

INFORMATION FOR BERKELEY COUNTY PROPERTY OWNERS CONCERNING THE BERKELEY COUNTY FARMLAND PROTECTION PROGRAM

Once you have determined that you have interest in conveying a conservation easement to the Berkeley County Farmland Protection Board, you should set up an appointment at the BCFPB office to receive an applicant packet which includes most of the forms used to complete an application. The phone number for the BCFPB office is 304-260-9250 and the email address is berkeley@wvfp.org. The office is located on the third floor of the Dunn Building which houses other county offices such as the assessor's office, county council chambers, and planning commission. You must take the elevator either from the first or the second floor. For any easement that may be purchased with matching federal monies (USDA) you must visit the Farm Service Agency (FSA) on Edwin Miller Boulevard to create or update farm records. Established records must be updated annually. Failure to complete this step will result in immediate disqualification by the USDA during their review of all applications for a given fiscal year.

To be eligible for consideration, the following conditions must apply (there are other considerations specific to certain funding streams as well):

- All property owners must agree to place the property into a conservation easement and all must sign the application form.
- The subject property must be held with clear title. Title issues such as unresolved estates will immediately disqualify a property from consideration.
- The project must be in Berkeley County (it may span a county line; any portion of land spanning into Virginia will not be eligible).
- The property must be a minimum of 10 acres. Significantly larger parcels are much more competitive.

The Berkeley County Farmland Protection Board (BCFPB) is funded on the County level by a portion of the Real Estate Transfer Tax collected by the County Clerk. Funds used to purchase conservation easements from this source are usually matched by the Natural Resources Conservation Service (NRCS), a division of the US Department of Agriculture.

Once you have applied to the BCFPB, your property is ranked or scored according to the percentages of prime soils, acreage, percentages of crops, pasture, hay, and other criteria. A sample ranking sheet can be provided so you may see what the scorer will be looking for in your application. If your property scores well and submitted to the USDA/NRCS for consideration, you must visit the Farm Service Agency (FSA) on Edwin Miller Boulevard and sign up to become "Farm Bill eligible". All persons on the deed of the property or all persons involved in a corporation which may own the property must become eligible.

If your property is selected by either the BCFPB and/or the USDA/NRCS for funding, the following steps begin:

- A Phase I environmental study is ordered to be completed on your property.
- An accurate and current appraisal will be completed by an appraisal group certified to perform conservation appraisals.

- Appraisals are sent to the NRCS office who in turn sends them to another appraiser hired by the NRCS to review the original appraisal.
- The review will be completed by a second appraisal group to ensure proper standards are met and that the property is developable and needs protection. The appraisal figures are not final until after this review approval is received.
- An accurate baseline documentation will be completed which provides a “snapshot” of the property to be used in future monitoring. Once under easement the property will be monitored once a year to note legal changes and/or confirm that no violations have occurred.
- An accurate boundary survey and written description will be completed on the easement area by a licensed surveying and/or engineering company.
- The above survey and description will be approved for recordation by the Berkeley County Planning Commission.
- A conservation easement document will be completed by the BCFPB and NRCS detailing all rights and restrictions concerning the permanent conservation easement.
- All the above documentation will be examined by the attorney for the BCFPB, and a thorough and detailed title search will be completed toward the goal of obtaining title insurance for the BCFPB. Any problems with mortgages or lien holders need to be addressed by the property owner before funding is transferred.
- All the above documentation will be examined and approved by the BCFPB and the NRCS.
- Funds provided by the BCFPB will be transferred into an escrow account set up by the closing attorney. Funds provided by the NRCS or State Authority will be ordered by form SF270 and when approved will also be transferred into escrow.
- Having the above approvals, a closing date may be set for all parties involved to sign the appropriate documents. The signed conservation easement is recorded in the Land Records of Berkeley County, West Virginia.
- Funds will be distributed by the attorney for the BCFPB from the escrow account. These funds will be distributed according to instructions given by the property owners.

The Berkeley County Farmland Protection Board is made up of six board members and one non-voting representative from the Berkeley County Council. Members are as follows:

- Brad Langdon, Chair and farmer representative
- Sandy Hamilton, Vice-Chair and Berkeley County Development Authority representative
- Barbara Bratina, Secretary and non-farmer representative
- Carla Kitchen, Treasurer and Farm Bureau representative
- Laura Riggs, Conservation District representative
- *Vacant seat – non-farmer representative*
- Elaine Mauck, non-voting Berkeley County Council representative