

Morrithel Meadows: Transylvania Easement Preserves Family Farm Heritage

The Little River valley in eastern Transylvania County is one of our region's rural treasures. With a strong farming history along its rich bottomlands and ringed by forested uplands such as the nearby Dupont State Forest, the valley retains a rural character. However, recent years have seen residential developments begin to mark the landscape. As valley native Gerald Grose observes of the area near his family's farm, "I can remember growing up, you'd turn off there at Eagle's Nest Camp, and there were five, six farms between here and there. And there's probably anywhere from 200 to 250 homes now." With their donation of a conservation easement on the 127-acre Morrithel Meadows Farm, the

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2002 Wrap-Up: CMLC's Busiest Year of Conservation to Date

With six conservation easements completed across our region, 2002 was a banner year of activity at the Conservancy. As more landowners learn of the benefits of conservation, interest in voluntary preservation continues to grow. The diverse projects were spread out across our operating region, from Quebec in far-west Transylvania County to Lake Lure in Rutherford County. A quick recap of these conservation highlights:

🍄 Quebec (Transylvania Co.)

Thom and Nancy Duncan donated a conservation easement with CMLC on 63 acres bisected by the South Fork of Flat Creek, a winding perennial stream and major tributary of the French Broad River. An abandoned rail-bed of the old Toxaway Railroad line roughly parallels the stream. The tract flanks the Tennessee Valley Divide near Whetstone Ridge. Elevations lie between 2620 to 3050 feet. The property

includes excellent example of Swamp-Forest/Bog complex habitat. Rare species include Bog Turtlehead (*Chelone cuthbertii*), American Pennywort (*Hydrocotyle americana*), and Bog Jack-in-the-pulpit (*Arisaema triphyllum* var. *stewardsonii*). Moreover, a small stand of old growth Chestnut Oak forest, Red Oak-Hickory, and Acidic Cove forest occupy the high and middle elevations on very steep slopes.



High quality mountain bog habitat on the Duncan property, protected in 2002.

🍄 Cedar Mountain (Transylvania Co.)

Dr. William and Gail Hagler donated a 45-acre conservation easement that permanently protects the historic former Piedmont Textile Mill Camp. The camp was built in the early 1920s to serve

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Mills River Family Grants Conservation Easement on River-bordering Land



By Becky Rideout

Jere Brittain grew up on a small slice of land nestled between the North and South forks of the Mills River in Henderson County. To a boy growing up on its banks, the river was as much a part of life as eating and sleeping. "I swam, fished, bathed, and got baptized in the river," says Jere. "I drank from its springs, trapped minks and muskrats in it, hunted rabbits and cut firewood on its banks, sweated in its bottomlands, and watered cows and horses in it. As a young man, I followed its rambling course upstream to court a pretty neighbor girl."

Jere married that pretty neighbor girl, Joanne Ingle from the South Fork of the Mills River. Now Jere and Joanne own a portion of the Brittain family land. The fertile bottomland provides pasture for their growing cattle herd. Two of their sons live in homes on the wooded slope above the river. Grandson Gabe is still a toddler, but given the chance he will soon run barefoot and play in the same fields, woods, and rivers.

In December 2002, Jere and Joanne donated a conservation easement to the Carolina Mountain Conservancy on a five-acre portion of

the Brittain family land. The easement permanently protects a wooded buffer along the two rivers and prevents future development. The fertile bottomland will continue to be used as pasture for the immediate future but may be converted to crop production.

When asked about donating the conservation easement, Jere explains that he and Joanne thought about it for some time. They talked with their three sons all of whom supported the idea. Then, over the course of a year, they negotiated the terms of the easement with Conservancy staff. Tom Burnet with the Henderson County Soil and Water Conservation District helped draft the easement document.

Jere and Joanne had two main reasons for donating the conservation easement: the historic and continuing tie of the Brittain family to the land and as a memorial to the citizens of the upper French Broad River Valley who rallied to prevent the damming of the French Broad and Mills rivers in the late 1960s. The property has been in the Brittain family for two centuries. Grandson Gabe represents the sixth generation of Brittain families to live there. It could easily have turned out differently.

"About thirty years ago we were joined by several hundred other citizens in the difficult task of saving our valley and thirteen others from an ill-conceived dam building scheme. Without the determined efforts of members and friends of the Upper French Broad Defense Association, the land in the conservation easement would now lay beneath a lake or be an unsightly mud flat depending upon the time of year and rain events. Each time we pause to watch and listen to the river flowing through the valley, we remember these friends...many long departed. These few acres at the confluence of the North and South forks of the Mills River are our memorial to these friends."

Jere and Joanne dedicate the conservation easement to the memory of their parents, Randall Francis and Velma Gillespie Brittain and Robert Lee and Margaret Wilson Ingle, from whom they received a modest legacy of land and a deep sense of stewardship for the soil and water of the Mills River Valley. The easement is further dedicated to their children and grandchildren in the hope that they will share the joys of green space and good water at the confluence of the rivers for years to come.

Reprinted by permission from the French Broad River Voluntary Buffer Partnership newsletter.

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Grose family has taken steps to ensure that their piece of the Little River landscape will remain farmland forever.

In coming to their decision to preserve the family farm, Gerald Grose and his sisters Mary and Amy, felt they were honoring the wishes of their grandparents, Morris and Ethel Grose, who acquired the land in 1905. Growing up around his grandfather, Gerald not only picked up farm skills,

but also a strong regard for the land. His grandfather, who passed away a decade ago, told him, "someday this will be yours. Whatever you do, always try to keep it a farm." 🍄

CMLC Blossoms with new Development & Outreach Coordinator

The mud-flaps on her pick-up truck read “Colorful Colorado,” but the incredible beauty of Western North Carolina was enough to tempt our new Development and Outreach Coordinator, Maggie Winter Sydnor, to head east. Maggie, a wildflower enthusiast and avid hiker, can’t wait to explore all the new trails our area has to offer. She received her BS in Zoology and Biochemistry from Colorado State University. After working as a field botanist in Colorado’s San Luis Valley, she returned to CSU where she received an MS in Restoration Ecology in May 2000. She has now decided to

focus the marketing and business development skills she gained working as an ecologist and project manager towards land conservation.

Maggie will work with CMLC staff and volunteers to coordinate fundraising, outreach, and development projects. She is excited to be part of a grass-roots effort to conserve the beauty and diversity of our natural and rural landscapes. Says Executive Director Kieran Roe, “Maggie’s ecological background and passion for conservation will surely make her a great asset to our organization.” 🌱



Maggie Winter Sydnor was recently appointed as CMLC's Development and Outreach Coordinator.

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as a summer retreat for the Greenville, SC mill workers and their families. Some of the old camp structures are still standing, including an impressive concrete dam which impounds the waters of Piedmont Lake, where campers swam and boated. A portion of the property along US-276 will remain as scenic open pasture, and the northern half of the property (which lies on the southwest slopes of Panther Mountain) will be preserved as forever-wild forest land.

🌱 Edneyville (Henderson Co.)

Mr. Bub Hyder preserved 23 acres of pasture and orchard along Clear Creek Road by donating a working farmland easement to CMLC. This farm easement protects land at the base of Wethero Mountain. Mr. Hyder has previously protected a total of 275 acres of forest land on the mountain. The 2002 easement will also help protect water quality in Puncheon Camp Creek, which runs through the Hyder farm. Partner conservation agencies plan to undertake extensive stream and wetland restoration activities to bring the stream back to a more natural state.

🌱 Mills River (Henderson Co.)

See article on page 2.

🌱 Lake Lure (Rutherford Co.)

Dr. Richard Parmley protected 11.58 acres along Pool Creek as a permanent riparian buffer. Dr. Parmley conveyed the conservation easement to CMLC under a bargain sale. Funding was provided by the NC Clean Water Management Trust Fund under its grant to the Upper Broad River Watershed Protection Project. The Parmley land is just upstream of the Bottomless Pools natural area, identified by the state Natural Heritage Program as a site of notable conservation value due to its unique geological structure. The easement also protects the waters of Pool Creek for the benefit of wildlife and to aid in the fight against sedimentation into Lake Lure. The property lies a short way downstream from the Richards conservation easement acquired by CMLC earlier in 2002 (see the story of the Richards easement in the Fall/Winter 2002 issues of Landscape).



View of Piedmont Lake on the Hagler easement property protected in 2002.

And completed so far in 2003 . . .

🌱 Little River (Transylvania Co.)

See story on page 1.

🌱 Lake Lure (Rutherford Co.)

CMLC acquired a riparian buffer conservation easement from Mrs. Mary Ann Dotson on 14.16 acres of her 100-acre property along Cane Creek. The riparian easement protects a spring and two tributaries of the Cane Creek, which flows into Tryon Bay, Lake Lure. The land has been in Mrs. Dotson's family since the 1940s and she spent each summer there as a girl. She now manages it as working forest land, and as family homestead for the enjoyment of her four children and seven grandchildren.

Mrs. Dotson has lived on Lake Lure for many years and watched the periodic draining and dredging of the Lake that siltation makes necessary. She says the easement permits her to, “balance land use and land preservation,” and gives her the opportunity to, “do what I can to protect water quality.” CMLC will transfer its interest in the conservation easement to the state, which covered acquisition costs under the NC Clean Water Management Trust Fund grant for Upper Broad River protection.

Chamber Helps Host Exceptional Education Opportunities

Grant News

CMLC is pleased to announce the support of the following foundation and nonprofit funders:

Z. Smith Reynolds Foundation has awarded \$25,000 to our Land Conservation Capacity Building project.

The Land Trust Alliance has awarded \$5,000 for our Regional Conservation Planning project.

Conservation Trust for North Carolina has awarded \$18,000 for our Green River Watershed Protection project.



The Greater Hendersonville Chamber of Commerce and the Carolina Mountain Land Conservancy are hosting a pair of events to educate landowners and their advisors about the financial benefits of conserving private land. The local organizations have arranged to bring Boston attorney Stephen J. Small, the nation's leading authority on tax planning and voluntary land conservation, to our region to share his expertise. On Thursday, May 1, Mr. Small is leading a continuing education seminar entitled *Financial Strategies for Landowners: Estate & Tax Benefits of Land Conservation* at the North Carolina Arboretum from 1:00 to 5:00 PM.

Mr. Small wrote the Federal Income Tax Regulations on conservation easements while he served as an advisor in the Office of Chief Counsel of the Internal Revenue Service in the early 1980s. He is the author of *The Federal Tax Law of Conservation Easements and Preserving Family Lands, Books I, II & III*. At the May 1 seminar, he will focus on the tax strategies that can benefit landowners who want to conserve their land for future use. In particular, he will cover tools for estate planning and preserving family land from one generation to the next.

The workshop is sponsored by several local businesses, including Conservation Advisors of North Carolina, Luther E. Smith & Associates, Strauss & Associates, PA, and Taylor Land & Cattle Company. Conservation organizations helping to sponsor the event include the NC State University Water Quality Group, the Conservation Trust for North Carolina, the Land Trust Alliance, the Mountain Valleys Resource Conservation & Development Council, and the NC Cooperative Extension Service.

On Friday May 2, the Chamber and the Conservancy have arranged a free breakfast presentation by Mr. Small to the region's landowners. This breakfast, which is sponsored by the local office of Crisp Hughes Evans LLP, will give landowners a special opportunity to answer their questions regarding financial benefits of voluntary conservation. For more details, contact the Greater Hendersonville Chamber of Commerce at 692-1413.

Thank you to the Chamber of Commerce Environment Committee for its support of these events and for helping promote the conservation of important lands in the region. 🍀

Board Member Profile

Jim Neal loves everything about the outdoors, especially if it has to do with watching our wing-ed friends. That is why he devotes countless hours to CMLC serving as Trustee and Treasurer — Jim wants to do whatever it takes to conserve the natural areas that make our region

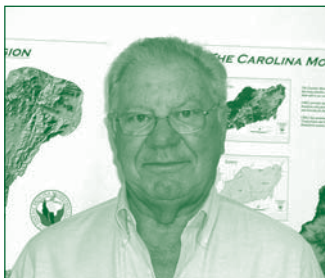
so beautiful. Jim is qualified to say that our region is so beautiful and unique and one-of-a-kind because he is a world traveller following his passion for birding.

Before his birding career “took off,” Jim worked at NASA's Johnson Space Center in Houston, Texas. He started in 1961 working on the Apollo Project and was responsible for supporting the program by securing the lunar module contract. After a decade of service to the

program, Jim was promoted to the Director of Procurement position and from there, worked on the space shuttle program until his retirement in 1989. Jim didn't say goodbye to NASA however, as he served as a consultant to the aerospace industry until 2001.

It was after retiring that Jim and his wife Barbara became devoted birders. A trip in 1991 to Trinidad and Tobago really got them hooked and since then, they have traveled to such far-away places as Kenya, England, Mexico, Venezuela, Costa Rica (twice), the US Virgin Islands, Hawaii, Alaska, all 50 states and most recently a 10-day trip to Cuba (which accounts for his current tan).

Jim learned of the Conservancy by attending our annual meeting 6 years ago. He and Barbara became members and Jim was invited to join the board in April 2001. Thank you Jim, for your service to CMLC. 🍀



Board Member Jim Neal “is qualified to say that our region is so beautiful and unique and one-of-a-kind because he is a world traveller following his passion for birding.”

Giving to Conserve: A Series on Creative Options for Supporting CMLC

PRIVATE HOMES account for 44% of all wealth in the United States. When you add commercial

The “Real” Deal

properties, land, and vacation homes, the percentage grows even higher. While real estate might not first come to mind when you think about philanthropy, your properties can serve as real assets for charitable gifts. You can make outright gifts of real estate to CMLC or use real estate assets

to fund a trust that will provide a stream of income to you or beneficiaries you designate. There are even ways to ensure the conservation of your land or make a gift of your home while continuing to live in it. As you will see in this new CMLC series, real estate is a real option.

Take John and Mary Homeowner. They are both in their early sixties and are beginning to think about estate planning issues. They would like to make a gift to CMLC and a number of their other favorite charities while generating a stream of income for themselves. One device that might be attractive to them is a charitable remainder trust with a wealth replacement feature.

Let’s say they have a second vacation home or some other real property interest that has been in the family for years, but doesn’t get used very much anymore and is valued at \$300,000. They could create a charitable remainder trust that could hold and sell these or other assets for

them. The year of the asset transfer to the trust, the Homeowners would be entitled to a charitable deduction applicable to their federal income taxes. The value of this deduction depends on the value of the donated property, the number and ages of the beneficiaries, and the annuity payment rate selected. As a further bonus of their donation, the Homeowners avoid capital gains tax (about 20% of the asset’s value or here, \$60,000) when the trust liquidates the assets and reinvests the proceeds from the sale in an interest bearing account. A portion of the annual interest (a minimum of 5% or here, \$15,000 in the first year) generated by the principal of the trust would then be paid annually to the Homeowners or whomever they named as a beneficiary of the trust for a set term or for the rest of their lives. The Homeowners could then use this income to purchase life insurance policies that would benefit their heirs, thus “replacing their wealth” while avoiding significant capital gains, and estate taxes. At the end of the term or the death of the Homeowners, the principal of this trust is distributed to CMLC and the other named charities according to the terms of the trust document and the life insurance is distributed to the heirs.

If you have questions about a wealth replacement charitable remainder trust or other planned giving strategies, please give us a call at the office at (828) 697-5777. 🍄

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Volunteer Profile

This issue’s volunteer spotlight shines brightly on CMLC’s intern Dana York. Dana grew up in southwest Virginia, along the border of Virginia and Tennessee. As a result of being raised in the Southern Appalachian region, Dana has always felt a deep connection to the mountains. During some time off between high school and college, Dana served as a licensed veterinarian nurse for more than 8 years and decided that she wanted to try something different. During her soul searching, Dana discovered her passion for ecology and is due to graduate from UNC-Asheville this May with a degree in ecology and wildlife biology. As part of her degree, she had to

complete an internship project which led her to CMLC’s doorstep. “We have been very lucky to have Dana helping us this spring.” says Reggie Hall, CMLC Land Program Coordinator. “She has been an invaluable asset helping us with our land protection and stewardship programs.” Although her time with us as an intern is coming to a close, her time with CMLC is just beginning. Dana will continue to be a part of the CMLC team serving as a part-time employee and continuing her land protection efforts by spearheading CMLC’s Green River Watershed Conservation project. 🍄



After her graduation in May, intern Dana York will continue with CMLC as a part-time employee.

CONSERVATION PARTNER SPOTLIGHT

*In every edition of Landscape, the Conservancy features one or more of its business members.
When doing business in our community, please support those who support CMLC.*

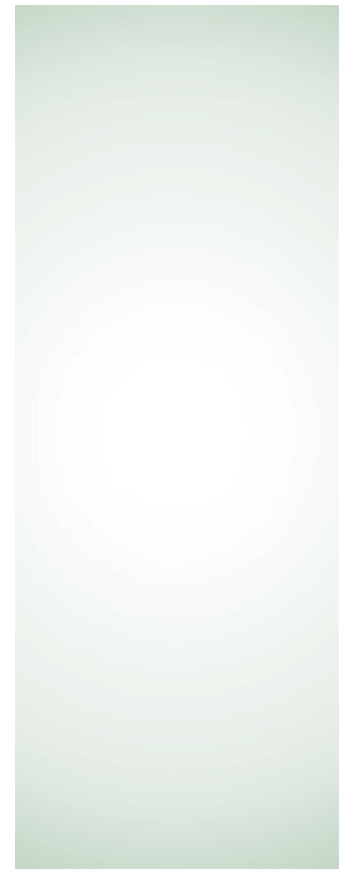
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Andy Strauss is the founder of Strauss & Associates, P.A. a firm dedicated exclusively

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to estate planning, after death administration and resolution of estate controversies. Lee Mulligan is the

managing attorney of the Hendersonville office of Strauss & Associates. Both Andy and Lee devote significant time to educating the public, as well as professional groups, about estate planning laws and issues and how to make those very important estate planning decisions. For more information visit www.strauslaw.com.



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