



ADMINISTRATIVE

Process Flowchart

Priority for the scheduling of submissions under this program to the funding sponsor will be determined by deadline dates published by the funding sponsor or by particular urgency expressed by the Farmland Protection Board or funding sponsor. Requests for support under this program will be considered as they are received until the maximum commitment to awarded projects and those pending award notification is reached during the fiscal year West Virginia Comprehensive Development Plan and exhibits included therein. If a more recent Comprehensive Plan is developed, the newer version shall be applicable unless similar exhibits are not included.

See Appendix - 8. Flowchart

Baseline Documentation

Baseline documentation is the record of the condition of the property and features that are to be protected at the time the conservation easement is donated. Prior to the actual sale or donation of the easement, the baseline documentation must be completed. The purpose of the documentation is to create a record for administration of the easement and protection of natural features contained in the Deed of Conservation Easement. Such documentation is very helpful in future years in documenting the original condition of the property. In addition, baseline documentation is required under IRS regulations for donated

easements claimed as a charitable deduction.

Baseline documentation may include:

- Survey maps from the U. S. Geological Service
- A map of the property showing all existing man-made improvements, vegetation, land use history and distinct natural features
- An aerial photograph of the property
- On-site photographs taken at appropriate locations
- GIS maps
- A survey by a West Virginia licensed surveyor, engineer or a legal description by metes [sic] and bounds needs to be completed

See Appendix - 2. Baseline Documentation

See Index to Maps

If the Deed of Conservation Easement contains restrictions with regard to a particular natural resource to be protected, such as water quality, the condition of the resource at or near the time of the gift must be established. In addition, the baseline documentation must be accompanied by a statement signed by the donor and the Jefferson County Farmland Protection Board clearly referencing the documentation and affirming that it is an accurate representation of the property.

Any selective timber cutting for personal use, subsurface mineral rights, etc., must be clearly documented in the baseline documentation.



Closing

Once the easement purchase or donation has been negotiated with the landowner(s) and agreed to through formal action of the Jefferson County Farmland Protection Board, several steps remain to be completed. All purchases must be approved by the Jefferson County Commission.

Important paperwork and procedures as indicated by the closing checklist must be completed. Finally, the Deed of Conservation Easement must be closed much like any other real estate transaction. A date and time shall be agreed upon with the Jefferson County Farmland Protection Board's closing attorney. The landowner(s) may have an attorney present for the closing, but this is not a requirement. All landowners will need to be present at the closing to sign the Deed of Conservation Easement and the closing documents.

See Appendix - 4. Closing Checklist



Inspection and Enforcement

An important part of any easement program involves periodic inspections to ensure that the conservation restrictions agreed to by the donor and the Jefferson

County Farmland Protection Board are adhered to. Such inspections are normally done on an annual basis. Easement violations typically occur with owners subsequent to the original owner of the property who enacted the easement. Even though the original landowner enacting the easement has sold or bequeathed the land, *subsequent owners are bound by the terms of the easement*. The easement is said to "run with the land."

The Jefferson County Farmland Protection Board has a duty, as evidenced in the Deed of Conservation Easement, and as desired by the original landowner grantor, to enforce the easement restrictions so that the easement property remains protected. Subsequent owners are bound by the conservation restrictions, and are put on notice at the time of purchase of the property through the recorded Deed of Conservation Easement. The current owner shall be required by the Deed of Conservation Easement to provide annual access to the property for monitoring purposes by the Farmland Protection Board or its designated agent.

Where the conservation easement is jointly held by a private land trust, the responsibility for the easement monitoring and coordinated enforcement efforts shall be clearly delineated. The Jefferson County Farmland Protection Board may complete the easement monitoring through its staff, or may subcontract this work through an appropriate agent.

The Eastern Panhandle Conservation District currently assists landowners to prepare and implement soil and water conservation plans. It also assists in the design of Best Management Practices and verifies compliance with farm management plans. The Jefferson County Farmland Protection Board shall ensure that the periodic inspection program is carried out, and shall work closely with all involved parties for a consistent and coordinated inspection program that is satisfactory to the donor.



Generally there are three keys to preventing an easement violation:

1. A good relationship with the property owner
2. A Deed of Conservation Easement with clear restrictions
3. A program of regular, systematic, and well-documented monitoring

In the event of an easement violation, the Jefferson County Farmland Protection

Board would make every attempt to work with the landowner to rectify the easement violation.

In the event that a satisfactory resolution cannot occur, the Jefferson County Farmland Protection Board may work through the Jefferson County Attorney or through private attorneys to meet its perpetual obligation to protect the property. ♦

See Appendix - 3. Easement Monitoring



OUTREACH

The *West Virginia Voluntary Farmland Protection Act §8-24-73(d)(c)*, requires each farmland protection board to promote the protection of agriculture within the county by offering information and assistance to landowners with respect to the acquisition of easements.

Therefore, the Jefferson County Farmland Protection Board will evaluate and utilize, on a continual basis, the development of several methods of outreach within each annual budget.



Such potential methods of outreach might include:

1. The development of articles within the Eastern Panhandle Conservation District quarterly newsletter.
2. The development of articles within the Jefferson County Farm Bureau Newsletter.
3. The development of articles within the USDA - Farm Service Agency quarterly newsletter.
4. The development of articles within local media venues (*The Journal, Morning Herald, Buyer's Guide, etc.*).
5. The development of a Jefferson County farmland protection Internet web page with links from the Jefferson County Commission Web page and other associated farm agency web pages.
< <http://www.wvfarmlandprotection.org> >
6. The development of handouts, flyers and other promotional materials as appropriate, for placement at libraries, farm related events, mass mailing, etcetera. ♦