atlantic Pyrotechnic Arts Guild (MAPAG) SUP was tabled during the Aug 5 Planning Commission public hearing and was recommended for denial (3-1) during the Sept 3 public hearing. Although this SUP has been reduced in scope since the first public hearing, PEC has requested denial due to event size, frequency and noise.

During their public hearing on Aug 19, the Planning Commission unanimously recommended denial (5-0) for the Orange Country Resort, LLC SUP, which included between 150 and 250 RV lots on 82.87 acres of agriculturally-zoned land on Lake Anna off of Route 522 in Orange and Spotsylvania counties. There will be a public hearing for this SUP on Oct 13 at 7:00 p.m.

Due to recent issues with land use applications, the Planning Commission has requested a work session to discuss the Planning Commission's general operating procedures, application requirements and timelines, and public comment procedures.

Rappahannock

› Improving Parks, Big and Small

The Great American Outdoors Act brings significant funding to Shenandoah National Park to improve facilities like trails, campgrounds and visitor centers. This critical legislation was approved by Congress on Aug 4 to address an estimated \$12 billion backlog in public lands maintenance across the country, and provide permanent allocation for the Land and Water Fund. Shenandoah National Park estimates this renewed source of funding will cover at least \$88,765,195 in needed repairs and maintenance.

Rappahannock County Park in Washington has completed a Master Plan that identifies existing infrastructure and plans phased improvements to trails, facilities and landscaping. This vision for the park emphasizes native plant landscaping, invasive species control, and new, ADA-accessible trails and facilities. This plan was made possible in part by funding with PEC's Krebsner Fund for Rappahannock County Conservation.

Out & About

Digital Edition

As social distancing due to the Covid-19 pandemic persists into the fall, we continue to be creative with our online and virtual community engagement offerings. Participation in our webinars, social media, emails and videos have been inspiring. Below are some of the highlights from this summer!

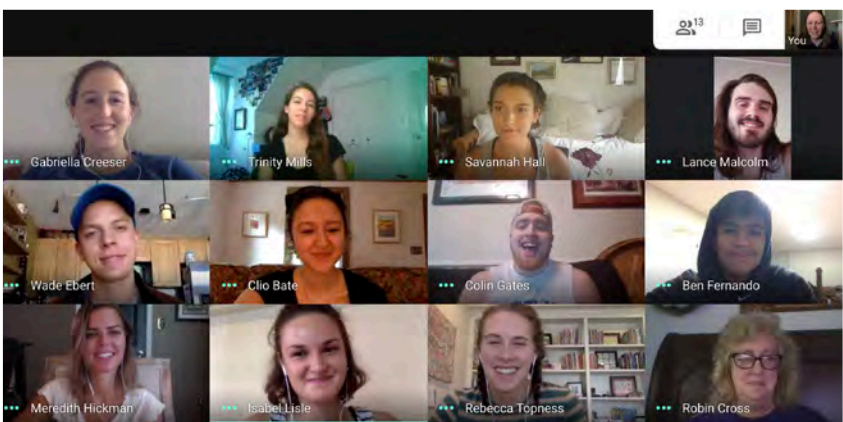
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Get email alerts at pecva.org/signup

Summer Fellowship Program

JUNE 8 – JULY 24, 2020



▲ This year, PEC’s summer fellowship program went entirely digital! Over seven weeks, PEC fellows learned skills and information that will help them go on to careers in land conservation, land use planning, agriculture, historic preservation, public policy, and other related fields.

Webinar: Local Update for PEC Supporters

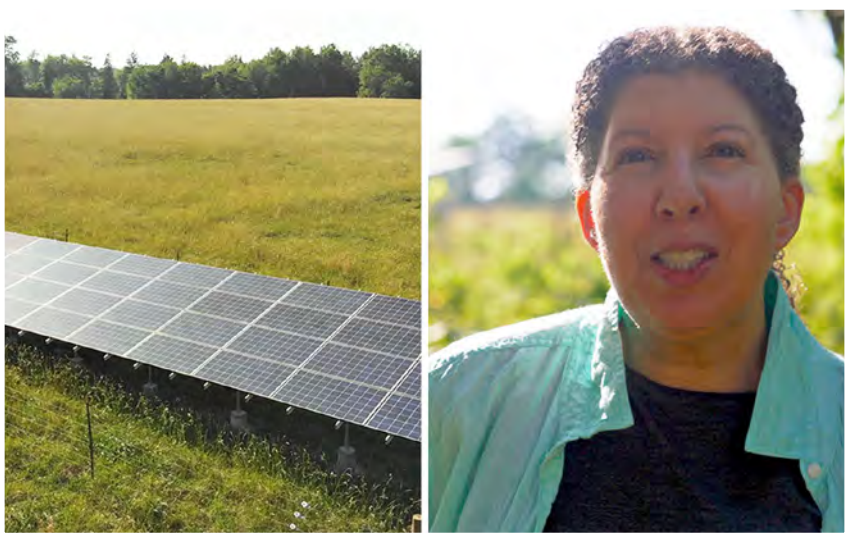
JUNE 25, 2020



▲ This Madison & Orange update was one of four webinars we hosted this summer for PEC members, including updates for Albemarle/Charlottesville, Fauquier and Clarke. PEC President Chris Miller and field staff talked about current projects and issues facing local communities. Other webinars are in the works for this fall!

Solarize Piedmont Stories

JUNE 19, 2020



▲ Alisa Johnson, owner of Oakham Farm in Middleburg, shared how Solarize Piedmont helped her decide to move forward with a ground-mounted solar system. Our 2020 Solarize campaign ran from June 15-August 31. Learn more and stay tuned for next year’s campaign at pecva.org/solarize

Woolen Mills Bridge Installation

JULY 1, 2020



▲ PEC celebrated the installation of a new 140-ft pedestrian and bicycle bridge over Moores Creek in Albemarle near The Wool Factory. It closes a critical gap in the 20-mile Rivanna Trail, which encircles the City of Charlottesville.

Wildflowers in Bloom

JULY 23, 2020

PEC’s Habitat & Stewardship Specialist ▶ Celia Vuocolo took us to the native flower meadow at our Piedmont Memorial Overlook. The 50-acre property is publicly accessible via Sky Meadows State Park.



Visit pecva.org/events to find out what's coming up this fall!

Turning a page on involuntary land loss

Continued from cover

“heirs’ property.” Now, one of those heirs had blindsided the rest of the family with a lawsuit, intending to force the sale of all of Blakey Farm.

This is, too often, the unfortunate story of heirs’ property. Generation after generation of heirs, no matter how distantly related, if they live on the land or across the country, or if they’ve ever even heard of the original landowner, share ownership of the land, called “tenancy in common.” In the Southeast, where heirs’ property is often rural land first acquired by African-Americans after the Civil War, that means heirs can number into the hundreds. A disastrous legal construct called a “partition action” allows any one of these co-tenants to force the sale of the entire property, against the wishes, and sometimes even without the knowledge, of the others.

“One example of when this becomes a problem is an outside developer approaching one of these distant family members, acquiring their share, and then filing a partition action to force the sale of the entire property, often at a value far below the market,” Ring wrote in a widely-distributed article earlier this year.

Fighting a partition sale is nearly impossible, particularly because most heirs’ property lack a clear title. Without that, co-tenants are ineligible for private financing and federal loans for mortgages to build houses, buy farming equipment, or make improvements to the property. As a result, they are often “land rich and cash poor.” Developers often exploit that economic hardship or appeal to a family member’s desire for profit, buy their share of the land for a fraction of its value, and then petition the court that the ownership structure is devaluing the overall property. The judge can—and most often does—order the land be sold, usually at auction well below market value, without any consideration of the heritage or history of the land or any human circumstance. The developer makes a huge profit, while the family loses everything.

“Imagine if your family has lived on the same piece of property for a century or more, and all of the wealth you have accumulated is tied to the hard work and the sweat you have poured into its soil. Now imagine that in nearly an instant, because of a broken legal construct, that

land and those generations worth of hard work vanishes out from underneath you,” Ring said.

For Sampson’s family, the threat didn’t come from a developer, but another family member—Ralph’s uncle, who enlisted the support of some nieces and nephews. Of the ensuing five-year battle to hold on to the family farm, Sampson said, “It’s a nightmare. It’s a true nightmare.”

Ralph’s family was introduced to the Black Family Land Trust, a North Carolina-based nonprofit dedicated to the preservation and protection of African-American and other historically underserved landowners assets. BFLT advised the Blakey family along the way and helped them assemble all they needed to fight the partition sale.

“You have to bring the whole family together, and the family has to agree to what they want to do,” said BFLT Executive Director Ebonie Alexander. “Ralph needed a good lawyer they could trust, because that property is incredibly valuable where it is located and there are often conflicts of interest. They had to build a family tree, get an appraisal, determine who wanted to stay and who wanted to sell, and determine how much money they needed to buy out those who wanted to sell. And they had to constantly keep the other family members informed and understanding the process,” Alexander said.

Tracking down every living heir can be an expensive and time-consuming process, as paperwork on Black genealogy is often thin, deeds are sometimes in the family’s slaveholder’s name, and many legal documents use nicknames, lack surnames, or omit names altogether. “Ralph’s family was still very much connected and was only two generations away. When you get to three and four generations away, it’s much harder. Heirs may have no connection to the land, and they usually have a disproportionate idea of what the land is worth,” Alexander said. The process can easily divide a family and drain its resources until they have nothing left.

“The cousins might not ever speak to me again. There’s one aunt that will never mend those fences. I used to spend two weeks every summer with my cousin at their house and he used to come to my house and spend two weeks with me, and

now she tells me I can’t talk to my favorite uncle anymore,” Sampson recalled during his presentation.

Five years, competing appraisals, countless court dates and delays, a roller coaster of losses and wins at circuit and state supreme courts, eventual mediation, and several hundred thousands of dollars in attorney’s fees later, George and Josephine Blakey’s farm remains intact. Sampson, his mother, and the family members who wanted to keep the farm were eventually able to buy out the other side, and they formed an LLC that will provide forestry income for the family, serve as an educational working farm, and provide historic and cultural resources for visitors from Massanutten Resort going forward.

Most heirs’ property owners aren’t so fortunate. The 2001 U.S. Agricultural Census estimates that in the South since 1969, about half of all Black-owned land loss was the result of partition sales. Across the nation, 76 percent of Black Americans don’t have a will and an estimated 30 percent of rural properties may lack clear title. Heirs’ property loopholes have also made victims of Native Hawaiians in Hawaii, Latinos along the New Mexico-Texas border, white Appalachian families, and others without access to legal services and estate planning knowledge and tools. “Heirs’ property is not based on geography, race, or gender, but simply if you die without a will or don’t have the resources to resolve generational ownership,” Alexander said.

The Heirs’ Property Act gives these families help in the face of a partition action. “The new law preserves the rights of co-tenants to sell their interest, but also ensures that other tenants have the proper due process,” Ring said. Specifically, co-owning family members now have the first option to buy out those who want to sell, and judges must consider cultural, sentimental and historical significance of a property, as well as livelihood and consequences of eviction, before ruling to sell it. If the property is to be sold, it must be sold on the open market to ensure families receive a fair sale price.

The unanimous passage of the Heirs’ Property Act is the culmination of more than a year’s work by the Black Family Land Trust, which led a broad coalition of Virginia’s United Land Trusts, including The Piedmont Environmental Council, and others. The bipartisan bill was sponsored by State Sens. Frank Ruff (R-Mecklenburg) and Jennifer McClellan (D-Richmond), and Dels. Patrick Hope (D-Arlington) and Michael Weibert (R-Fauquier). PEC assisted in discussions with the Virginia Bar Association and Uniform Law Commission and played a key role in lobbying for the bill prior to and during session.

Of the historic bill signing, Sampson said, “It was a special moment for me and my family, and especially for my mom. It was the most wonderful thing in my life that she could know the place she grew up is not going to go anywhere. It was a dream come true.”



Gov. Ralph Northam, center, holds up the signed Heirs’ Property Act at the Blakey Farm on July 20. He is with (left to right): State Delegate Patrick Hope; Secretary of Agriculture Betina Ring; Ralph Sampson; State Senator Jennifer McClellan; Ebonie Alexander, Executive Director of the Black Family Land Trust; Dr. Janice Underwood, Ph.D, Chief Diversity Officer for the Commonwealth of Virginia.



PEC Photo Contest

Get your photos in by **September 30!**

Submit your shots of breathtaking views, downtown streetscapes, scenic waterways, and native wildlife by Sept. 30. Each finalist will receive a free PEC membership and have their work featured in upcoming PEC print and online publications. The Youth Category winner will receive a \$75 gift card for iTunes, the Google Play Store or Amazon; all other category winners will receive a \$75 gift certificate to a nearby *Buy Fresh Buy Local* restaurant! Categories: **Beautiful Landscapes and Streetscapes, Native Plants and Wildlife, Wonderful Waters** and the **Youth Category** (for ages 17 and under).

Visit www.pecva.org/photocontest for contest details. If you have questions, contact Hugh Kenny, communications fellow, at hkenny@pecva.org or (540) 347-2334 ext. 7024

Kayakers on Beaver Creek Reservoir in Albemarle County. Photo by Cass Girvin

Dear Friends,

This past Labor Day, I brought my family, including Arlo the 5-month old puppy, up to PEC’s Piedmont Memorial Overlook for a hike and a picnic. The view was great, with a cool breeze blowing, butterflies of many types in the wildflower meadow and even a full-sized copperhead sunning itself on the trail to get our hearts racing!

But what really made my day was the hundreds of people hiking up the Appalachian Trail and from Sky Meadows who come to see the view. All of them take time to read the information on the kiosk that we installed this year, telling the story of the conservation of the site, plans for restoration, and conserved landscape all around them. They wander through the Memorial, touching the name plates. And they sit and soak in the view. Probably more than any other place, the Piedmont Memorial Overlook provides public access to the cumulative results of our work, and tens of thousands of people are enjoying that experience each year.

Faced with challenges, we seize opportunities and pursue them relentlessly. That’s something I’ve always been proud of about The Piedmont Environmental Council.

Right now, the dual challenge of the COVID-19 pandemic and our growing consciousness of the social inequalities and systemic racism that exists in our society remind me how much more there is yet to be done to ensure that clean water, healthy food, public access to nature, and the enjoyment of this beautiful place are available to all.

As I wrote in my June letter, PEC is focusing on four areas to address the needs of this moment. In the area of public process and government

transparency, our field staff attend and provide comment at digital public hearings, host and attend webinars, provide press commentary, and send action alerts to help to make area residents aware of local and state government decisions related to land use that are important to the present and future of our region.

In the second area—making sure the local food supply chain can serve you as a consumer and meet the needs of the food-insecure in our community—we’ve reinvested in our Buy Fresh Buy Local program and expanded PEC’s Community Farm at Roundabout Meadows, which has produced more than 22,000 pounds of food for needy families this year. Through our innovative milk initiative, we’ve also helped local dairies supply more than 1,000 gallons of milk per week to 18 food pantries throughout our region.

A third challenge that has grown more apparent during the pandemic is the need for everyone in our community to have ready access to the outdoors. I know you understand the importance of being able to enjoy nature. It’s important to me, every day, to take a walk in the woods with my dog, get a sense of the weather that day, see wildlife, etc. It just makes everything else go better. Our work to expand access to that same experience is both a core function of PEC and an area of increasing focus.

The final area we’ve been focused on is making sure that land conservation and land management programs continue to be available through the pandemic, and that they are accessible and beneficial to all. Surprisingly, over the last six months, interest in conservation options at home



Arlo the puppy enjoying his visit to the Piedmont Memorial Overlook in Paris, VA. Photo by Chris Miller

has never been greater. We're excited to be able to continue to protect the forests, farmlands, streams, rivers, and natural places that sustain us.

Our work impacts the communities of the Piedmont and the larger region. As PEC members, you are part of a long-term effort to make better places and to make progress towards a vision of land with vibrant farms using sustainable practices to improve soil health and water quality, forests that provide lumber, habitat and riparian buffers, and open spaces that not only provide respite and repose but also protect our complicated history and provide a cultural context.

Sincerely,

Chris Miller

Chris Miller, President



Photo by Matt Ha



A MEMBERSHIP NEWSLETTER OF THE PIEDMONT ENVIRONMENTAL COUNCIL AUTUMN 2020



INSIDE

Strengthening Conservation Easement at Puppy Run Farm, Heirs’ Bill Helps Keep Land in the Family, Krebsner Fund Improves Rappahannock County Park, Upcoming Fall Events and more!

Photo by Tina Falkenbury

Pop Quiz

QUESTION

On average, how much weight do black bears gain for hibernation?

- a) 30 lbs.
- b) 50 lbs.
- c) 90 lbs.

ANSWER ON PAGE 3



Mama bear. Photo by Deborah Kozura



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