

Eastern Virginia Rivers National Wildlife
Refuge Complex
Rappahannock River Valley National
Wildlife Refuge
336 Wilna Road
PO Box 1030
Warsaw, VA 22572
804/333 1470
804/333 3396 Fax
E-mail: fw5rw_evrnwr@fws.gov
www.fws.gov/northeast/rappahannock

Federal Relay Service
for the deaf and hard-of-hearing
1 800/877 8339

U.S. Fish and Wildlife Service
1 800/344 WILD

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Rappahannock River Valley

*National Wildlife
Refuge*

*Conservation
Easements — A
Landowner's Guide*

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Conservation Opportunities



This goose, designed by J.N. "Ding" Darling, has become the symbol of the National Wildlife Refuge System.

For hundreds of years, farmers, watermen, and wood producers have made their living on the lands and waters of the Northern Neck and Middle Peninsula of Virginia. As they have tilled the soil and worked the Rappahannock and Potomac rivers, they have also conserved thousands of acres of habitat for fish and wildlife.

These lands and waters have come under increasing threats in more recent times. Suburban sprawl further encroaches every year, development of second homes is on the rise along rivers and streams, and runoff of nutrients and sediments into the Chesapeake Bay estuary continues to damage its ecological health.

The U.S. Fish and Wildlife Service in 1996 established the Rappahannock River Valley National Wildlife Refuge to protect the outstanding fish and wildlife habitat that exists in and along the river. The Service set a land protection goal of 20,000 acres in seven counties, flanking both sides of the river from Skinkers Neck south to Belle Isle State Park. As of 2005, the Service had acquired nearly 8,000 acres from willing sellers, including almost 1,400 acres under conservation easement.

The Service seeks to protect additional property through the purchase of conservation easements from willing sellers. This land protection strategy is an alternative way of protecting wildlife habitat without purchasing the land outright.



Joe McCauley/USFWS

Rappahannock River Valley National Wildlife Refuge's Conservation Easement Program

What is a conservation easement?

A conservation easement allows the Service to protect wildlife habitat on a property that remains in private ownership. The Service, for example, may purchase rights from the property owner that restrict certain uses. However, other activities, such as farming, forestry, hunting and fishing, could continue when they are consistent with conservation goals.

Any interests in the land purchased by the Service become part of the National Wildlife Refuge System. Terms and conditions of easements are enforced through the National Wildlife Refuge Administration Act.



Joe McCauley/USFWS

*Who is eligible
to participate?*

Anyone who owns land within the seven-county refuge boundary area is eligible to participate in the easement program (*see map*). Participation is strictly voluntary. Priority will be given to owners of those lands identified as "Natural Resource Concentration Areas" in the Final Environmental Assessment that was published when the refuge was established. Maps showing these areas are available at the refuge headquarters.

*Are easements
permanent?*

Yes. All conservation easements purchased or accepted through donation will be permanent. They will be recorded with the county as part of the deed description of the property.

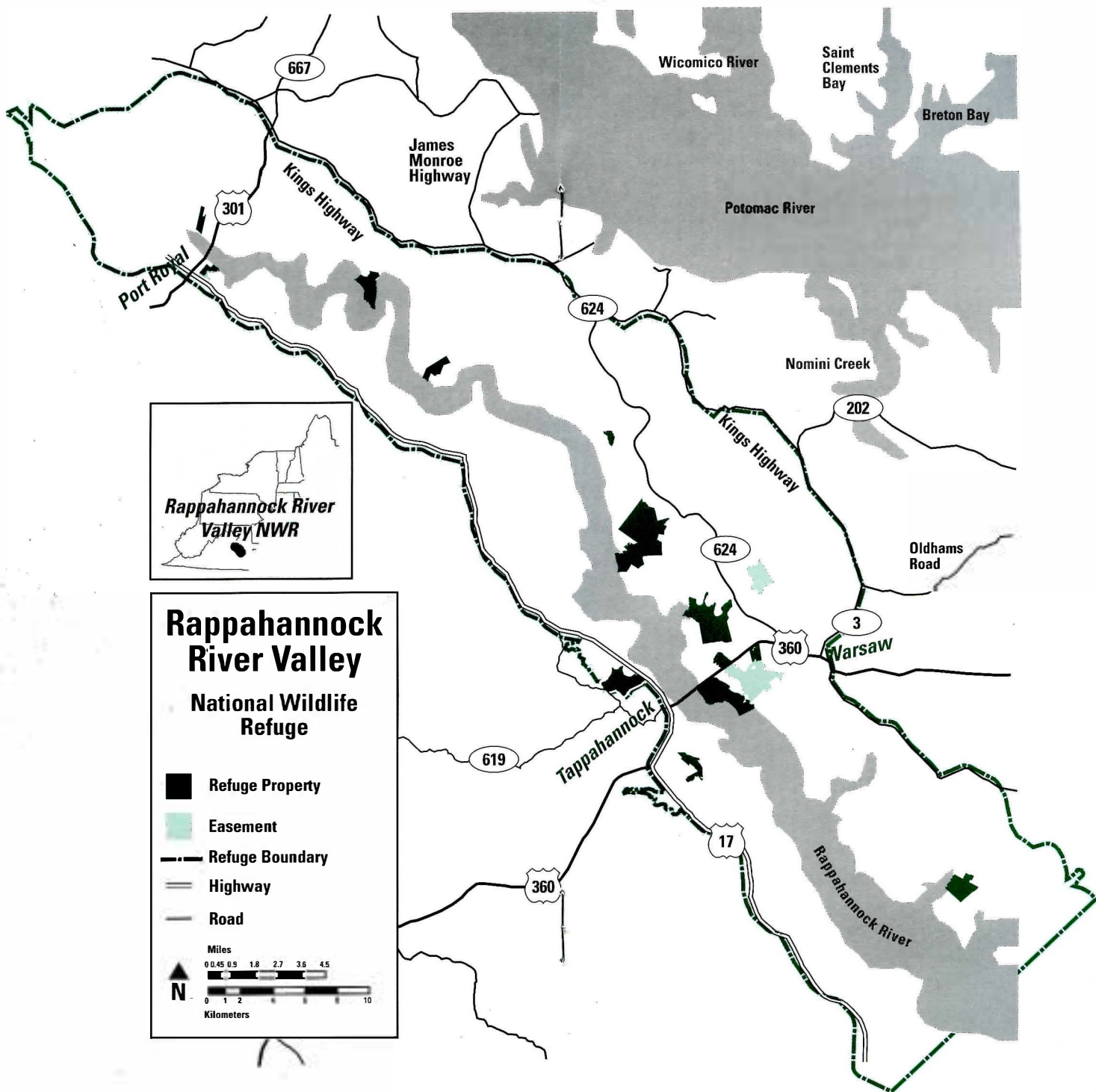
*Can properties
under easement
be sold?*

Yes. Properties with easements may be sold or otherwise transferred as usual, but the conditions of the easement remain attached to the property.

*How can I
participate in
the program?*

Landowners who own land within the refuge boundary and are interested in learning more about the refuge easement program should contact the refuge manager, who will visit the property to determine if it has suitable habitat for inclusion in the program. If the land is eligible and the landowner wants to proceed, the Service completes an appraisal of the property. The appraisal determines the market value of the easement and is used to make a written offer to the landowner. If the landowner agrees to the offer, the Service contracts with a title company to insure clear title and whether there are other owners or mortgage holders who need to approve the easement. The Service will order a survey if necessary. Once the title and survey work are complete, a closing date is set and a lump sum payment is made to the landowner. The Service pays for all costs associated with the easement, including the appraisal, title insurance, survey, and recording fees. All transactions are confidential until recorded. The entire process





usually takes from 6 to 12 months. All purchases are dependent on availability of funding, which varies from year to year.

How are easements valued, and what can I expect to receive for an easement?

The Service is required by law to pay market value for lands acquired in fee title or conservation easement. Values are determined by appraisals conducted by qualified individuals according to the Uniform Appraisal Standards for Federal Land Acquisitions. Conservation easements are appraised using a "before and after" approach. First, the fee simple market value of the property is determined. It is then re-evaluated as if the conditions of the easement were

in place. The difference between these two values is what is commonly called the just compensation.

The just compensation payment, or the value of the easement, varies greatly depending on the property's size, location, other attributes, and the terms and conditions included in the easement.

Conservation easements may be donated or sold to the Service for less than market value which is known as a bargain sale. In some cases, a donation or bargain sale may provide financial benefits to the seller. Landowners are encouraged to seek professional legal advice to determine any

Cat Point Creek
Sandy Spencer/USFWS





USFWS

Bald eagle

What terms and conditions are contained in an easement?

financial benefits or tax implications associated with the sale or donation of a conservation easement.

The terms and conditions of each conservation easement will vary according to goals of the landowner and the biological values the Service would like to protect. Many common uses of land such as farming, hunting, and forestry can continue according to conditions crafted during negotiations. Nearly all easements, however, will include certain land use restrictions.

The Service has developed guidelines to use during easement negotiations that will adequately protect the most important habitats. For example, if a property under consideration has frontage on the river or tidal creek, the Service would recommend protecting or establishing a forested buffer extending in from the water's edge to support migratory birds during nesting or migration, and to absorb sediment and nutrient runoff

before it could enter the waterway. The recommended width of the buffer could vary depending on the topography, length of the shoreline, and surrounding land use.

The guidelines cover habitat requirements of threatened and endangered species found along the Rappahannock River; migratory birds in the region, as well as water quality considerations. They were developed through a review of scientific literature on habitat requirements and regional planning documents and are subject to revision based on any new, relevant information. It is important to note that the guidelines are only a tool, and not all guidelines will apply to every property. A complete set of guidelines and the technical supporting documentation is available at the refuge headquarters.

Eastern tailed blue butterfly



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