

INFORMATION FOR BERKELEY COUNTY PROPERTY OWNERS INTERESTED IN THE PRESERVATION OF FARMLAND IN WEST VIRGINIA

Once you have determined that you have interest in conveying or donating a conservation easement to the Berkeley County Farmland Protection Board (BCFPB), pick up an applicant packet either at the office at 229 E. Martin Street, Martinsburg, (third floor) or on-line at <http://berkeley.wvfp.org>. This packet will guide you through the first steps of making an application to convey or donate a conservation easement in Berkeley County. Next you should set up an appointment at the BCFPB office to receive any additional forms or information used to complete an application. The phone number for the BCFPB office is 304-260-3770. The director's cell phone number is 304-260-9250. If the director is not in, please leave a message with your number and the call will be returned. Please note that staff positions are part time, and with requirements to visit applicant and easement properties there are times when the office is not staffed, so making an appointment is helpful.

The Berkeley County Farmland Protection Board (BCFPB) is funded on the local level by a portion of the Real Estate Transfer Tax collected by the County Court. Funds used to purchase conservation easements from this source are matched by the NRCS and also by the West Virginia Agricultural Land Protection Authority (WVALPA)

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 board will be looking for in your application. From year to year there may be several funding pools and we can discuss which pools make sense for your situation. When we seek matching Federal funds through the USDA Natural Resource Conservation Service (NRCS) your property must have a minimum of 50% qualifying soils (prime, state-wide, or locally-important) and may not be more than 66% wooded. For local funding, we do not impose these restrictions.

If your property scores well and funds are available, then the following process begins:

- For USDA-match: An applicant must stop by 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 or LLC which may own the property must become eligible.
- For USDA-match: 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.
- For USDA-match: Appraisals are sent to the NRCS office who in turn will send them to another appraiser hired by the NRCS to review the original appraisal.
- For USDA-match: 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 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.
- An accurate baseline documentation will be completed which provides a “snapshot” of the property to be used for 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.
- A conservation easement document will be completed by the BCFPB legal representatives and NRCS (if involved) 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, the NRCS (if involved), and the Berkeley County Council.
- Funds provided by the BCFPB will be transferred into an escrow account set up by the closing attorney. If matching funds are involved, those will be requested 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 representative from the Berkeley County Council. Members are as follows:

- J. Bradford Langdon, Chairman and farmer representative
- Sandy Hamilton, Vice Chairman, Berkeley County Development Authority representative
- Barbara Bratina, Secretary, Non-Farmer representative Susan Hawkins Whalton, Secretary and Eastern Panhandle Conservation District representative
- Carla Kitchen, Treasurer and Farm Bureau representative
- Laura Riggs, Conservation District representative
- Tom Gleason, non-farmer representative
- Elaine Mauck, (non-voting) Berkeley County Council representative
- F. Mark Schiavone, (non-voting) executive director

Contact information:

Berkeley County Farmland Protection Board (BCFPB)

P.O. Box 1243, Martinsburg, WV 25402

304-260-9250 Mobile

304-260-3770 Office

Email: berkeley@wvfp.org

Website: Berkeley.wvfp.org

The Berkeley County Farmland Protection Board regularly meets on the second (2nd) Monday of each month at 6:00 pm in the conference room of the Berkeley County Development Authority at 300 Foxcroft Avenue, Martinsburg, WV. If the second Monday of a month is a state and/or federal holiday (example, Columbus Day each October) then the meeting is scheduled for the next day (Tuesday).