

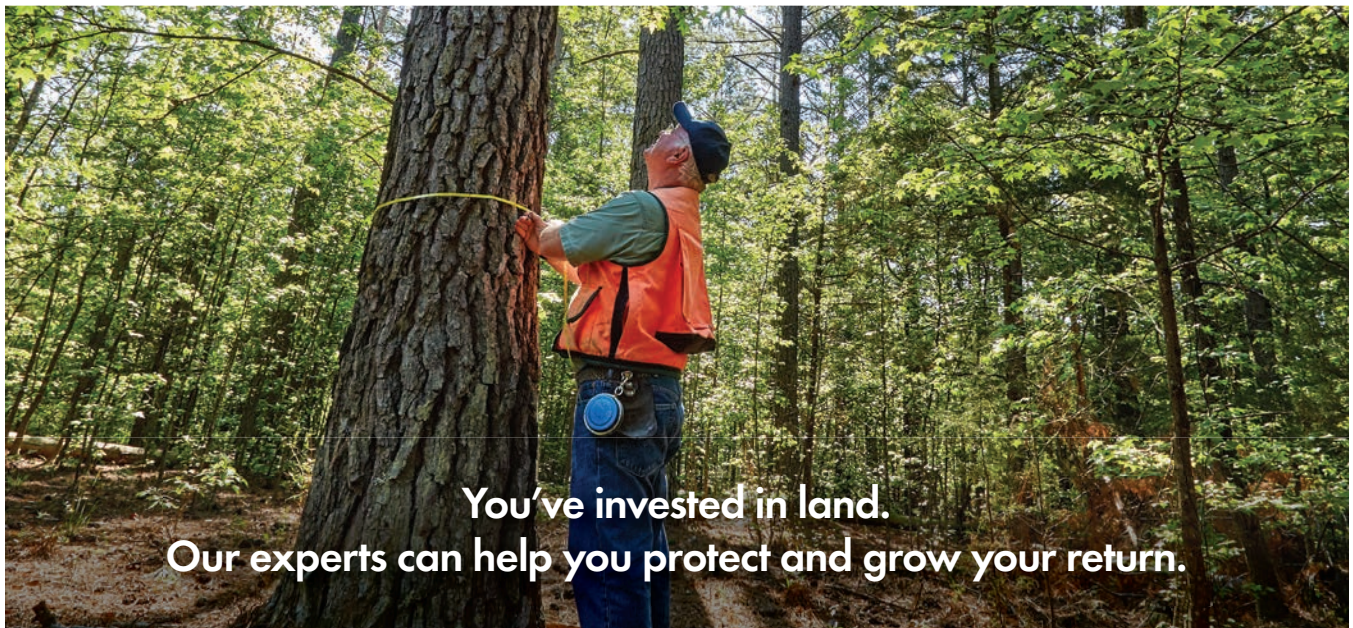
# Virginia Forests

SUMMER 2021

## TAKING ROOT

Change, Challenges  
and Connections to  
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# Virginia Forests

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Summer 2021

Volume LXXVII, Number 2

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The Cathey family gathers for relaxation and fun on the land.



Rusty Osbourne at his father's memorial that was erected on land owned by him and brother, Matt Dowdy.

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**ON THE COVER:** Forest in summer near Chancellorsville, Va. (Photo by Jim Kuykendall for Generation NEXT Legacy Planning program.)

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## SUMMER 2021

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## If You're Not at the Table, You're on the Menu

It was long understood that the vast majority of VFA's advocacy activity was confined to the no-greater-than-60-day legislative sessions prescribed in Virginia's Constitution. Though regulatory boards met year-round to consider or amend rules because of bills passed during preceding sessions, this was typically only a couple of times a year on just a handful of initiatives. In addition to the biennial political fundraising circuit (bolstered this year by record VAForestPAC fundraising in 2020), there was once a seasonal nature to advocacy that was not unlike forestry.



Corey Connors

Those days have passed. VFA's advocacy efforts, and those of our partners, have become a year-round enterprise. The Virginia General Assembly passed 57 percent of bills introduced during its 2021 session according to the Virginia Public Access Project. Rather than hastily crafting policy on the fly during a short session that was conducted virtually, many of those initiatives directed state agencies to convene work groups and solicit technical feedback in the development of new or amended regulations, or to propose new statutory changes, in advance of the 2022 session.

At the time of this publication, VFA has represented (or will soon represent) Virginia's forestry community on several regulatory advisory groups impacting various segments of our broad membership. Here's a look at the outcomes and updates of stakeholder groups on which VFA has served this year:

### **Incidental Take Permitting - Migratory Birds** Virginia Department of Wildlife Resources

*Background:* In February 2020, Governor Ralph Northam directed the then Department of Game and Inland Fisheries, now Department of Wildlife Resources, to initiate a process to develop a regulation to define and permit "incidental take" of migratory birds for major commercial, industrial, and construction projects. Citing diminished regulatory authority at the federal level amidst ongoing legal challenges to the Migratory Bird Treaty Act, these new state-level regulations sought to create a permitting process

for construction activities within specific sectors, requiring developers to obtain a permit before beginning a project.

*Outcome:* VFA successfully advocated for an exclusion of silviculture and supporting activities from regulation under the permitting program, maintaining the treatment of forestry as a traditional land use consistent with historical treatment under federal law. On March 18, 2021, the Board of Wildlife Resources adopted the proposal crafted by the stakeholder advisory group, with a July 1, 2021, effective date for regulated entities.

### **Chesapeake Bay Preservation Act Amendments - Climate Adaptation and Mature Trees**

#### Virginia Department of Environmental Quality

*Background:* First adopted in 1989 and amended several times thereafter, the Chesapeake Bay Protection Act addresses land use planning and development on water quality within designated areas of the watershed. During the 2020 General Assembly Session, the Act was amended for the fourth time adding two new required elements that local governments must implement in administering Bay Act programs: "coastal resilience and adaptation to sea-level rise and climate change," and "performance criteria requirements related to trees, particularly mature trees" under the program.

Within the designated area, silvicultural activities that adhere to procedures contained in the Department of Forestry's (DOF) "Virginia's Forestry Best Management Practices for Water Quality Technical Manual" are exempt from Bay Act requirements. Additionally, DOF maintains regulatory authority over forestry activities while tasked with documenting BMP implementation and monitoring in-stream impacts of forestry operations. Though not proposed in the draft regulation, several stakeholders participating in the group questioned and actively sought to diminish these critical protections.

*Outcome:* VFA focused primarily on the mature tree amendment. In addition to retaining current exemptions for silvicultural activities that are in compliance with BMPs, VFA and its partners successfully sought a clear definition for what constitutes a mature tree (a tree that typically reaches at least 35 feet in height when mature with a Diameter at



Breast Height (DBH) of 12 inches or greater or an under-story tree with a DBH of 4 inches or greater) and language allowing for the planting of non-native, site-appropriate trees if a native species is considered not suitable.

On June 29, the State Water Control Board adopted both amendments with an effective date of September 29, 2021. VFA continues its service on the stakeholder advisory group in the development of guidelines to be used by localities in administering Bay Act programs with these changes.

## Tree Conservation & Tree Canopy

### Secretariats of Agriculture & Forestry and Natural & Historic Resources

*Background:* Two separate initiatives, one legislative and one resulting from budget language, were adopted during the 2021 General Assembly session to convene work groups to provide policy recommendations that would: encourage the conservation of mature trees and tree cover on developed sites; increase tree canopy cover in communities; and encourage the planting of trees. These separate initiatives with similar objectives were ultimately combined into one group.

*Update:* As of press time, the Tree Conservation Work Group continues to develop recommendations. Of concern to the forestry community is the potential expansion of local authority to regulate tree preservation beyond current ordinances and laws regarding development. While supportive of the group's efforts to update state policy to better enable the replacement of trees in development, to address recurrent flooding in the Chesapeake Bay area, and to bolster urban forestry, VFA will continue to advocate for the rights of landowners and forestry stakeholders in maintaining silvicultural practices across the Commonwealth without adding an additional layer of local regulation on forest land.

## Invasive Species

### Department of Conservation & Recreation and Department of Agriculture & Consumer Services

*Background:* This year, the General Assembly passed legislation requiring DCR and VDACS to conduct a study on the "sale and use of invasive plant species." The study "is to focus on sales in the retail, landscape, greenhouse, and nursery industries and consider measures to reduce

—continued on page 32.

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The Virginia Forestry Association, chartered in 1943, is a not-for-profit, non-governmental, privately-supported association of forest landowners, wood product industries and businesses, loggers, foresters, forest use groups, and conservation-minded citizens. New board members are elected annually by mail ballot to all VFA members. To ensure a balanced geographical representation, the state is divided into five areas and one "at large" category. Any VFA member may be a candidate for the board.

## PRESIDENT'S COLUMN

# Challenges & Opportunities

I have to admit the last eighteen months have been a challenging time to navigate. There have been many unusual and out of the ordinary events in our nation, culture, and the broader world. This has created various new paradigms for many aspects of everyday life to contemplate, process, and work through. As a result, much of the way we do business has changed, creating new challenges for us as landowners or small business owners just trying to do business and earn a living in the forestry sector.



Scott Shallenberger

Labor shortages make it hard to find workers to operate equipment or work in the woods. Trucks are sitting idle for the lack of CDL trained drivers to take products to markets or to deliver finished products to customers. New equipment, replacement parts, and critical supplies, are all in short supply due to supply chain instability and interruptions. All of this combines to make a normally routine week in a forestry business no longer routine. Upside down conditions seem to be the norm. However, challenges often lead to opportunities.

One of the things we do have control over in a period of upside-down conditions is the relationships we have developed, partnerships built, and friendships cultivated over the years. This is one of our greatest opportunities going forward in times of uncertainty. As more gray hair has appeared upon my head, I value the time I spend with friends, family, colleagues, co-workers, and the people involved with the business relationships I have cultivated over the years. More acres planted, more tons produced, more clients added to your business, or whatever goal in life you are chasing, becomes secondary to the people in your life. If there was one lesson learned over the last eighteen months, it was this. I hope this is front and center and true for you as well.

The Virginia Forestry Association provided such an opportunity for you to renew some of those relationships at the Virginia Forestry Summit in Harrisonburg on September 28-October 1. Along with opportunities to get together with folks, we heard from speakers who addressed some of the current challenges we face. Many new opportunities were explored, including updates on exciting new markets for hardwoods, carbon, energy, and mass timber. I hope that you enjoyed plenty of learning, good times and professional networking in the mountains of Virginia. We will look forward to seeing you again at more forestry-related events in the future and will have information about planning for the 2022 Virginia Forestry Summit coming soon! 🌲





# Stronger Together

## BLACK FORESTLAND OWNERS AND THE VFA

by Elizabeth Woodworth

**Virginia Forestry Association (VFA) has a mission to represent Virginia's diverse forestry community.** This mission perfectly complements the work of the Sustainable Forestry and African American Land Retention (SFLR) network. SFLR exists to create a sustainable system of support for African American forest owners that significantly increases the value of African American-owned forests, boosts land retention, and develops assets.

"Many of the Black family landowners we work with often don't see their land through a sustainable forestry lens. Sometimes they don't even think of the trees on their land as a forest, or all the values we associate with a forest," says Mavis Gragg, Director of the SFLR Program at the American Forest Foundation (AFF). In 2019, AFF assumed the administrative, fundraising, policy advocacy, and technical support functions of the SFLR program in collaboration with the SFLR network.

"I see lots of scope for the SFLR network and the VFA to increase the forest management capacity of small landowners. From on-the-ground forestry expertise to tips on how to make the most of government support, the SFLR network and the VFA are both well placed to help rural forest owners," Gragg says.

### **A shared interest in diversity and sustainable forestry.**

Since its inception, the SFLR has improved forest management and forest retention by connecting African American landowners to established networks of forestry support, like the VFA. Other supporters include federal and state government programs, businesses, and nonprofit conservation, legal, and community development organizations.

"There are so many opportunities for SFLR and VFA to cooperate in ways that will help family forest owners. From learning about things like carbon credits and conservation easements, we need small landowners to see their forests as a sustainable, performing asset," says Ebonie Alexander, Executive Director of the Virginia-based Black Family Land Trust (BFLT). The BFLT is one of eight anchor organizations that make up the SFLR.

### **Working on behalf of small family forest owners.**

Although Black Americans had amassed roughly 15 million acres of land in the U.S. South between 1865 and 1919, today, 97 percent of those lands have been lost, according to the Land Trust Alliance.



“It’s clear to me how much heirs’ property issues underlie all these challenges Black family forest owners face. It comes up in all sorts of ways. Not having a clear title to your land means you can’t get access to Federal Emergency Management Agency (FEMA) disaster assistance, for example,” says Rita Hite, Executive Vice-President, External Relations and Policy at the American Forest Foundation. Hite was recently named AFF’s next President and CEO, effective January 1, 2022.

The SFLR network uses forestry as a way to help African American landowners generate wealth and keep land in the hands of African American families. It has helped more than 1,400 landowners access the resources they need to retain and solidify their land rights across more than 90,000 acres in the Southeast. The network has deep connections across the Southeast and has inspired families who have a renewed hope for generating sustainable wealth and securing title to their land.

### **Building bridges to help families and forests.**

The SFLR network is also working to reverse the legacy of mistrust between government agencies, like the U.S. Forest Service and Black landowners that has built up over generations. Today, the network is helping Black landowners navigate government programs and secure resources for their families. State forestry organizations, nonprofits, universities, and the private sector are all on board.

### **Using sustainable forestry to keep land in the family.**

Most African American landowners have owned their family land for generations. Family legacy rather than economic factors often drives land management decisions. However, without realizing any value from their land, the property risks becoming a liability rather than an asset. African Americans have faced additional challenges due to heirs’ property, smaller land holdings, and mistrust of the forest industry and federal programs.

Sustainable forestry is an established way for landowners to maintain their deep ties to the land while promoting

## **SFLR: AN AWARD-WINNING NETWORK**

The SFLR program has been recognized with multiple awards, including: USDA Forest Service Regional Forester’s (Region 8) Honor Award for Delivering State and Private Forestry Programs in 2019; the Department of Housing and Urban Development’s (HUD) Secretary’s Award for Public-Philanthropic Partnerships in 2018; and the USDA’s highest honor, the Abraham Lincoln Award for protecting natural resources in 2016.



Ebonie Alexander

wealth creation and land retention. Everyone wins—the forest-land owner benefits from a sustainable asset while Virginia and other states in the SFLR network preserve more forests along with the clean air, clean water, and wildlife habitats they support.

### **Policy priorities that put rural landowners first.**

#### **CHAMPIONING THE ROLE OF SMALL LANDOWNERS IN MITIGATING CLIMATE CHANGE.**

Carbon markets offer myriad benefits and opportunities, from helping mitigate the climate crisis to generating profitable revenue streams. We will all benefit from a healthier climate, but who will reap the financial rewards generated by carbon markets? The VFA and SFLR can come together to make sure our communities and families get a fair deal when it comes to carbon markets. Today, it’s not uncommon for a landowner to receive a one-time payment for 1/15th of the carbon credit’s value.

When it comes to benefitting from emerging opportunities, like carbon markets, in the past rural Americans have seen promises broken and their interests ignored. Whether it’s water being diverted to serve a megafarm or foreign buyers driving land prices beyond the reach of working families, all too often, profits are generated for others at the expense of rural America. Climate policy must take the interests of rural family landowners into account.

“Rural landowners are being left out of carbon markets. Only about one percent of the forested acres involved in carbon credits are small ownerships. Understanding carbon markets, as well as building relationships with carbon credit buyers, is a huge barrier. But the SFLR network and the VFA could be a powerful voice for these small landowners,” Hite says.

America’s forests and forest products capture and store nearly 15 percent of annual U.S. carbon dioxide emissions generated from burning fossil fuels, according to American Forests, the oldest national nonprofit conservation organization in the United States. Families and individuals own



# SFLR at a glance

1,400+ landowners engaged

acres owned 90,183

4,408 land tenure services provided

forestry services provided 1,191

281 timber sales

forestry practices introduced 1,228

## SFLR ANCHOR ORGANIZATIONS

**Virginia:** Black Family Land Trust

**North Carolina:** The Roanoke Center/Roanoke Electric Cooperative

**South Carolina:** Center for Heirs' Property Preservation

**Georgia:** McIntosh Sustainable Environment and Economic Development

**Alabama:** Limited Resource Landowner Education and Assistance Network

**Mississippi:** Winston County Self-Help Cooperative

**Arkansas:** University Of Arkansas Pine Bluff

**Texas:** Prairie View A&M University

[www.sflrnetwork.org](http://www.sflrnetwork.org)

more than one-third of U.S. forests, making these owners an essential part of the effort to address climate change. But forest owners, typically with smaller acreages, are at a disadvantage.

### IMPROVE THE RURAL FORESTS MARKETS ACT TO HELP OPEN UP THE CARBON MARKET.

We must aim for a fairer way to share the value generated from sequestering carbon. SFLR is working to improve the Rural Forests Markets Act to help underserved rural landowners fully participate in the carbon market. A major priority is modifying the bill to create fairer opportunities in carbon markets for African American and other small family forest owners. Given the history of discrimination and mistrust of government programs, we must also ensure that African American-led organizations can provide access to the bill's loans and guarantees.

The SFLR sees the growing carbon market as a litmus test of America's ability to deliver climate benefits with equity of opportunity at its core. Suppose African American landowners are unable to address land tenure issues and don't receive technical and financial assistance to implement forestry practices—they may find themselves pressured into selling and miss the chance to benefit from producing carbon credits.

### ENACTING THE UNIFORM PARTITION OF HEIRS PROPERTY ACT.

One of the major drivers of Black family land loss are partition laws that allow any co-tenant, even those outside the family, to force a sale of the entire property—leaving the family at the mercy of unscrupulous developers. Alexander mobilized the Black Family Land Trust in Virginia and the wider SFLR network to do something about this longstanding injustice. Alexander was named the 2020 McCarthy Award winner by the University of Virginia to recognize her work in advancing the legislation.

In 2020, Alexander and allies helped make Virginia the 14th state to adopt the Uniform Partition of Heirs Property Act to ensure rightful ownership of inherited family land. North Carolina is the only state in the eight-state SFLR network that has not enacted the legislation, although it has introduced the legislation.

The act contains several simple but important due process measures like notice periods and the right of first refusal. Sales are also supervised by the courts to ensure all the landowners receive their fair share.

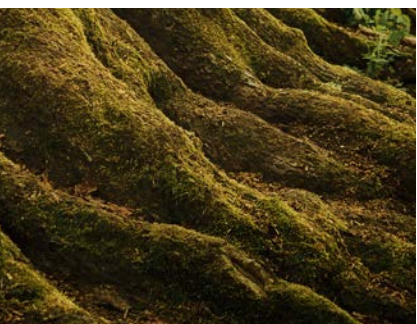
### Shared priorities and a shared future.

There are 21 million family forest owners in the U.S., which translates into one in four rural Americans owning a forest. Collectively, there are 290 million acres of family-owned forests in the U.S. The more family forest owners can come together on issues that matter to them, the better off our forests will be.

"Family forest owners are so important for preserving the environment we share. We must honor the legacy of those stewards of the land that came before us and have faith in those stewards that will come after us. Collaboration between the Virginia Forestry Association and the SFLR network is one great way we can support these stewards of the land," Alexander says. 🌿

*Elizabeth Woodworth is Founder and CEO of Wood & Co. Consulting and a communications advisor to the SFLR Network.*





# Taking Root

## Forest Landowners Reflect on Change, Challenges and Connection



Building a community of support for all those who live and work in forestry is part of the strength of the Virginia Forestry Association, and we know how learning from others who have expertise and experience benefits everyone. Here, we reached out to several longtime Virginia forest landowners who share the history of their land ownership, offer advice, and reflect on land management decisions, especially ways that they have adapted to changes as stewards of their forests.

### APPRECIATING THE LAND

**Phil Bain, Ivor**

*from an interview with Scott Poydton, September 4, 2017*

Our family has been in the area for generations. The Barlow family, my mother's family, was among the first settlers with roots traced back to Jamestown, Virginia. They were farmers and were able to acquire land through farming activities—something that is difficult to do today.

We started in the peanut business originally, and I'm in the generation that ceased the peanut operation entirely. My great-great grandfather owned and operated a general store, bought peanuts from local farmers and, on a very small scale, shelled and cooked and sold those peanuts. My great grandfather increased the business tremendously with mills in the Carolinas, Oklahoma, Texas, and Virginia operating the American Peanut Company that was later named Bain Peanut Company.

My great uncle, Thomas L. Bain,

is the one I give credit for our family forestry industry. He ran a general store, sold merchandise to farmers, and bought farms. Because he didn't marry or have children, his ownership filtered down to my sister and myself, and that's how I found myself in this situation. He was doing this in the late 1800s. He died in the 1930s. He recognized the value of the pine trees even back in that day. At the time he died, he owned about 10,000 acres, crop land and timber land combined. When the land was divided, our family received 6,500 acres, and we've been fortunate to increase that to about 9,000 acres today.

We're not sure about the amount of harvesting that was done prior to the 1970s and 80s when record-keeping started. Today, we have very specific records about planning, harvesting and silviculture activities. Timber at that earlier time was held for sawtimber, that is, it was harvested for lumber production as opposed to fiber, and I would guess it was harvested once a generation, every 50-60 years. There are some old sawdust piles on these farms where, in the early 1900s, mobile sawmills were taken into the woods, skidding

was done with mules, and lumber was sawed on the spot.

Today we manage our tracts with 15-20 year rotations. Our tracts are entirely pine plantations, no hardwood is managed for production. Most of our pine is managed for fiber production with some still managed for sawtimber, lumber production. With the current trend toward production of fiber, we are concerned about whether sawtimber will be a viable crop to grow here. You just don't get the pricing for sawtimber over pulp that you once did.

Management activities on our property have included or currently are farming operations, some residential development, timber production and outdoor recreation including hunting, horseback riding, and USDA Conservation Reserve Programs that are either forested or grassland waterway buffers.

I enjoy seeing the benefits of what we have here on the land. I love seeing wildlife and watching people enjoy activities on our land. Age brings wisdom: I look back on how I spent my time in younger days, and could have accomplished more if I allocated my time better. I hope that my chil-



dren, and my nieces and nephews might one day appreciate and enjoy the land as much as I do today. Like them, in my younger days I enjoyed living in the city and being social. Over time and changes in my life, such as raising a family, I have come to appreciate the slower pace here in a small town community.

One of my largest concerns is whether any of my family members has interest in this business or wants to continue ownership of this business, possibly allowing someone else to manage it. Or if they might decide there is a better return on their investment elsewhere.

Over time, I have realized that if you take a kid out and just let them have fun, they establish that love for the land. If you take them out and tell them they have to learn something, then they rebel.

For the future, I would like to see us be able to grow our business, not only revenue but land holdings. It's more difficult to have a respectable return on investment in land purchases now. That's reflected in farm commodity prices and timber prices. As the housing market improves, we hope that stumpage prices will improve.

I would like to see that, as ownership becomes diluted over generations, each owner has enough revenue from the business to allow

them to justify retaining this investment as opposed to selling it. We have a philosophy that any time we sell land we take the proceeds of that sale and reinvest it in additional land purchases.

With globalization, we feel like we are competing with sustainable growers around the world both in agriculture and forestry products. Government regulation that increases our costs is certainly an obstacle. If we can have fair trade on a global market, the utilization of our resources here domestically is not the future of our business. We have to export in order to compete.

The forest means a great deal to me—one of my friends accuses me of naming some of the trees! I enjoy walking through the forest especially an old-growth forest. It puts our short time on this earth into perspective. There's also a connection as we walk through the forest and realize there are trees there that their grandfather saw when he was on the land.

I'm not a forester by trade, but during the last two years I have had a forester working with me so that, when I'm ready to kick back and retire, he will do everything that I'm doing today. 🌲

## TWO FAMILIES CONNECTED

**Carter and Carol Fox, Aylett**

Carol and I are fortunate to have been born into families with a background of timberland ownership. Our land (now all owned and managed by our children) includes land near Aylett that was inherited from the Fox family.

My grandfather, Joe Fox, operated a small portable sawmill near Aylett. To supply the mill he bought and sold land to harvest timber to saw into lumber that he loaded on barges in Aylett on the Mattaponi River. The wood would be sold and shipped by water to Baltimore for uses there. Sometimes he would keep the land he bought, and that is some of the land we have now. Some of it was left to my father and his family members.

Likewise Carol's grandfather was in the lumber business, Spaulding Lumber Company of Chase City, Va. His company purchased and sold timber for use in the box shoo business. The timberland accumulated in this business was sold to Georgia Pacific, and very little was passed down to his heirs. 🌲



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Phone: 240-446-1583 [jsecoges.efc@gmail.com](mailto:jsecoges.efc@gmail.com)



## PINES OF BARRA TREE FARM

**Anitra Webster, Bedford County**

The story of my ownership of this forested land began with a 60-acre tract of mostly hills in Bedford County, Va. The first entry way to the farm is up a very windy, curvy little road, one mile from the James River, just south of Big Island. The farm gate is another curvy mile from the county road. There were two reasons to even think about forested land. Having had my childhood wonderfully punctuated with weekend trips to my grandparents farm with a creek, chickens, cows and woods, we felt our children would benefit having the experience of the bigger outdoors. But having land was not financially realistic if it

just lay there. It needed to be productive. What better use for it than to put it into forest production.

Over a couple of years I was able to add contiguous tracts, which brought along an abandoned farmhouse and barn. We had to have a bulldozer clear out the kudzu, grape vines and other overgrowth around the homestead. Then we brought the house back to life.

So began an education of land use and restoration of nearly 100 year old buildings. There was an abandoned test plot of viniferous (wine) grapes, about four or so different varieties, and several fields that were just right for planting white pine seedlings. Not being one to let ignorance be a stopper, I soon found out about the Westvaco landowner assistance program and the Bedford County forester of the Virginia Department of Forestry, the Bedford County



Extension Service's agricultural person, and Virginia Tech's Extension Service to support vinifera production. My vocabulary increased with words such as: pine bark beetle, downy mildew, crown gall, copper head, and many more.

Even though the land had been just left alone, the local "establishment"

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knew about the grapes and when to wind their way to the grape patch. The “establishment” was critters of two or four feet or two wings and/or two hands. I also learned that a fellow by the name DuPont had been in the area and had a vineyard where the local kids helped with the harvest. He returned to France around World War I and never returned, at least to this part of Virginia.



With the boundless help of a consulting forester from Westvaco, Karen Green, a graduate of Virginia Tech, we developed a management plan. I thought it was pretty good. It has really been the backbone of all my planning. She said, “do this, do that.” And I did. Then to my great astonishment I was named Tree Farmer of the Year 1991 for the Commonwealth of Virginia. By that time there had been a couple of harvests, two main tracts of white pine were several years old, and I had a test tract of *paulownia*



*tomentosa*, locally known as coffee trees. The vineyard was producing. In fact, one buyer received a ribbon for the wine he made from the Villard Blanc grapes.

Upon being named Virginia Tree Farmer of the Year, I became active in the Virginia Forestry Association. The organization became one of my leading sources of new

information what with educational meetings and seminar events. Virginia Tech’s bus tours led by Harry Haney provided another educational resource. It was a great way to see what worked where and to learn who to ask for information.

In my last clear cut we replanted the tract with pitch lob pine. I plan for a good crop of pulpwood in about 10 plus years. For the most part, the timber is mixed hardwoods. Early on, in one of the harvests, I had one white oak cut down and part of it is a nice drop leaf table. Another venture was converting a wind blown big red cedar into four blanket chests. The craftsman making the chests had a little problem. He ruined a saw blade when it hit a bullet that was lodged in the plank. The tree had been living by the side porch of the farmhouse that I spoke about. Who wants to imagine the story of how, why and when the bullet got there?

Over the past several years I have had a small group of hunters on the land. There are two or three major open spaces planted for wildlife support. A neighboring farm had put in autumn olive. I am not sure why. It has become rather invasive on my farm and we are going to be much more aggressive in getting rid of it.

A little advice: I am glad that I only planted a small portion of the Tree Farm in white pine at the beginning of this venture. Everyone else planted white pine when I did. Now, the market for white pine where I am is just not profitable, and the loggers respectfully decline to cut it. It has proved to be a good move to have mixed stands of timber. A second thought: to manage a Tree Farm, I found that one develops a small community to make it work—your family, hired people for special or ongoing jobs, professionals for their advice. It takes a small village.

What is the future of the farm? The management is under discussion! The Tree Farm will remain. 🌲



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## ESTABLISHING A LEGACY FOR GENERATIONS

Joel and Ree Cathey, Halifax County

We own a 572-acre tree farm in Halifax County, located on Difficult Creek. It is a very diverse property. There is a small 25-acre field that we rent out to a grain farmer. We have about 110 acres of loblolly pine that is six years old. We have another plantation (about 35 acres) that is 15 years old, that we just thinned. A double transmission line occupies about 15 acres, which we utilize for food plots. There is about 100 acres of swamp land, which is great for ducks and wildlife but not much of an income producer. The other 290 acres are a mix of shortleaf pine and mixed hardwoods.

The land was previously farmed to raise tobacco and cattle. Clarke Hogan bought the property in 2004. We bought a one-half interest in the tract in 2012 and bought the other half in 2014. We formed Long Branch Farm LLC at that time. Long Branch Farm LLC is now owned by the two of us and our daughter Sharon and son-in-law Ryan.

Over the years, to help manage our woodlands, we have utilized the Virginia Department of Forestry, Virginia Cooperative Extension services and the Virginia Department of Wildlife & Natural Resources. These groups have been very helpful. We cannot emphasize enough the value of getting ideas and suggestions from other landowners. Virginia Forestry Association (VFA) does a great service in connecting landowners so that information can be shared.

To anyone who is a new landowner, or who may become a woodland owner in the future, I would offer this advice: First, seek information from all the government agencies that you can. There is a wealth of knowledge to be gained at no cost.


Then, join VFA and get involved. If there is one thing that we have learned it is that landowners in general love to talk about timberland and will go the extra mile to help. All that you have to do is ask.

Finally, don't think that you have to manage your entire property the same way. We all have fallen into the trap of thinking that if, for example, you harvest 50 acres, then you should replant the entire 50 acres in loblolly pine. Maybe 10 or 15 acres of that stand is along a creek bottom and could be left to manage as a hardwood stand. As another example, we just thinned our 35-acre stand of pine. We thinned 25 acres to around 180-200 trees per acre. The other 10 acres were thinned to around 100 trees per acre.



This section will be easy to understory burn because of existing roads. We may have given up a little growth on these 10 acres, but we will gain a lot of diversity and wildlife benefits.

A couple of years after we formed Long Branch Farm LLC, we decided to gift some of the shares to our children, Sharon and Ryan. We wanted them to feel like they owned part of the farm and that they had a say in how it is managed. We think this is one of the best decisions that we ever made. We now talk about everything that goes on. Two years ago we were thinking of building a nice picnic shelter on a bluff overlooking one of the swamps. After consulting with our new "business partners," our picnic shelter became a cabin that all of us (including the grandkids) can enjoy year round. 🌿



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# ■ Taking Root ■ REFLECTIONS ON A CENTURY

by Fred Schatzki, VFA Magazine Committee



Carol McMahon

**N**estled in the heart of central Virginia, not far from Farmville, lies a boundary of land of about 500 acres. Bountiful in timber and clear-flowing streams, containing multitudes of creatures great and small, this property represents the legacy of a singular man: Samuel P. Bolling. Born in 1819 into one of the darkest institutions in our nation's history, Samuel P. Bolling purchased his own freedom in the late 1850s and began acquiring property after the Civil War. By 1874 he had an interest in this 500-acre tract and by 1878 had full ownership. An industrious man, Bolling established a brickyard in Farmville, grew tobacco on the neighboring farm, and became well known in the local community and beyond. In 1883 he was elected to the Cumberland County Board of Supervisors, and in 1885 he went on to represent Cumberland and Buckingham in the House of Delegates and in 1891 represented Bedford.

Today this property is held under the stewardship of Dr. Carol McMahon and her cousin Robin Hatter, great-great granddaughters of Mr. Bolling. Managed for farming and timber for over 100 years, this tract is enrolled in Virginia's Century Forest program. The current management strategy is to harvest about a fifth of the land base every five years,

reforesting with loblolly pine; a strategy that will enable a sustainable source of timber for all time.

I asked Dr. McMahon to reflect on her ownership of the property, what it means to her, and how she sees its future:

## *Describe your forest land and its history.*

What this land means to me is almost more than words can describe. Throughout my childhood and youth, I heard my grandmother's accounts of this storied place simply referred to as "Farmville." Her mother, Martha Ellen Brown (nee Bolling), was the youngest of Samuel P. Bolling's six children and had been born, raised, and lived there until her marriage to fellow Virginian, Robert Wade Brown.

Dr. Brown had moved to Washington to attend Howard University College of Medicine and remained in Washington with Martha and their two daughters until his untimely death in 1920. My grandmother, Robbie Ellen Brown—clearly named for both of her parents—was born in Washington, but she spent many summers in Farmville and would describe the working farm she had known as a girl, especially the horses she and her sister enjoyed riding. Aside from the land—the farm—her recollections of some family members from Farmville formed my imagination and love for a place I did not visit until 1999!

Most such stories concerned Olive Rebecca Bolling, the eldest of Samuel Bolling's children. She was an integral part of my grandmother's and mother's lives, in fact a surrogate



mother for the former after Martha Bolling Brown's early death in 1920. Simply and lovingly called "Auntie," she had been born in 1847, before her father gained his freedom from slavery. However, she did not want to be considered slave-born and in life, adjusted her age accordingly.

In April 1865, Samuel took her to nearby Appomattox Courthouse to witness—from afar, from the outside—Robert E. Lee's surrender to Ulysses S. Grant. Family lore has it that she could not believe that General Lee was surrendering because he was immaculate in his pristine uniform while General Grant was scruffy, and his boots were muddy. That lore also has it that as a skilled horsewoman, Olive Rebecca was enchanted by General Philip Sheridan and his famed horse Winchester, both of whom were also present at Appomattox. Olive Rebecca never married because her father could not find a suitable mate for her, but he left the majority of his land to her, and, through her, ultimately to the present heirs. She died in Washington in 1953, at 106 years of age.

This legacy is precious. On the land, are the grave sites of Samuel, Olive Rebecca, Martha Ellen, Robert Brown and many other family members. I feel a connection to property because of them despite knowing of them only through stories. For this reason alone, I was compelled to continue to keep the land in the family, utilize its resources for its maintenance, and pass on the history of this treasured place to future generations.

***What resources have been most valuable to you in determining land management decisions?***

Initially, I contacted the Virginia Department of Revenue about ways to reduce the tax burden which had been steadily rising since 1997. I was then directed to the Virginia Department of Forestry and ultimately, I found American Forest Management (AFM).

***What three pieces of advice would you give to a new landowner?***

Consider what your land represents: its heritage, financial asset, and legacy for future generations. Second, consider what you wish to do with it: live on it, preserve it, utilize its assets for added income. Third, treasure it. I read an article about gardening which pointed out that man's first home was a garden. How true. So, if you are fortunate to have land, no matter the size of the parcel, value its meaning, beauty, and green space. Land is wonderful.

***How has your land management plan changed or adapted over the years?***

Once I found AFM in 2011, and specifically Forester Fred Schatzki to manage the land, I have not altered the plan we devised at that time. Since I do not live on or immediately near the land, I have relied on Forester Schatzki/AFM to contract surveyors, inspect boundaries, handle encroachments, examine the land and tree resources, open and close timber sale biddings, and handle all matters and details related to appropriate harvesting, subsequent replanting and general maintenance. After nearly 10 years, I continue to depend on the sound, timely management provided, but also on Schatzki's responsiveness to many unplanned issues, including, but definitely not limited to, public hearings on taxation, on land use changes, and more. 🌿



## Virginia Department of Forestry Century Forest Program

by Jennifer Leach, Conservation, Markets and Public  
Programs Coordinator, Virginia Dept. of Forestry

Established in 2016, the Virginia Century Forest Program recognizes those individuals and families who have made a long-term commitment to enhancing the environment and protecting the quality of life for their fellow Virginians through forestry. The program honors families in the Commonwealth whose property has been in the same family for 100 years or more and includes at least 20 contiguous acres of managed forest. The Century Forest designation is intended to be an honorary recognition for landowners of qualifying properties.

The application form and process provide landowners an opportunity to demonstrate how their family property meets the program criteria and attest that the information provided is true and accurate to the best of their knowledge.

Join more than 50 landowners already recognized as Century Forest landowners. If your family and property may be eligible, contact [conservation@dof.virginia.gov](mailto:conservation@dof.virginia.gov) to apply.

**TOTAL RECIPIENTS**

**52**

**TOTAL OWNERSHIP YEARS**

**7,813**

**RANGE OF YEARS**

**107-279**

**AVERAGE YEARS**

**150.25**

**TOTAL ACREAGE**

**16,879**

**RANGE OF ACRES**

**27.5-2,600**

**AVERAGE ACREAGE**

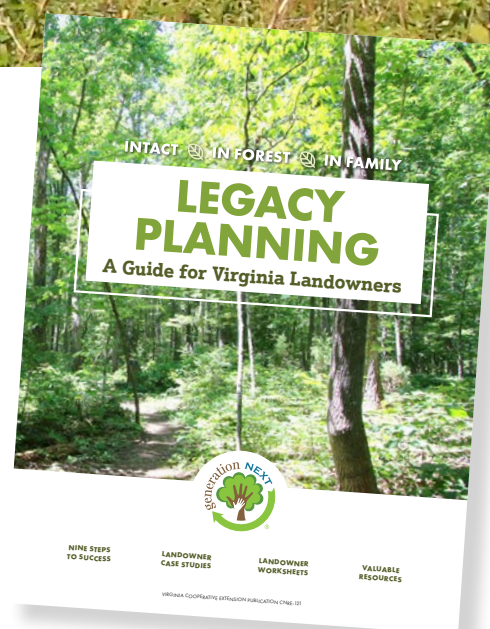
**324.6**

# Creating a Woodland Legacy for Your Family

by Jennifer Gagnon, Virginia Forest Landowner Education Program Coordinator,  
Virginia Cooperative Extension at Virginia Tech

**C**ongratulations on your recent land acquisition! Right now, you are probably busy making a list of things that you want to accomplish on the property. These may include refurbishing or building a house, establishing gardens and flowerbeds, creating trails, and obtaining at least moderately decent internet. One thing that is probably not on your list is planning for what will happen to your land after you are gone. And why would it be? You just started for crying out loud! But let me suggest that planning for the future of your land should not only be on your list, but be near the top of it. Now is a great time to start planning for the future of your land and creating your legacy.

Family-owned woodlands are most vulnerable to being sold out of the family, parceled into smaller pieces, and/or converted to other uses when they are passed from one generation to the next. If you don't want to see this happen to your land, legacy planning is a way to determine the destiny of your woodlands and can help ensure they are passed on intact, in forest, and in family. Legacy planning involves sharing with your heirs all that you treasure about your land and, ideally, including them in management and planning activities. Starting this process now, early in your land tenure, gives your heirs emotional ownership and helps create strong ties to the land.



**Legacy Planning: A Guide for Virginia Landowners** by Jennifer Gagnon, Adam Downing, Mike Santucci and Travis Mountain

## Legacy Planning Workshops Take You Through These Nine Steps

Begin the process and commit to keep moving forward.



Determine your family assets.

Write down long-term goals for your land.



Hold a family meeting.



We hope this sounds like something you are interested in. And we understand that this may seem overwhelming and you may be wondering how to begin.

To help landowners with the legacy planning process, the Virginia Department of Forestry and Virginia Cooperative Extension partnered to form the Generation NEXT Program. The Program recently published a book: *Legacy Planning: A Guide for Virginia Landowners*. This guide walks through the Nine Steps to Successful Legacy Planning shown below.

The Generation NEXT Program has other legacy planning resources available to landowners as well. It offers webinars and in-person workshops that delve into each of the nine steps, a website, and a YouTube playlist with videos of landowners sharing their legacy planning stories. You can find the Generation NEXT resources here:

- Webinar/Workshop Schedule: <https://ext.vt.edu/natural-resources/legacy-planning/training.html>
- Legacy Planning: A Guide for Virginia Landowners: <https://resources.ext.vt.edu/contentdetail?contentid=1109>
- Legacy Planning for Forest Landowners: <https://ext.vt.edu/natural-resources/legacy-planning.html>
- You Tube Generation NEXT Playlist: <https://tinyurl.com/GenNEXTlegacyplanning>

## Legacy Planning Workshops by the Numbers

**563**

Individuals from 395 family groups were reached

**138,500+**

Acres owned by attendees or their families

**99%**

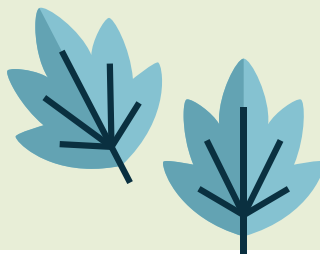
Felt better able to move forward with their legacy planning process

**80%**

Say the program made it more likely their land will stay intact, in family, and in forest

**\$300K**

Average savings as estimated by participants



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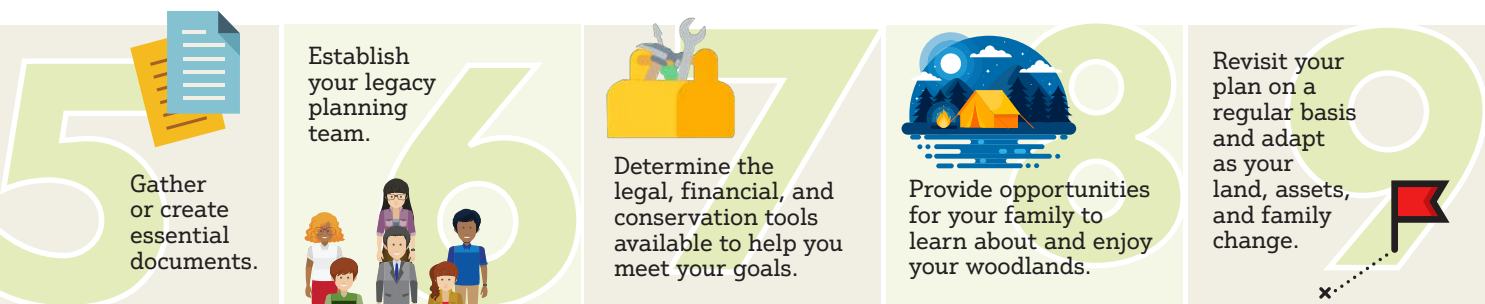
Your love of the land, your management ethic, your desire to see the property remain intact, in forest, and in family ownership—these are the components of your woodland legacy. Most woodland owners in Virginia cite legacy as a main reason for owning land. A majority express concern over their ability to keep the land intact.

We see farms and woodlands developed all the time. But for those of you who don't want to see this happen on your land, please know this outcome is not inevitable. Proper planning and communication early on can help create and protect your family's woodland legacy for generations to come. 🌿



For more information on the Generation NEXT Program or to receive a printed copy of the Legacy Planning Guide, please contact Karen Snape, Program Coordinator, [ksnape@vt.edu](mailto:ksnape@vt.edu), (540) 231-6494.

Learn more about the programs offered from Virginia Cooperative Extension and the Virginia Forest Landowner Education Program at <https://forestupdate.frec.vt.edu>, or contact VFLEP at (540) 231-6391.







# Conservation Easements in Virginia

by James E. Craig, Jr. and Brian C. Purcell


In 1988 the General Assembly of Virginia passed the Virginia Conservation Easement Act to promote land conservation across the Commonwealth. In 1999, the General Assembly further encouraged land conservation transactions by enacting Va. Code Section 58.1-512 to provide state tax incentives for conservation transactions. These laws supplement the Federal law, embodied in IRS code section 170(h), which creates a federal tax benefit for donors of qualified conservation contributions, commonly structured as conservation easements (CE). Landowners, aka “Grantors,”

across the state have benefited from these laws by unlocking value from their real estate holdings in the form of federal and state tax incentives. Despite the potential for tax benefits, several commentators have questioned the long-term benefits of CEs and whether real property owners should participate in these potentially lucrative transactions. Certainly, there are many factors a landowner should consider beyond the potential tax benefits before placing a CE on their property.

A CE is perpetual in nature and once recorded at the local courthouse may not be undone. A CE “runs

with the land” and will impact the ownership rights and privileges of the Grantor as well as all future owners of the property. In essence, the CE creates a contractual relationship with the easement holder or “Grantee.” Grantees can be segregated into two primary groups: public and private. An example of a public Grantee is the Virginia Dept. of Forestry. An example of a private Grantee is a land trust (there are several dozen operating in Virginia). Selecting an easement holder is perhaps the single most critical element of any transaction. There are both positive and negative aspects to each, and some





Future Blackwater Park, Franklin, Virginia, where authors have invested in and are in the process of constructing a 203-acre nature park to protect over 140 acres of standing hardwood timberlands on the state's scenic Blackwater River.

are better suited for different types of property. Once selected, the Grantee becomes the holder in perpetuity, so choose wisely and with the future in mind.

A CE will restrict the future use of the land. Limits on subdividing the property, home site location, quantity and the size of homes and other structures, are key elements of the deed of easement. Other restrictions, such as future use or conversion from forest cover to farmland and vice versa, may also be included. Over the past decade, due to abuse by some Grantors and increased enforcement by the IRS, deeds of easement have become increasingly restrictive in an attempt to tighten standards and ensure compliance with not only the letter of the law, but its spirit as well. A comparison of deeds of easement from 15 years ago to one executed today will reveal substantial additional requirements and documentation.

A landowner considering a CE transaction should retain the services of qualified and expert advisers to ensure they do not “give away the farm” while seeking to preserve it. A competent and experienced land/tax attorney, a CPA, and a properly certified Real Estate appraiser are all required to properly complete a conservation transaction. In some cases, it may also be advisable to hire a consultant specializing in CE transactions to ensure the best possible outcomes for the landowner. As relayed to one client by a consultant, “a CE is a silver bullet and may only be fired once. Make sure you’re aiming at the right target.”

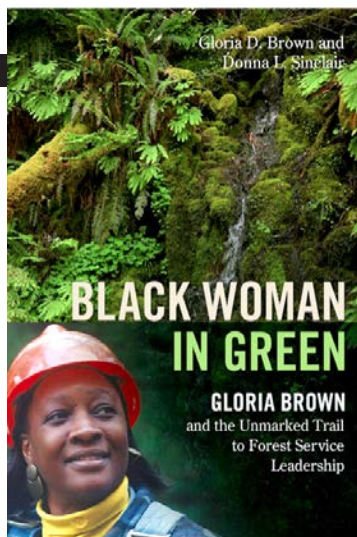
A landowner should consider the potential for an adverse outcome prior to implementing a CE. For instance, landowners who are planning to sell within three years of the CE should consider the risks of entering a transaction reported to the IRS and then selling at a price in excess of the post easement appraised value. This will set off a red flag with the IRS and is likely to lead to an audit and possible negative adjustment to the reported tax benefits of the transaction. Additionally, owners who plan to sell their property have learned that an attempted sale soon after CE recordation have found resistance in the market from potential buyers. The reasons for this hesitancy vary by purchaser, but ask any real estate agent and they will share stories of long listing times and reluctance of buyers to purchase lands already under easement. In some instances property has sold at substantial discounts to owner’s expectations as a result of an existing easement and its terms and conditions.

Recent efforts by landowners impacted by the ACP and MVP pipelines to utilize their easements as a shield against takings were unsuccessful. Many of these landowners were distraught over the inability of Grantees to protect their properties from these landscape scale infrastructure projects. Bear in mind there are three statutory exemptions to CEs that are inviolate: Roads, Railroads, and Utilities. No easement may protect a property from those three potential impacts due to the need for such improvements having a “greater good” for public benefit. All that can be done is to negotiate and mitigate the impacts to each property holder. Those who realized this quickly found success in locating the planned infrastructure along boundary lines or away from existing improvements on their properties.

It is important to note that CEs are not a fit for every landowner. All should carefully consider land / estate planning, financial objectives, family situations and potential heirs to help determine future land use. (See *Creating a Woodland Legacy for Your Family* on page 16 for resources that can help.)

The key to a successful CE transaction is simple: Ask questions. Then, keep asking questions until you are satisfied that there are no more to ask. No landowner should ever feel compelled to go to record due to “deal fatigue” or a self-imposed sense of obligation given the many hours and costs associated with preparing to close a transaction. Trust your instincts, hire the best advisers you can find, and trust them to protect your interests. Finally, plan your transaction to ensure it will meet your short- and long-term personal ownership and financial objectives. Not only is a CE a financial tool for the short term, but it can have a substantial impact on your estate planning and long-term tax liabilities. 🌲

*James E. Craig Jr is the principal at Beechtree Group in Falls Church, Va. Beechtree specializes in tax equity and grant based conservation easements, operates a private tax equity investment fund, and works throughout Virginia and North Carolina. Brian C. Purcell is a partner at Willcox Savage, P.C. in Norfolk, Va. As a business and tax attorney, he represents landowners in strategic and tax advantaged transactions. Over the past 20 years, the authors have implemented easements on numerous properties on their own land and on the land of respective clients that includes a project list spanning two states and more than 75,000 acres. Included in those acres are Civil War battlefields, the second most threatened micro-eco system in North America (Roan Mountain, N.C.), significant acreage containing threatened and endangered species along state scenic rivers, and some of the most productive farm and timberland in the Commonwealth.*



## BOOK REVIEW

# Black Woman in Green

## Gloria Brown and the Unmarked Trail to Forest Service Leadership

*Written by Gloria D. Brown & Donna L. Sinclair  
Oregon State University Press, 2020*

**Reviewed by Anitra Webster, VFA Magazine Committee**

"...most importantly, the courage to take risks." This phrase is in the very last sentence of the book recounting Gloria Brown's odyssey of self-determination and accomplishments, all through the haze and blistering focus of racism. The words capture the struggle, the success, and the challenges that Brown encountered when a drunk driver catapulted her into the role of single mother of her three small children.

Gloria Brown is the first female African American Forest Supervisor in the United States. You need to let that information sink into your consciousness.

How did a young woman from a totally urban upbringing propel herself into such a position?

Gloria Brown grew up in Washington, D.C., began her career in the U.S. Forest Service in 1974 in a traditional woman's role, the transcription pool. Brown worked days at the Washington office and studied nights for her college degree in journalism as she and her husband, William James, cared for their young family.

White male foresters ran the Forest Service as a tight, hierarchical, self-contained organization, supported by timber. By the last quarter of the 20th century environmental

concerns and laws plus civil rights legislation impacted the organization. The timing of Gloria's entrance into the Forest Service system was perhaps fortuitous but by no means a guarantee for her success. Bluntly, she was an African American female in a white male-dominated industry. Be that as it may, she took on a quest to succeed and to provide for her family beginning with her current position. Brown gives credit where it is due: to the individuals she worked with and to those many people who supported her as she charted her professional steps.

Characteristic of her years of writing reports, she has documented and indexed her story. The detail of Gloria Brown's personal life and her carefully laid strategies to succeed professionally are presented in a matter of fact way with no apologies. Yes, she has regrets when circumstances forced certain decisions, but she has the well-deserved satisfaction of both professional and personal achievements.

You will be reading about an individual who analyzed her surroundings, determined her long-range vision, and set her goals. Even as she fulfilled her professional dream she had yet another personal challenge. Her story is one of a dynamic and resourceful person. ✎



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# THE LOGROLL

## Notes & News for Loggers

# Virginia Logger Survey Shows Changes in Logging Businesses

by Scott Barrett, Ph.D.

SHARP Logger Program Coordinator  
Extension Specialist, Forest Operations,

Virginia Tech Department of Forest Resources and Environmental Conservation

**E**arlier this summer I presented some of the results from our most recent survey of Virginia's SHARP Loggers. The survey was completed in 2019, and many of you probably contributed to it. We had plans to present this data earlier, but like many things, plans were changed and it got pushed back. However, we now have that data to share.

This is the third survey we have completed with previous surveys conducted in 2009 and 2014. These surveys let us show changes in the characteristics of logging businesses across Virginia over the course of a decade. Many of the changes are things that you might expect based on your observations of logging and how it has changed, but some are not as obvious.

The surveys show the general characteristics of logging operations as well as the people that run those businesses. One thing we found was that logging business owners are getting older. The average age increased from 48.7 to 52.9 years. In general, logging operations have more mechanized felling and less manual felling using chain-saws. While production levels held steady in the Mountain region, loggers had an increase in average production in the

Piedmont and Coastal Plain regions. Interestingly, across all three regions of Virginia the average number of in-woods workers per logging crew decreased over that time period even though production generally went up. The largest decrease was in the Coastal Plain where the average went from 4.21 to 3.69 workers per crew.

Logging businesses and their harvesting operations are the direct connection between landowners who grow timber and the mills that utilize those logs and fiber to make forest products. The operational characteristics of logging businesses can impact forest management and the options available for landowners as they work to manage and utilize their forest resources. As logging operations have tended to become larger, more productive, and more mechanized, that also means that there can be changes in the types of tracts that they decide to harvest and how they acquire the tracts that they will be harvesting.

One of the questions we asked logging business owners related to the average size tract they had harvested in the past year, and we gave them categories to select from. We noticed that some of the more substantial changes happened on either end of the spectrum for the category

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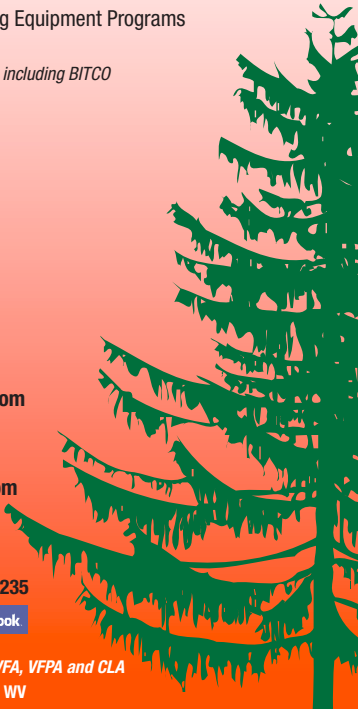
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ries of “less than 10 acres” and “over 80 acres.” Over the course of 10 years the percent of loggers harvesting predominantly small tracts (less than 10 acres) decreased from 10 to 7 percent. While at the same time, the number of loggers reporting average harvest size of over 80 acres went from 15 to 20 percent. So, overall there was a shift with more loggers harvesting larger tracts and fewer loggers harvesting smaller tracts. Even with that shift, it is still important to note that there are still seven percent of logging businesses whose average tract size was less than 10 acres. There were likely others who also harvested small tracts, but their average was larger.

So, while there may be fewer loggers harvesting smaller tracts, that doesn't mean that there are none. It just means that management may be getting a little more challenging for landowners working with smaller acreages.

Another interesting finding from the survey relates to how loggers acquire the tracts they harvested. We asked them to estimate the percentage of timber they harvested that came from tracts where they either “bought or negotiated” the tract themselves, or were “contract logging of timber bought by someone else.” This question wasn't included in 2009, but from 2014 to 2019 there was a decrease across all three regions in the percent of timber that loggers bought themselves. In other words, more of the harvests were contract logging of timber bought by someone else. This was one of the interesting findings that reflects the state of the logging industry at the time the survey was completed and will be one of the interesting things to watch change over time.

While logging operations have changed and will continue to change over time, loggers remain the vital link between landowners and mills and are critical for forest management. We hope to continue this survey and show how this industry adapts and changes in the future. 🌲





# Tree Farm

## Still the Sign of Good Forestry

by John Carroll, Forest Landowner and VTFF Board Member



Remember when Tree Farm System used the slogan “The Sign of Good Forestry”? I don’t think it was ever on the old green and white sign, but it was used often and was the standard for ads, articles, stationary, and most communication.

Those days were memorable in that being a Tree Farmer was almost like being in an exclusive but diverse club of hard-working landowners. Tree Farm was a recognition program rewarding and calling attention to those that managed their forestland well. Several industry partners here in Virginia supported the program and some even helped form local forestry clubs, like the King William Club near West Point.

The program was good for business, fostered an environment of sharing technical information, and facilitated better forest management. Those were good days of social events and times for Tree Farmers to share ideas and prosper as a group. I remember my wife Virginia’s grandmother Irma Jones Goodwin being so proud of her forestry accomplishments and that sign she displayed on her property which let all know that she had been recognized for her good forestry work. She was one of the earliest landowners in Louisa County to be in the program and no doubt



Irma Jones Goodwin received recognition from the American Tree Farm System.

had a positive influence on others nearby. We live in a different age of communication now, but are still fortunate to have an active program in Virginia with a few changes and improvements.

Today we have the benefit of certifying our lands and being recognized for performing good forestry practices—an excellent combination for a very nominal cost! There was a great

deal of time and thought put into the decision when Virginia decided to adopt a fee system for landowners to stay in the Tree Farm program. It was a good decision and acknowledges that there is value in a program that has so much history and has benefited so many landowners over time.

The requirements for being in the program and meeting the Tree Farm 2021 Standards are not difficult, and

if you believe in having a good solid management plan to follow, you are most of the way there. After all, who can argue that having a customized plan for your property that allows you to manage your land professionally and gives you a leg up on other forest owners in growing and selling your products, enhancing it for wildlife, and enjoying the property with your family, friends, and community. With the new Landscape Management Plan coming online for most of Virginia, having a plan will become even easier in the future.

I can't write this article without discussing the fact that owning any land, and forest land in particular, is a business investment, and a complex

one at that. You need every advantage possible to succeed whether it's creating a legacy for your heirs, trying to figure out the forest products markets, or trying to hang on when other land use pressures and increasing taxes are knocking at the door.

I was talking to a seasoned forest landowner the other day. She lives in another state, and we got on the subject of the complexities of growing trees for profit and all of the intricate things that are changing around us. The list we discussed was long including wet logging conditions in her area, changing mill ownerships, long term forest products pricing and plenty of other issues. As we reflected,

we concluded that this land ownership thing and the growing of forest products is a good investment. No matter how much it has changed, it is still profitable.

I think as a collective group Tree Farmers are in a unique position for the present and the future. We have a reasonably priced certification system that is widely recognized and respected. We have both landowners with small acreage, larger acreages, and sometimes multiple properties. We are as varied as the properties we own and manage with good sound forestry practices. And, we can still say after eighty years Tree Farm is still the sign of good forestry! 🌲

**For information on how to have your lands certified in the Tree Farm Program please contact the Virginia Tree Farm Foundation at [vatreefarm@vaforestry.org](mailto:vatreefarm@vaforestry.org), or your professional forester.**

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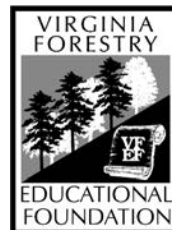
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## Virginia Forestry Educational Foundation Update

# Supporting Education Efforts for the Next Generation

by Glen Worrell, VFEF Board of Directors

**T**he mission of the Virginia Forestry Education Foundation (VFEF) is to support programs that educate future generations about the positive benefits of forest management. Today VFEF is taking the lead in investing in our young people, anticipating that their knowledge and appreciation of the forest industry will blossom into future benefits for our industry.

VFEF was formed in 1958 to be operated exclusively for charitable and educational purposes. All members of the board of directors are volunteers and all funds received are put toward the principal activities of the Foundation. It seeks to support youth programs demonstrating that sustainable forestry can protect watersheds and wildlife while preserving aesthetic and recreational values of the community.

Forestry and forest products are a huge economic engine for Virginia and currently ranks third in the state behind agriculture and tourism. This is a great story to tell! Everyone in Virginia is aware of the importance of forestry to the economic health of the state, not to mention the indirect benefits of clean air and clean water, right? Unfortunately, the answer is no. Virginia is becoming a more "urban" state, and many of


the youth today have no understanding of the role and importance of forest management to our environment and economy. We need to reach the next generation of Virginians about the benefits of forest management.

There are many programs and activities that the VFEF supports. The list includes forestry scholarships at Virginia Tech, Project Learning Tree, 4-H Centers, teacher educational programs, Holiday Lake Camp Woods and Wildlife Camp (formerly Holiday Lake Forestry Camp), and many other programs focusing on youth education. We are also looking for other opportunities to invest in educating the next generation.

Do you know of a program or outreach group that could benefit from assistance from VFEF? If so, please let us know. We would be happy to explore opportunities to further educate Virginians about the positive impact forest management has on our Commonwealth.

Can you help the VFEF invest in the future of our young people across Virginia? Your tax-deductible contribution will help educate the future generations of Virginians. Why don't you make an investment today for the future of our industry? For more information, visit [www.vfef.net](http://www.vfef.net). 🌲





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# RESOURCE REVIEW

## VFA Welcomes Anne Taylor, Coordinator of Membership & Communications

Anne Taylor joined the VFA team this summer as its Membership & Communications Coordinator. In this role, Anne will run membership programs, communication operations, and serve as administrator for the Sustainable Forestry Initiative (SFI®) in Virginia.



Anne Taylor

Anne is a Virginia native and spent much of her childhood boating on the Chesapeake Bay. Coming from a sailing family, Anne has had the privilege of sailing and traveling internationally, which Anne credits for her lifelong love of the natural environment. She graduated from Christopher Newport University in 2020 with a degree in Environmental Studies and Communications, with the desire to bridge environmental education to the

general public. Anne is a self-identified amateur botanist, medical history buff, and escape room enthusiast.

Join us in welcoming Anne by emailing her at [ataylor@vaforestry.org](mailto:ataylor@vaforestry.org).

## Kristi Corporation Invests \$1.1 Million in Suffolk Facility

Kristi Corporation, a global supplier of industrial raw material for aluminum and steel metallurgical industries, will invest \$1.1 million to establish a log load and fumigation facility in the City of Suffolk according to an announcement by Governor Northam. The company plans to source 100 percent of its exports from Virginia loggers. Virginia successfully competed with North Carolina and Pennsylvania for the project, which will create 10 new jobs.

Founded in 2005 and headquartered in Piscataway, N.J., Kristi Corporation started as a small scrap metal trading company that now has branches in Canada and India. Today, the company has expanded and grown into a reliable supplier of industrial raw material for aluminum and steel metallurgical industries. Kristi Corporation exports

a variety of logs, lumber, and biomass from North America to countries worldwide.

"We were pleased to find a business-friendly atmosphere in Virginia and great support from the Virginia Department of Forestry for our project," said Jeyapal Babu, CEO of Kristi Corporation. "Access to a world-class port system and employees trained in heavy machinery operation were also big factors in determining this new venture."

## Hardwood Flooring Manufacturer to Operate in Patrick County

Canadian-based Prolam, LLC, a manufacturer of high-quality hardwood floors for commercial trucks and dry van trailers, will invest \$12.8 million in Patrick County to establish its first U.S. manufacturing operation in the former Ten Oaks satellite facility. The project will create 58 high-paying jobs and add 50 percent to the company's total manufacturing capacity, according to a release from Governor Northam's office. Prolam is also committing to source at least 65 percent of its timber from the Commonwealth's robust hardwood

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## Resource Review

resource, supporting regional loggers and forestland owners through the purchase of more than \$20.5 million in Virginia-grown hardwoods over the next three years.

Headquartered in Quebec, Canada, Prolam is a leading producer of commercial trailer flooring. Prolam's new facility in Patrick County will directly benefit Virginia's hardwood loggers and forestland owners by providing a market for lower grade red and white oak lumber not suited for residential flooring or cooperages.

### Woodgrain Inc. Expands Operations in Grayson and Smyth Counties

Woodgrain Inc., a manufacturer of wood moulding and trim, will invest nearly \$9 million to expand its operations in Smyth County and invest more than \$8 million to purchase and expand the former Independence Lumber sawmill in Grayson County, according to a release from Governor Northam's office. These projects will create 100 new jobs, save 80 existing jobs, and increase purchases of Virginia-grown forest products.

When the sawmill upgrades in Grayson County are complete, it will become the primary supplier for the company's Smyth County operation. This will allow Woodgrain to source 90 percent of its new forest products needs from the Commonwealth, leading to the purchase of an additional nine million board feet of Virginia-grown forest products over the next three years.

Woodgrain, a family-owned business based in Idaho, is one of the largest millwork companies in the world. They produce and distribute high-quality lumber, mouldings, doors, and windows at 27 facilities employing more than 3,500 individuals nationwide. The dimensional sawmill in Grayson County will be the company's first sawmill on the East Coast.

### Enviva Forest Conservation Fund Names 2021 Grant Recipients

The Enviva Forest Conservation Fund 2021 grant recipients will help conserve more than 4,000 acres and protect ecologically sensitive bottomland forests in the coastal regions of Virginia and North Carolina.

Including these grants, the Fund has awarded 24 projects totaling more than \$2,600,000 in grants over the past six years. An estimated 31,000 acres will be protected when these projects reach completion.

"We are proud to partner with several prominent conservation groups, helping to promote responsible forest conservation by building climate resilience while preserving precious habitats and protecting natural heritage," said Dr. Jennifer Jenkins, Vice President and Chief Sustainability Officer of Enviva.

The 2021 Enviva Forest Conservation Fund grant recipients are:



The Virginia Outdoors Foundation, in partnership with the Virginia Department of Forestry and The Nature Conservancy, will bring an additional 657 acres of wetlands, bottomland hardwoods and working forests under the protected Nottoway River corridor as part of its Forest Conservation Fund grant.

- The City of Franklin, Va. in partnership with the Virginia Outdoors Foundation
- North Carolina Coastal Land Trust
- North Carolina Wildlife Resources Commission
- Virginia Outdoors Foundation
- Virginia Department of Forestry

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## Resource Review

The Enviva Forest Conservation Fund is a \$5 million, 10-year program established by Enviva Holdings, LP and administered by the US Endowment for Forestry and Communities to protect environmentally sensitive bottomland and wetland forests. Learn more at [envivaforestfund.org/](http://envivaforestfund.org/).

### Land Conservation Grants Protect More Than 6,100 Acres

Virginia's Dept. of Conservation and Recreation has awarded \$4.8 million in grants from the Virginia Land Conservation Foundation (VLCF) that will help conserve more than 6,100 acres throughout the Commonwealth.

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- Timely information on key forestry topics through VFA's highly acclaimed quarterly magazine, *Virginia Forests*, *The VFA Voice* e-newsletter, special announcements and action alerts.
- Education on forestry issues and topics affecting members during the annual Virginia Forestry Summit.
- Connection to members with similar interests, policy makers, and industry leaders through VFA's annual membership directory and networking opportunities at VFA events.
- Cost-savings through opportunities to participate in VFA-endorsed insurance programs for healthcare and dental through AFLAC, timberland and hunting lease liability with Outdoor Underwriters Inc., as well as discounts on hotels, payroll services and airport parking.
- Support of the Sustainable Forestry Initiative® and Virginia SFI Implementation Committee, the Virginia Forestry Educational Foundation, the American Tree Farm System and Virginia Tree Farm Foundation, Log-A-Load for Kids, and Project Learning Tree.

**Membership categories are designed to suit anyone interested in being part of an organization that serves as a unifying voice for forestry in Virginia.**



## Resource Review

Twenty-two projects will receive funding, and they range from conservation easements on multigenerational working family farms to the acquisition and permanent protection of cave and karst resources in Southwest Virginia to urban parkland in Richmond. Several projects will expand access to public outdoor recreation.

“The Virginia Land Conservation Foundation grants program uses our groundbreaking ConserveVirginia smart map to help ensure we spend our limited resources wisely on lands with the greatest conservation value,” Governor Ralph Northam said.

Information on VLFC and a list of all awards is available at <https://www.dcr.virginia.gov/virginia-land-conservation-foundation/>.

### Virginia Tech Earns 13th Tree Campus USA Recognition

When it comes to maintaining and enhancing an inventory of over 9,849 living trees on the 900-acre Blacksburg campus, being able to “see the forest through the trees” takes on a whole new meaning.

Launched in 2008 by the Arbor Day Foundation, Tree Campus Higher Education USA is a national program



Students participated in a 2021 Arbor Day planting event in the old-growth forest commonly known as Stadium Woods. (Photo by Meghan Marsh for Virginia Tech.)

that honors colleges and universities for effective campus forest management and for engaging students, employees, and visitors in conservation goals.

Virginia Tech achieved Tree Campus Higher Education USA recognition by meeting five national standards, which include maintaining a tree advisory committee, operating a campus tree-care plan, dedicating annual expenditures toward trees, organizing an Arbor Day observance, and delivering ongoing student learning and engagement opportunities.

“Trees play an integral part in maintaining a sustainable campus landscape,

said Jamie King, University Arborist for Virginia Tech. “They help support air purification, erosion control, and storm-water management. Not to mention the countless recreational, educational, and community-building opportunities they provide.”

King partners closely with the Office of Sustainability and the College of Natural Resources and Environment to offer students immersive learning experiences in urban forestry. These include hands-on sessions at campus trees, tree plantings throughout the year, and urban forestry student internship opportunities. 🌿

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# Land: They Aren't Making Any More of It

by Matt Dowdy, Magazine Editorial Committee



Pictured (top to bottom): A four-year-old pine stand on the property mulched for a shooting lane/food plot. Camping pavilion built on a cleared acre.

As a recent college graduate, my dad advised me to buy land: “They aren’t making any more of it.”

My father, G.C. Dowdy, was the Treasurer of the Lost Valley Road Fund Committee in the mountain subdivision where I grew up during the weekends of my youth. It was not uncommon for him to be contacted by landowners who wanted to sell their lots. Most of the lots were between one and a half to three acres in size. Weekend cabins were built on a few of them, but most were just camping lots. I once mentioned to a local attorney that I had a camping lot in Lost Valley. He replied, “Aren’t they all camping lots?”

One day Dad drove me up the mountain, and we pulled the truck into a small opening with an old fire pit. Behind the fire pit was a trash pile full of pull-tab Budweiser beer cans and the remnants of an outhouse just barely out of view. The remainder of the lot was covered in mountain laurel and chestnut oaks. The ground did appear to be level for a bit before it dropped out of site. I couldn’t believe that my Dad wanted me to buy this land. But after a few cold Coors Lights and a bit of youthful dreaming, I was talked into it. One of my brothers even decided to join in and became partners with me in this land venture.

There were two lots that totaled three acres and had frontage on two old mountain roads. One at the top of the mountain and one at the bottom along Garth Run, an old trout stream. I had spent countless hours trout fishing on Garth Run and had even caught my first trout along the banks of this lot.

As new landowners, our first step was to develop a plan. We needed to see what we were dealing with so we began cutting down the mountain laurel. As the mountain laurel came down, we began to see the mountains across the small valley. There was quite a bit more level land than we had originally thought, too. We hired a bulldozer to clear the land and were rewarded with almost an acre of gently sloping ridgetop with a nice mountain view.

Since then, we have built a pavilion for camping, and we’ve made a tremendous amount of memories on that land. So much so that my father’s ashes are buried there with a small memorial.

That land has taught me many things. First, don’t discount a parcel of land at first sight. Think outside the box and think of the potential that may be hidden within. With a little hard work, vision, and creativity you can sometimes make a diamond out of a piece of coal.

On the other hand, an old wood buyer once taught me that sometimes there is land that is “just holding the world together.” These are parcels of land with little to no access or usable features.

For those who may be considering a new land acquisition, I’ve put together some of my thoughts to consider before purchasing a parcel of land:

**Access:** The first thing to consider is access. Does the land have road frontage? Does it have an access road that travels through another parcel that will create potential issues such as road maintenance agreements? If it travels through the lands of another, is there a deeded easement or just a prescriptive easement? In Virginia, a prescriptive easement is generally a road that has been in use for a period of at least 20 years. The use must be continuous,



adverse and open. I recommend contacting an attorney for any questions regarding access when purchasing property with no road frontage.

**Location: (...location, location!)** I had a client who was selling a 500-acre property in Central Virginia to purchase a 700-square-foot apartment in New York City. They were roughly the same value. As I commented to him, "I guess you can't hunt deer in New York City and you can't watch a Broadway play in Central Virginia." Location is everything and must fit your desired objectives for ownership.

**Building potential:** Does the land perk for a septic system? Is it level? Can you get power and utilities to the land? How much does it cost to maintain your driveway? All are important questions when considering purchasing a piece of land to build on. Even if you aren't planning on building, it does affect the overall value of the parcel.

**Easements/Encumbrances:** Does the property have a conservation easement on record? This may affect or limit certain uses of the land. Most people realize that division rights are held by an easement holder, but each easement is individually written and may have other limitations. For example, I own property that has a Virginia Dept. of Forestry easement, and my property must be maintained at least 80 percent forested, have an approved written forest management plan, a pre-harvest plan prior to harvesting timber, and Virginia's Best Management Practices are mandatory. Some other easements have building envelopes that dictate specific locations for houses and house size. Mineral rights may also have been deeded to another party. Although not common in Central Virginia, it becomes more likely as you head towards the western portion of the state. Powerlines or access easements across your property to the lands of another may affect overall property values as well.

**Title Insurance/Issues:** I always recommend working with an attorney when purchasing a tract of land and to obtain an owner's title insurance policy. An attorney will conduct a title search to make sure the property has clear and marketable title. In other words, the title shows that the seller owns the land and has the legal right to transfer that title to you. A title insurance policy is generally purchased after the title search is complete. That policy will help defend your rights in the future, should an issue arise. A title policy may include certain exclusions. For example, there may be an exclusion to defend the access to a parcel of land that has a prescriptive easement.

**Study Period:** When making an offer on a parcel of land, it is a normal business practice to make an offer conditional on a study period. The length of the study period is generally defined within the contract offer and allows the potential buyer time to examine the property in more detail

or allow for professionals to confirm that the property is suitable for the buyer's use such as perk sites for building, timber value, or development potential.

The benefits of land ownership are numerous. My wife and I use our land for our home, recreation, and timber production. It is an important part of both our lives and our retirement plan. We feel blessed to own our land and feel a strong land ethic to one day leave our land to others in better shape than we found it. 🌲

*Matt Dowdy is a consulting forester and member of VFA's Magazine Editorial Committee. He is a regular contributor to Tailgate Talk, a column designed to share stories and experiences from within the forestry community.*

*If you are interested in sharing a story, send your submission to [vfa@vaforestry.org](mailto:vfa@vaforestry.org). Opinions expressed in the column are solely the author's and do not necessarily reflect the policies or position of Virginia Forestry Association.*



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## EXECUTIVE DIRECTOR'S UPDATE, continued from page 4.

or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants.”

*Update:* As of the time of publication, this work group has met twice over the summer to review its charge and evaluate potential policy options. One additional meeting is scheduled, with several more potential meetings likely needed to complete its work. Though the group is focused primarily on Virginia's ornamental plant trade, VFA's interest is focused on the impacts of invasive species on forest health and the appropriate use of non-native, site-appropriate species where native species may perform poorly.

### Heat Illness Prevention Standard

#### Department of Labor & Industry

*Background:* During the last two General Assembly sessions, legislation has been introduced to create a heat illness prevention standard under the Virginia Occupational Safety & Health program. As one of 22 states with a state plan that covers both public and private workers, Virginia's Department of Labor & Industry (DOLI) is empowered to adopt a regula-

tory standard despite the lack of a federal regulation governing heat injury and illness in the workplace. DOLI has convened a Regulatory Advisory Panel to assist in identifying and analyzing issues associated with the development of proposed regulatory language to be considered by state's Safety and Health Codes Board.

*Update:* Though the panel was originally to convene during the summer of 2020, the Department's work on its emergency standard for preventing the spread of COVID in the workplace took precedent and garnered much of the Board's attention throughout the past year. As of the time of publication, the Regulatory Advisory Group met once in August 2021 for an introductory meeting and is awaiting a draft regulation with specific language to review prior to its next meeting which has not yet been scheduled.

Though details are still pending, it is clear that the Department is pursuing a regulatory standard that would impact both indoor and outdoor places of employment. During the initial meeting, DOLI staff also reviewed state standards in Oregon, California, Washington, and Minnesota as potential starting points for a Virginia standard. The scope of heat illness regulations in those states would impact every forestry and forest products operation in the Commonwealth. I would encourage stakeholders interested in following the development of a proposal to stay tuned to the biweekly VFA Voice for ongoing updates.

### Carbon Sequestration

#### Secretariats of Agriculture & Forestry and Natural & Historic Resources

*Background:* As reported previously in this column, SB1374 as passed by the 2021 General Assembly called for the creation of a task force to study opportunities and challenges for carbon sequestration initiatives in the Commonwealth and submit a report of its findings before the start of the 2022 Session.

*Update:* In July, the task force was notified that planning for the group had been delayed and to look for future updates. As of the print deadline, there have been no additional updates.

We cannot thank you enough for your support of VFA through membership and through contributions to VAForestPAC. As the opportunities have become more plentiful than in past years, it is truly an honor to represent the interests of our incredible forestry community. Please do not hesitate to reach out to me if you have any questions about any of the initiatives above, or any other policy questions for that matter. VFA is here for you! 🌲



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