

# Proceedings of the Eastern Shore Land Protection Working Group

Accomack-Northampton Planning District Commission, February 2015

## Proceedings of the Eastern Shore Land Protection Working Group



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## Introduction

The Accomack-Northampton Planning District Commission held a series of stakeholder meetings including local government officials, agency representatives of land preservation organizations and the interested public to review the varying methods of land preservation. The meetings would serve as a forum to discuss the varying land preservation tools and coordinate the use of these tools for long planning horizons. The original scope of work envisioned that the outcome would be a report with “specific policy recommendations for local governments and land preservation organizations regarding how to protect land by conservation easements in the context of other protection measures such as zoning, mechanisms to verify conservation protection measures are in place and being maintained on protected property, and also strategies and mechanisms to protect permanently the land with the highest conservation value.” The report would be shared with existing preservation partnerships (Southern Tip Partnership) and local officials.

## Land Preservation Working Group

A working group was assembled by the Accomack-Northampton Planning District Commission staff made up stakeholders. A-NPDC staff sought to create a working group with representation from entities that had significant conservation holdings on the Eastern Shore and the localities that have conservation holdings within their jurisdiction. Representatives were requested from the following organizations. At the July 11, 2014 meeting, the group recognized that a major land conservation group, the Virginia Department of Game and Inland Fisheries, was not represented and a representative was added.

### **Working Group Organizations**

Accomack County  
 Chincoteague Wildlife Refuge  
 Eastern Shore of Virginia Wildlife Refuge  
 Northampton County  
 The Nature Conservancy  
 Town of Chincoteague  
 Virginia Eastern Shore Land Trust  
 Virginia Department of Conservation & Recreation – Natural Heritage  
 Virginia Department of Conservation & Recreation – Kiptopeke State Park  
 Virginia Department of Game and Inland Fisheries

### **Summary of the Meetings**

Three stakeholder meetings were held on July 11, 2014, November 5, 2014 and January 8, 2015. A-NPDC also presented the draft report to the Southern Tip Partnership meeting on February 11, 2015. Attendance records of the working group meetings are attached as an appendix.

Initial topics were identified at the July 11, 2014 meeting. In September 2014, the first draft of the report was circulated to the working group. This draft included a toolkit of legislative authorities and six draft recommendations from numerous sources, including the 2012 Joint Legislative Audit and Review Commission, the Working Group identified local needs and one additional recommendation requested by the Eastern Shore of Virginia Ground Water Committee. Comments were received and presented to the group at the November 5, 2014 meeting and several topics and major data gaps were identified for further review. It was evident at this meeting that some topics had conflicting views. Significant edits were made, many of the gaps related to economic information remained, and the draft report was re-presented at the January 8, 2015 meeting. A few edits were discussed and made, as a result of this meeting, and the report was sent out to the Southern Tip Partnership. It became apparent at the February 11, 2015 meeting of the Partnership that more economic data needed to be collected and analyzed before consensus conclusions and recommendations could be reached.

After discussion with the Coastal Zone Management (CZM) staff, it was determined that the way forward was to provide a description of the Working Group activities, outline the contents of the draft report, and remove the recommendations of the report. The previous report is withdrawn and replaced with this description of the proceedings.

## Descriptions of Meetings and Presentations

### July 11, 2014 Working Group Meeting

The first meeting was held July 11, 2014 and had nine attendees. The following topics were discussed.

- Conservation Easement Transfers
- Revenue from the Extinguishment of Conservation Easements
- Wetlands Mitigation Bank
- Purchase of Development Rights
- Agricultural and Forestal District
- National Wildlife Refuge System Landscape Conservation Planning
- National Wildlife System Land Protection Planning
- Accomack County/Wallops Island Joint Land Use Study
- Delmarva 3vs Model
- DCR Natural Heritage – Exemplary Species Priority
- Need to Address County Concerns Over Loss of Tax Revenue
- Federal Emergency Management Agency Hazard Mitigation Program
- Request DGIF Comment
- Need for Establishing the Economic Case for Conservation

A-NPDC staff requested a meeting time and the group determined they would prefer to conduct the review of the report by email.

## September 19, 2014 Distribution of the First Draft of the Report

The draft report was sent to all the attendees, DGIF representative, the planning directors of Accomack and Northampton Counties, and the Eastern Shore of Virginia Soil & Water Conservation District for comments. Staff requested comments by October 14, 2014.

The draft report had 52 citations, a length of 23 pages and 4 figures and maps. It included the following outline of topics.

Introduction

Stakeholders

Conservation Tools

Local Land Use Tools

Comprehensive Plan

Zoning

Agricultural and Forestal Districts Act

Taxation

Use Value Assessment (Land Use Assessment)

Certain Property Exempt from Taxation by Classification or Designation

Virginia Land Conservation Incentive Act

Virginia Recordation Tax Act

Legislative Authorities

Open-Space Land Act

Purchase of Development Rights Program

Transfer of Development Rights Program

Virginia Conservation Easement Act

Easement Holder Requirements

Enforcement of Conservation Easements

State Water Control Law (Wetlands Mitigation Banks)

Fee Simple Ownership for Conservation

Property Owned by State Agencies

Virginia Natural Areas Preserves System

Virginia State Parks

Wildlife Management Areas

Property Owned by Federal Agencies

National Wildlife Refuge System

Chincoteague National Wildlife Refuge & Wallops Island

National Refuge

Eastern Shore of Virginia National Wildlife Refuge & Fisherman

Island National Wildlife Refuge

North Atlantic Landscape Conservation Cooperative

Property Owned by Non-Government Organizations

Virginia Coast Reserve

Port Isobel & Fox Island

Guiding Jurisdictional Policies

Accomack County

Northampton County

Comprehensive Plan Update – Draft Section 6 Environment

Recommendations

- Recommendation #1
- Recommendation #2
- Recommendation #3
- Recommendation #4
- Recommendation #5
- Recommendation #6

Within three days, several comments were received that requested an additional meeting for discussion. Other comments were also received.

**November 5, 2014 Working Group Meeting**

As requested, an additional meeting was scheduled for November 5, 2014. Staff incorporated the comments received into the report. Prior to the meeting, staff sent a review draft marked with changes, as well as the text of all the comments received.

The second meeting was held November 5, 2014 and had nine attendees. The following topics were discussed.

- Inclusion of the Virginia Ecological Value Assessment
- Joint Legislative Audit and Review Commission – Dedicated Revenue Sources for Land Conservation in Virginia
- Clarify Intent of the Report
- Add a General Description of Impacts with Summary
- Include a Land Conservation Definition
- Include in report a summary of tools based on level of protectiveness
- Clarify that land conservation is done for specific purposes such as: Habitat, Species, Water Quality, Hazard Mitigation, Recreational Access, Agricultural Base, Open Space, Wildlife, Quality of Life, Aesthetics and Corridors and Linkages
- Add Blue-green Infrastructure Study
- Add Southern Tip Partnership
- Include 2013 Virginia Outdoors Plan information on economic benefits and cost of services information

Additional clarifying language was added in the meeting.

**January 8, 2015 Working Group Meeting**

The third meeting was held on January 8, 2015 and included six attendees. The following topics were discussed.

- 2013 Virginia Outdoors Plan Discussion – Chapter 5 (Land Conservation) & Region 22 (Accomack-Northampton Recreational Planning Region) Chapter

Counting the Costs and Benefits of Growth, A Fiscal Impact Analysis of Growth in the City of Charlottesville and Albemarle County, Virginia (December 2012)  
 Discussion of the Eastern Shore Land Protection Report

Additional edits were requested and included from this meeting. Additional comments were also received after this meeting.

**February 11, 2015 Southern Tip Partnership Presentation**

The draft report was sent to the Southern Tip Partnership and it was at this meeting that discussion indicated there was a need for additional economic analysis before recommendations could be developed. A-NPDC staff and CZM staff discussed possible options. It was agreed that A-NPDC would write a new summary of the meetings and submit a general description that would replace the draft Eastern Shore Land Protection Report.

**Virginia Coastal Zone Management Information Request**

The Coastal Zone Management Program has requested more detail and documentation of sources reviewed and gaps found regarding additional economic analysis. The sources do not include all sources reviewed but is limited to studies, budgets and reports that have economic impact and fiscal information.

**Sources Examined**

*Virginia Department of Conservation and Recreation’s Land Preservation Tax Credit Conservation Value Summary* (years available 2007-2012) – This report provides the value of tax credits requested by locality in that year, if the number of total requests is large enough (in 2012 five or more). Acreage is included.

*2013 Virginia Outdoors Plan, Chapter 5* – Has two sections on economic benefits and costs of not conserving open-space land.

*Trust for Public Land’s Conservation: An Investment That Pays* (2009) – Has good verbal descriptions of types of benefits.

*Counting the Costs and Benefits of Growth, A Fiscal Impact Analysis of Growth in the City of Charlottesville and Albemarle County, Virginia* (December 2012) – Describes fiscal cost-benefit ratios for local land uses including agriculture and recreation.

*US Fish and Wildlife Service Division of Economics, Public Review Draft for Chincoteague National Wildlife Refuge Economic Analysis in Support of Comprehensive Conservation Plan* (DRAFT January 2013) – Provides estimations of total spending by refuge visitors.

*American Farmland Trust’s Cost of Community Services in Northampton County, Virginia* (June 1999) – Describes fiscal costs for local land uses including agriculture.

*Virginia Department of Conservation and Recreation's Virginia State Parks 2013 Attendance and Economic Impact* – Provides economic impact based on attendance by overnight and day use.

*Virginia Institute of Marine Science's Economic Activity Associated with Commercial Fisheries and Shellfish Aquaculture in Northampton County, Virginia* (October 2014) – Economic Impact of Aquaculture and Commercial Fisheries Landings including an estimate of business taxes.

*Middle Peninsula Planning District Commission's Conservation Easements: Fiscal Impacts to Localities in the Middle Peninsula* (2010) – Addresses conservation easements' fiscal impacts in the context of the Composite Index of a Locality's Ability to Pay.

*Virginia Department of Education's Composite Index of a Locality's Ability to Pay* – Provides the calculation of every locality's portion of school funding.

*US Travel Association's Economic Impact of Domestic Travel on Virginia Localities* (2012) – Provides economic impacts of domestic travel by Virginia county and includes a local tax category.

*Virginia Department of Taxation Annual Report, Table 6.3* (2013) – Provides comparison of tax exempt value to total fair market value of real estate by county for all counties of Virginia.

*County of Accomack, Virginia Annual Fiscal Plan* (FY 2015) – Provides the previous year actuals and adopted budgeted balance sheet broken down in various categories.

*County of Northampton, Virginia Annual Operating Budget* (2013-2014) – Provides the previous year actuals and adopted budgeted balance sheet broken down in various categories.

*Joint Legislative Audit and Review Commission Dedicated Revenue Sources for Land Conservation in Virginia* (September 2012) – Provides historic information on Virginia's land conservation funding as well as amount of acreage conserved by county.

### **Data Needs**

Throughout the process there was continued focus on seeking information to answer questions regarding economic factors and the working group identified an economic analysis need in the first meeting. While certain economic effects are expected, limited data is available to provide estimates of the revenues and expenditures.

On the revenue side, data needs include the specific effects on property values in proximity to conserved lands, the effect of land conservation on certain industries such as aquaculture and agriculture, the portion of tourism revenue attributable to conservation. Additional work is needed to quantify the reduction in revenue from the tax exemption by classification attributable to conservation.

On the expenditure side, very little specific data is available. These include gaps in data on service cost avoidance related to forgoing increased demands for fire protection, schools and other government services, cost increases in local government staffing to comply with state and federal requirements attributable to agricultural conservation and costs associated with oversight of land conservation tools, and local government service costs associated with tourism development.

Specific data needs were also requested from the Working Group and The Nature Conservancy provided several included below and also listed in the Working Group Comment Appendix.

- a. Request the county assessors to provide detailed information on all tax exempt land by category so the impact of conservation land can be accurately discussed.
- b. Request the American Farmland Trust to conduct Cost of Services studies for Accomack and Northampton counties.
- c. Engage an independent organization, such as UVA's Weldon Cooper Center, to conduct a study on the economic impacts of conservation in Accomack and Northampton counties.
- d. Conduct a current zoning buildout analysis of Accomack and Northampton counties and use the analysis to determine the future revenue needed to fund additional services required by new development.
- e. Develop strategies to leverage Eastern Shore conservation efforts for economic development, as is being done in Southwest Virginia.

## Appendix: Sign In Sheets for Land Preservation & Policy Working Group

Land Preservation & Policy for the Eastern Shore of Virginia  
Friday, July 11, 2014  
10:00am

Mill Run Apartments Community Room  
35409 Mill Run Lane  
Belle Haven, Virginia

Name	Organization	Mailing Address	Phone Number & Fax	Email Address
Dot Fice	Del. Se. Reserve	P.O. Box 12 Puffin 23412	757-697-5717	dot.fice@delaware.gov
Forrest Gladden	Del. St. Parks Kiptopaki	3540 Kiptopaki Dr Cape Charles, VA 23010	757-331-3402 Fax 757/331-4340	forrest.gladden@del.legis.state.gov
Kevin Holcomb	USFWS - Chesapeake NWR	P.O. Box 62 Chincoteague, VA 23036	757-336-6140 x 2219	kevin.holcomb@fws.gov
Curt Smith	A-NPDC			csullivan@npdc.org
Jim Malcom	TNC	P.O. Box 150 Nortonville, VA 23413	757-942-3047 x 22	jim@tnc.org

Land Preservation & Policy for the Eastern Shore of Virginia  
Friday, July 11, 2014  
10:00am

Mill Run Apartments Community Room  
35409 Mill Run Lane  
Belle Haven, Virginia

Name	Organization	Mailing Address	Phone Number & Fax	Email Address
Kristen Tremblay	Accomack County Planning Department	<del>35409 Mill Run Lane</del> <del>Belle Haven, VA</del>	757-787-5711	Kristen@accocountygov.com
Bob Lewis	USFWS - Eastern Shore NWR	5003 H. Hill Cape Charles, VA 23010	757-331-2710 x 113	bob.lewis@fws.gov
Peter Madson	VESS Land Trust	P.O. Box 1114 Exmore, VA 23050	742-5995	vevl@vevl.org
Dele May	ANPDC			

Land Preservation and Policy for the Eastern Shore of Virginia  
 Wednesday, November 05, 2014  
 10:00am  
 A-N Planning District Commission  
 23372 Front Street  
 Accomac, VA 23301

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Name	Organization	Mailing Address	Phone Number & Fax	Email Address
Bob Leffel	USFWS	5005 Hallett Circle Cape Charles, VA 23310	(757) 331-2710 x113 (757) 331-3428	bob.l.lefel@usfws.gov
Carnie Savage	Eastern Shore SWCA	22408 Center Parkway Accomac, VA 23301	757-757-0912 x119	Carnie.duer@esswca.org
Jane Corn-Lassiter	USDA-NRCS	22545 Ctr. Parkway Accomac	757-757-0918 x110	jane.lassiter@va.usda.gov
Hali Ponder Engel Reke Henderson	VBS Land Trust	Po Box 114 Eymore	757-442-5535	hali@vbslandtrust.org reke@vbslandtrust.org



Rob Ritter attended and did not sign in  
 Virginia Coastal Zone  
 MANAGEMENT PROGRAM



Land Preservation and Policy for the Eastern Shore of Virginia  
 Wednesday, November 05, 2014  
 10:00am  
 A-N Planning District Commission  
 23372 Front Street  
 Accomac, VA 23301

Name	Organization	Mailing Address	Phone Number & Fax	Email Address
Jim Ferguson	TNC			



Virginia Coastal Zone  
 MANAGEMENT PROGRAM





Land Preservation & Policy for the Eastern Shore of Virginia  
 Thursday, January 8, 2015  
 10:00am  
 Accomack-Norhampton Planning District Offices  
 Accomac, Virginia

Name	Organization	Mailing Address	Phone Number & Fax	Email Address
Robert Ritter	School of Challenge	11111 Herchertown Rd GISD Community Dr Edgewater, VA	757-336-6579	
Curt Smith	A-NPDC			
Peter Stith	Norhampton County	164-9 Courline Rd. Eastville VA 23047	757-677-2140	psith@co.norhampton.va.us
Jim McGowan	TMC			

Flora K Neal DLR  
 Dot Field  
 PO Box 912  
 Norfolk, VA 23410  
 757-745-5987  
 dot@dotfield.com

## Appendix: Land Preservation & Policy Working Group Comments

**Elaine K. N. Meil**

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**Subject:** FW: TNC Comments on A-NPDC Proceedings of the Eastern Shore Land Protection Group

**From:** James McGowan

**Sent:** Wednesday, March 18, 2015 12:47 PM

**To:** Elaine Meil

**Cc:** Jill Bieri

**Subject:** TNC Comments on A-NPDC Proceedings of the Eastern Shore Land Protection Group

Hi Elaine,

Here are TNC's comments on the A-NPDC's Proceedings of the Eastern Shore Land Protection Group. Please let us know if you have any questions or need any additional information:

### TNC Comments on A-NPDC Proceedings of the Eastern Shore Land Protection Group

1. Page 4: It would be worth mentioning here what the "conflicting views" are. The draft report was never intended to discuss economic data. However, when it was suggested that land conservation was responsible for reducing county tax revenue, it became necessary to look at the whole economic picture.

The second paragraph on page 4 states that the "toolkit" would be summarized, but the list of items on page 5 is really an outline. Perhaps the second paragraph on page 4 should say, "outline the contents of the draft report".

2. Page 8-9: We suggest making the discussion on data needs more concise, and end with a summary paragraph that lists specific goals for the next report. Here are some suggestions:
  - a. Request the county assessors to provide detailed information on all tax exempt land by category so the impact of conservation land can be accurately discussed.
  - b. Request the American Farmland Trust to conduct Cost of Services studies for Accomack and Northampton counties.
  - c. Engage an independent organization, such as UVA's Weldon Cooper Center, to conduct a study on the economic impacts of conservation in Accomack and Northampton counties.
  - d. Conduct a current zoning buildout analysis of Accomack and Northampton counties and use the analysis to determine the future revenue needed to fund additional services required by new development.
  - e. Develop strategies to leverage Eastern Shore conservation efforts for economic development, as is being done in Southwest Virginia.
3. We suggest adding a final statement that the Working Group and the A-NPDC are working together to find an independent agent to prepare a comprehensive report for the Eastern Shore that addresses the economic issues raised during this process.
4. How will this final grant report be approved and distributed?

Thanks for the opportunity to comment on this draft proceedings report. TNC will look forward to working with the A-NPDC and other partners on the next steps.

Regards,  
Jim

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A-NPDC Response: A-NPDC staff has changed the language to outline noted in Comment 1. The data needs section has been made more concise and the suggestions added. The comment letter is now incorporated into the record of the proceedings. On March 16, 2015, A-NPDC staff gave a status report to the Commission on the project, noted that the work found that additional

information is needed, noted it was time to close the grant out and offered a draft of the report to interested persons. Only one person, a member of the audience, requested a copy. With no objection from the Commission and the incorporation of final working group comments, the report will now be submitted as a component piece of the annual report of FY2013 grant #NA13NOS4190135 of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration. Upon their acceptance, a copy will be made and kept at the A-NPDC offices and may also be included in the annual reports available on the Virginia Coastal Zone Management website and also the A-NPDC website.