

Environmental Considerations for Digges Valley, Loudoun County
Originally Prepared for Conservation Easement Application with the Nature Conservancy

- 1) Specifically, the Property contains over four miles of creeks and tributaries to Crooked Run, a major tributary to Goose Creek. The Goose Creek stream system has been identified as an aquatic portfolio site in the Northern Piedmont by the Nature Conservancy's ecoregional planning process. It supports dense populations of sport-fish and a wide diversity of non-game fish species. Species include large and smallmouth bass, rock bass, pumpkinseed, bluegill, redbreast, bullhead, and green sunfish. The Goose Creek also supports several species of darters and daces which are indicator species for the health of the system.
 - 2) The Property lies within an area identified by the Virginia Department of Conservation and Recreation, Division of Natural Heritage, as containing *Hesperia attalus slossanoe*, the dotted skipper (a butterfly), a G2G4T2T3 SH ranked species; and within two miles east of area containing *Salix exigua*, the sandbar willow (a shrub), a G5S1 ranked species.
- E. In addition, this Conservation Easement is granted "exclusively for conservation purposes" under §170(h)(1)(C) because it complies with the "open space" conservation purpose test under §170(h)(4)(A)(iii) of the IRC. Specifically, the preservation of open space on the Property (i) is pursuant to clearly delineated state and local governmental conservation policies that indicate the type of property identified by representatives of the general public as worthy of preservation and (ii) will yield a significant public benefit.
- F. The Property lies adjacent to lands under open-space easement deeded to the County of Loudoun and to the Virginia Outdoors Foundation and contributes to the open-space values of such land under easement.
- G. The general and specific open space conservation values of the Property and the clearly delineated governmental conservation policies pursuant to which this Conservation Easement preserves those values are described below:
- a) Agricultural Use.
 - (i) The Property contains "a land area of five contiguous acres or more devoted to production for sale of plants or animals under standards prescribed by the Commissioner of Agriculture and Consumer Services, or

land devoted to a soil conservation program under an agreement with an agency of the federal government” (see Virginia Land Conservation Foundation, Land Preservation Tax Credits – Conservation Value Review Criteria Adopted November 21, 2006 and amended August 7, 2008 and March 27, 2009 (the “VLCF Criteria”), lines 73-76, citing 2 Virginia Administrative Code (“VAC”) 5-20).

(ii) The Property contains land that meets the U.S. Department of Agriculture’s Farm Designation.

(iii) Loudoun County has recognized the importance of the continued preservation of the Property as agricultural land by providing Use Value Assessment of the Property for real property tax purposes.

b) Conservation and Open Space Lands Designated by Local Governments.

(i) The Property includes “lands that contain features, resources, values, or other attributes that a federal, state, or local government has officially designated as important to protect from inappropriate development so as to help shape the character, direction and timing of development in the area” (VLCF Criteria lines 334-337).

(ii) The Loudoun County Comprehensive Plan encourages the use of open space easements to protect agricultural resources, preserve farms, forests and open space and the rural character of the landscape in Rural Areas (Chapter 4 – Land Use, Comprehensive Plan for the Town of Hamilton and JLMA 2003-2020).

(iii) The preservation of the Property will further goals of the Loudoun County Comprehensive Plan to “establish land uses compatible with historic, open space and scenic areas”, and to “preserve the cultural, social, economic, environmental and aesthetic amenities provided by agricultural land use to both Loudoun County and the region” and to “conserve agricultural resources and avoid environmental pollution which would degrade the farmland, the natural environment and the surrounding communities” (Chapter 6 – Natural Resources-Hamilton, Comprehensive Plan for the Town of Hamilton and JLMA 2003-2020).

(iv) Land use policies of the County of Loudoun as delineated in Loudoun County's Revised Comprehensive Plan adopted July 23, 2001 (as amended March, 2011) to which plan the restrictions set forth in this deed conform as follows:

a. the Property is located within the Potomac River Watershed, an area planned for special environmental protection in the Loudoun County Comprehensive Plan, and in the Critical Areas Report prepared by the Division of State Planning and Community Affairs for the General Assembly of the Commonwealth of Virginia, the Potomac River being a public water supply source; and

b. Chapter 5 of the Loudoun County Comprehensive Plan, entitled "The Green Infrastructure: Environmental, Natural and Heritage Resources," and Chapter 7 of said plan, entitled "Rural Policy Area," encourage the use of conservation and open space easements to protect agricultural resources, preserve farms, forests and open space and the rural character of the landscape in rural areas; and preservation of the Property is pursuant to local governmental conservation policies and will yield a significant public benefit, consistent with said Comprehensive Plan, by:

(i) implementing the "Green Infrastructure Strategy" of the Loudoun County Revised Comprehensive Plan, including County policies to "promote private, state and federal conservation programs and their allocated resources to advance conservation programs within the County through public and private means such as voluntary easements," (at 5-3); to "protect river and stream corridors by preserving, conserving, and restoring their water quality, flood protection, aquatic and wildlife habitat, and scenic value," (at 5-4); to pursue conservation of "river and stream corridor assets through open space dedication or easement, purchase of development rights, and other such programs to ensure the protection of these resources for the public good," (at 5-4); to "promote the preservation of forested areas through the use of... easements and other voluntary means," (at 5-18); to "seek through...open space easements the preservation of greenways," (at 5-25); to "encourage the use of open space easements as a way to complement and enhance the Green Infrastructure and its elements," (at 5-26); to support an "integrated Green Infrastructure approach to help prevent habitat fragmentation while enhancing ecological connections with larger natural areas," (at 5-19); to "proactively promote state and federal conservation policies such as...voluntary easements," (at 5-3); to use "protective buffers [and] donation of open-space easements...by the County and individual property

owners to manage open space assets,” (at 5-24); to “seek and encourage...the preservation, protection, and management of forest resources for their economic and environmental benefits,” (at 5-18); to “fully protect, through easement... the lands that are critical to the quality of key water supplies,” (at 5-10); and to “promote the planting and preservation of trees as a means to improve air quality,” (at 5-27); and

(ii) advancing the Rural Policy Area goals of the Loudoun County Revised Comprehensive Plan to “explore and pursue all available federal, state and local options for acquiring conservation easements,” at (7-9); and to “protect [the County’s] natural and cultural-resource base (including stream corridors, wetlands, steep slopes, ridges, mountains, working landscapes, woodlands, historic and archaeological resources, habitats, greenways...in order to preserve the rural character of the land and the social and experiential aspects of the rural way of life,” (at 7-4).

K. Preservation of the open space characteristics of the Property as provided in this Conservation Easement will yield the following significant public benefits, taking into consideration factors suggested in Treas. Reg. Treas. Reg. §1.170A-14(d)(4)(iv)(A):

- 1) As described above, protection of the Property is consistent with the conservation values enumerated in the VLCF Criteria and this Conservation Easement provides significant public benefit by protecting the conservation values of the land in perpetuity.
- 2) Protection of the Property provides significant public benefit by contributing to protection of the Chesapeake Bay. The Property contains approximately 25,000 linear feet of frontage on unnamed creeks and tributaries to Crooked Run, which flows into Goose Creek, a tributary of the Potomac River and the Chesapeake Bay. Protection of the Property along these tributaries, together with the forested and vegetated buffer zones, is consistent with the purposes and policies of The Chesapeake Bay Preservation Act, §§10.1-2100 to 10.1-2116 of the Code of Virginia (the “**Chesapeake Bay Preservation Act**”) and the Loudoun County Comprehensive Plan, which promotes regulations and criteria for land use controls to protect water quality in the Chesapeake Bay and its tributaries, including Crooked Run and Goose Creek, which drain to the Potomac River.
- 3) Protection of this Property also provides significant public benefit by contributing to the goal of Virginia Governor Bob McDonnell’s administration to achieve and

surpass the obligations under the Chesapeake 2000 Agreement by preserving an additional 400,000 acres of land in Virginia by 2014. In the Chesapeake 2000 Agreement, the Governor of the Commonwealth of Virginia and the Administrator of the United States Environmental Protection Agency acknowledged “that future development will be sustainable only if we protect our natural and rural resource land, limit impervious surfaces and concentrate new growth in existing population centers.” A goal of the Chesapeake 2000 Agreement is to “expand the use of voluntary and market-based mechanisms such as easements...to protect and preserve natural resource lands.”

From: "David Edwards" <David.Edwards@dhr.virginia.gov>

To: <hsiebent@loudoun.gov>

Date: 5/19/2005 11:32:26 AM

Subject: Proposed Addition to Goose Creek Historic District

Dear Heidi:

Thank you for giving me the opportunity to comment on the proposed expansion of the county-designated Goose Creek Historic District. As the author of the National Register nomination of the original Goose Creek Rural Historic District in 1983, I am familiar with the history of this large Quaker settlement, its well-preserved farms, and historic architecture. The proposed expansion appears to meet the same criteria that made the original district eligible for listing on the National Register of Historic Places. The farms on the east side of Route 704 contain historic structures from the 18th, 19th, and 20th centuries that are similar to the historic architecture within the original district. The agricultural landscape of the expansion area is also similar, and the farms share a similar history of original Quaker settlement from the eighteenth century. After reading the materials submitted by the applicants and driving throughout the proposed expansion area recently, I concluded that the applicant farms did warrant inclusion in the Goose Creek Historic District. In fact, I recommend expanding the district to include both sides of Diggs Valley Road which is an exceptionally well-preserved agricultural landscape. This will be my suggestion for an expanded National Register district if an application is submitted to DHR. I hope these comments are helpful in your deliberations concerning an expansion of the local district.

Best regards,

David Edwards

Director, Winchester Regional Office

Department of Historic Resources