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Photo used courtesy of Hill Wellford.

ON THE COVER

The cover photograph was taken by Hill Wellford on the afternoon of April 20, 2020. It shows Hill's Flat-Coated Retriever and hunting companion, Mulligan, standing at the bow of Hill's Jon boat as the boat heads downriver near Carter's Wharf. At this moment, Mulligan is in his element with the wind in his face enjoying his ride on the beautiful Rappahannock. The picture captures a moment of happiness and joy and is a reminder of the timeless beauty of the Rappahannock.

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CHARTING THE PATH FORWARD IN UNCERTAIN TIMES

ESSEX COUNTY CONSERVATION ALLIANCE

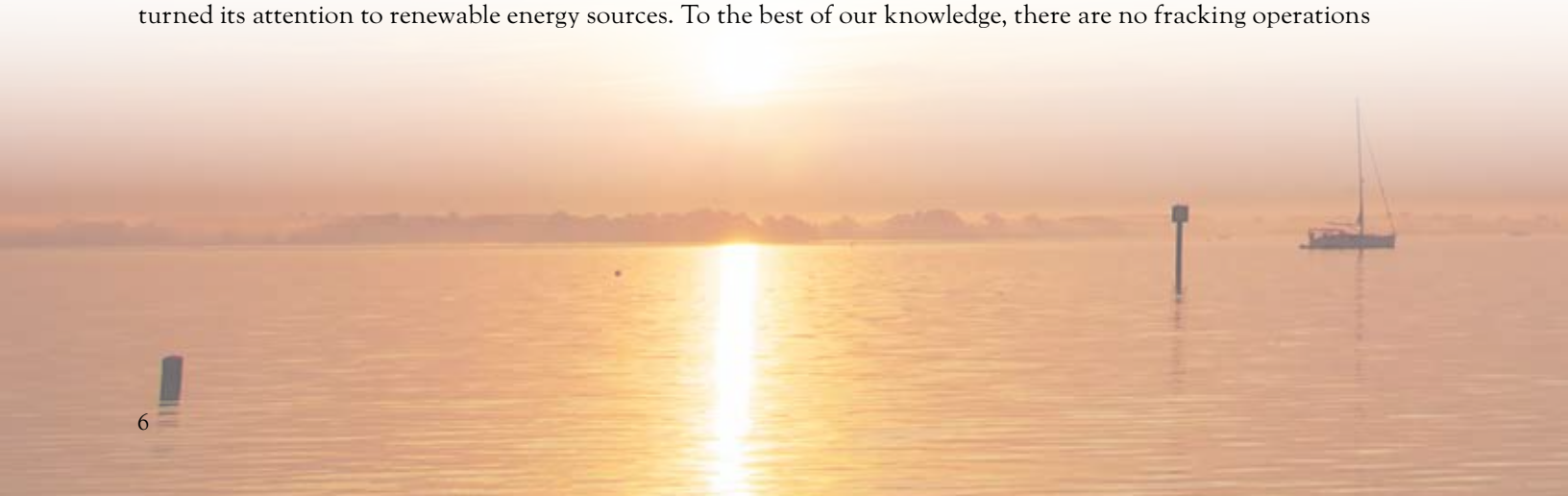
The ECCA's 2020 annual magazine serves as an opportunity for our board to comment on the activities of our organization over the past year and to highlight challenges that we expect to face over the next twelve months.

The year 2019 was when Essex County's land-use taxation policy again came under attack. For several months in the summer and fall, the policy was vigorously debated in news articles and at public meetings. In anticipation that this would happen, ECCA published, in the spring of 2019, its position on land-use taxation in an article entitled "The Need to Reaffirm Conservation Priorities." This article, which was widely disseminated to Essex citizens and can be viewed on ECCA's website, explains how farming and forestry are essential to the economic health of Essex and to the quality of life of all residents of the county. We pointed out that if land-use taxation were to be abandoned, many acres of rural farm and forest land, which currently require few, if any, county services and currently produce a tax revenue surplus, would likely be converted to uses that produce less property tax revenue than the cost of services they require. We are pleased to report that Essex County has retained its land-use taxation policy.

A second issue that was hotly debated in 2019 concerned the conversion of agricultural and forest acreage into solar farms. This is an ongoing issue that has grown in magnitude as solar companies have ramped up their efforts to lease thousands of acres of rural lands to convert them into industrial solar generation sites. Once again, ECCA anticipated the need for an informative article to help alert residents of Essex and other counties in the Middle Peninsula and Northern Neck to the pros and cons of a controversial issue. ECCA's analysis explained that the term solar farm is a misnomer, because its only true relationship to agriculture is its destruction of farmland and the conversion of the acreage to rows of solar panels. We explained that the proliferation of solar farms in our tidewater region could negatively impact the rural characteristics and natural resources of our area, diminish agricultural jobs and farm-related businesses, destroy critical wildlife habitat, threaten environmentally sensitive areas, and hurt tourism. ECCA's article "Industrial Solar Farms" was published in our 2019 annual magazine and has been widely distributed to area residents. It is also available for viewing on the ECCA website.

ECCA believes that the threat posed by industrial solar farms to our rural tidewater counties is very real and is continuing. We hope our message is clear and not misunderstood or misrepresented by the advocates of solar power. ECCA supports solar power as an alternative clean energy source. However, we strongly oppose the widespread conversion of productive farmland and forestland into industrial sites containing thousands of solar panels.

A third issue that we have written about in the past and continue to try to monitor concerns leases of rural acreage by the oil and gas industry for potential fracking sites on which to drill for natural gas. At the present time, the fracking threat in Essex County has greatly diminished, if not disappeared, as the US energy industry has turned its attention to renewable energy sources. To the best of our knowledge, there are no fracking operations



in Essex, and many of the leases have expired. We hope fracking is a dead issue in our region, but we know this is an issue that warrants our ongoing vigilance.


Peter Bance


Hill Wellford

In 2019, ECCA modified its name to more accurately describe our mission as it has evolved since our inception in 2006. To some observers, replacing the word countryside with conservation may seem at first glance to be a cosmetic change. It is much more than that. The word conservation more accurately defines the ECCA's goal to conserve not only the scenic beauty and natural resources of Essex but also to preserve its historic structures and to celebrate its historical significance. Since 2013, we have worked closely with the Virginia Department of Historic Resources (DHR) to survey historic buildings, structures, and sites in rural areas of Essex with a goal of identifying potentially significant rural historic districts. The survey, which was funded by DHR's Cost-Share Survey grant program and supported by Essex County through matching funds provided by ECCA, identified two eligible rural historic districts: the Millers Tavern Rural Historic District and the Occupacia-Rappahannock Rural Historic District. Work on the Millers Tavern Rural Historic District was completed first and led to that district's successful nomination and listing on the Virginia Landmarks Register and the National Register of Historic Places in 2017. Work on the Occupacia-Rappahannock Rural Historic District, a much larger area, is ongoing, with a goal of completing the process in 2020 or early 2021.

As we pursue our goals for 2020, we recognize the importance of maintaining a close association with other conservation organizations and civic groups that play a very significant role in our region and share our conservation values. During the past year, ECCA representatives have worked closely with Friends of the Rappahannock, the Chesapeake Bay Foundation, and the Chesapeake Conservancy in ongoing efforts to protect the Rappahannock and the marshes and wetlands along the river. We have also worked closely with local civic organizations including the Essex County Museum and Historical Society and the Tappahannock Artists' Guild, and with the administrative and elected leadership of Essex County and Tappahannock.

While each of the organizations mentioned above has its own goals and priorities, it is clear that we share a community vision that places a high premium on conservation of Essex's rural characteristics, its natural resources, and the historical assets of Tappahannock and the county. It is also encouraging to note that these are essentially the same characteristics (assets) that Essex residents recently ranked as their top four priorities in community vision sessions conducted by Essex's deputy county administrator: (1) protect natural resources (river, forestry, agriculture), (2) preserve sense of community, small town, generational continuity, (3) celebrate history, and (4) maintain rural character.

ECCA's pursuit of its goals in 2020 will, of course, be impacted by the coronavirus pandemic. As every other organization will, we will also have to make adjustments in the way we conduct our activities, and some may have to be postponed. This unprecedented situation may last for many months, but ECCA's goals and vision for Essex County will not change.

We thank you for your continued support and ask that you use this time to reflect on how vital our environment is to our health and quality of life, and to the survival of countless species of wildlife.

Peter Bance, President

Hill Wellford, Vice President

Meet New ECCA Board Members

Barry Bates

New ECCA board member Barry Bates had the good fortune to have been brought to Essex County at the tender age of three when his parents moved from Richmond after purchasing historic Mount View Farm outside Tappahannock. A product of Essex County High School, he recalls, in particular, the Future Farmers of America (FFA) leaders. They made a lasting impression on him and helped foster an interest and appreciation for farming. So, it is no surprise that he and his wife, Suzanne, and their two children—operate a beef and grain farm specializing in the production of naturally raised, non-GMO-grain-fed Angus cattle.

Barry is also a helicopter pilot, a skill he learned when he served in the military, and a farm advocate. He's serving a three-year term as District 12's representative to the Virginia Farm Bureau Board of Directors.

While "river life" holds an enormous appeal for many in the county, Barry's passions are the land, farming, and forestry. He sees these as essential because agriculture provides income and jobs. The FFA, which had a significant impact on Barry, is no longer a component in Essex County schools. Vocational programs have taken the place of the FFA. They train students for careers in agriculture right here in Essex County. Barry understands that farming and forestry have always played an important role in the area's rural heritage. They will continue to provide opportunities for the future if properly managed.

ECCA's mission to preserve farms and forests, natural and historic resources, for the benefit of future generations dovetails with Barry's view of the importance of educating youth on the business of farming and forestry. Lifelong awareness of the sometimes conflicting relationship between development and the preservation of farmland will create a community of landowners mindful of the needs and costs of both. The array of conservation options endorsed by the ECCA gives landowners options to protect and preserve their farmland and Essex County's rural character both now and in the future.

Sam Sturt

Samuel G. Sturt IV, a new member of the Essex County Conservation Alliance board, has deep roots in Essex County and an abiding connection to the land. While he grew up in Prince George County, his mother's family remained in Essex, allowing frequent visits to his Baylor family grandmother, aunt, and uncle. After earning a degree in English from Mary Washington College, Sam and his wife, Julie, made their home in Essex, where he works as a property and casualty claims adjustor. Their son Samuel attended Aylett Country Day School. He will go to high school at Saint Christopher's School in Richmond.

As an insurance claims adjustor, Sam had the unique challenge of dealing with the aftermath of the infamous tornado of 2016, when an EF-3 tornado decimated sections of Essex County as it traveled some twenty-eight miles across Essex, Richmond, and Westmoreland counties. He saw the destruction of people's homes and property on a scale he hopes to never see again. However, the more significant loss to Sam was the irreplaceable pictures and documents that bind generations to generations, families to families.

Sam believes that the bucolic backdrop and the rural heritage of Essex County is worth treasuring, not only because of its proximity to the Rappahannock River and all of its recreational and commercial amenities but because of the potential for revitalization. Tappahannock, the county seat and crown jewel in Essex County, can be rejuvenated by adding viable small and large commercial partners. Sam cites other small towns that have organically transformed into economically healthy communities without ugly commercialization or the loss of farmland and rural heritage. Preservation of one is not at the expense of the other but, instead, a symbiosis develops that enriches them both. With a thoughtful nudge in the right direction, Essex County could have it all.

ECCA's mission is to protect and promote the rural character of Essex County for future generations through education and outreach about voluntary conservation options that protect and preserve the land. Remembering that "farmland lost is farmland lost forever," and by working closely with other aligned grass-roots organizations, Sam believes the future is bright in Essex County.

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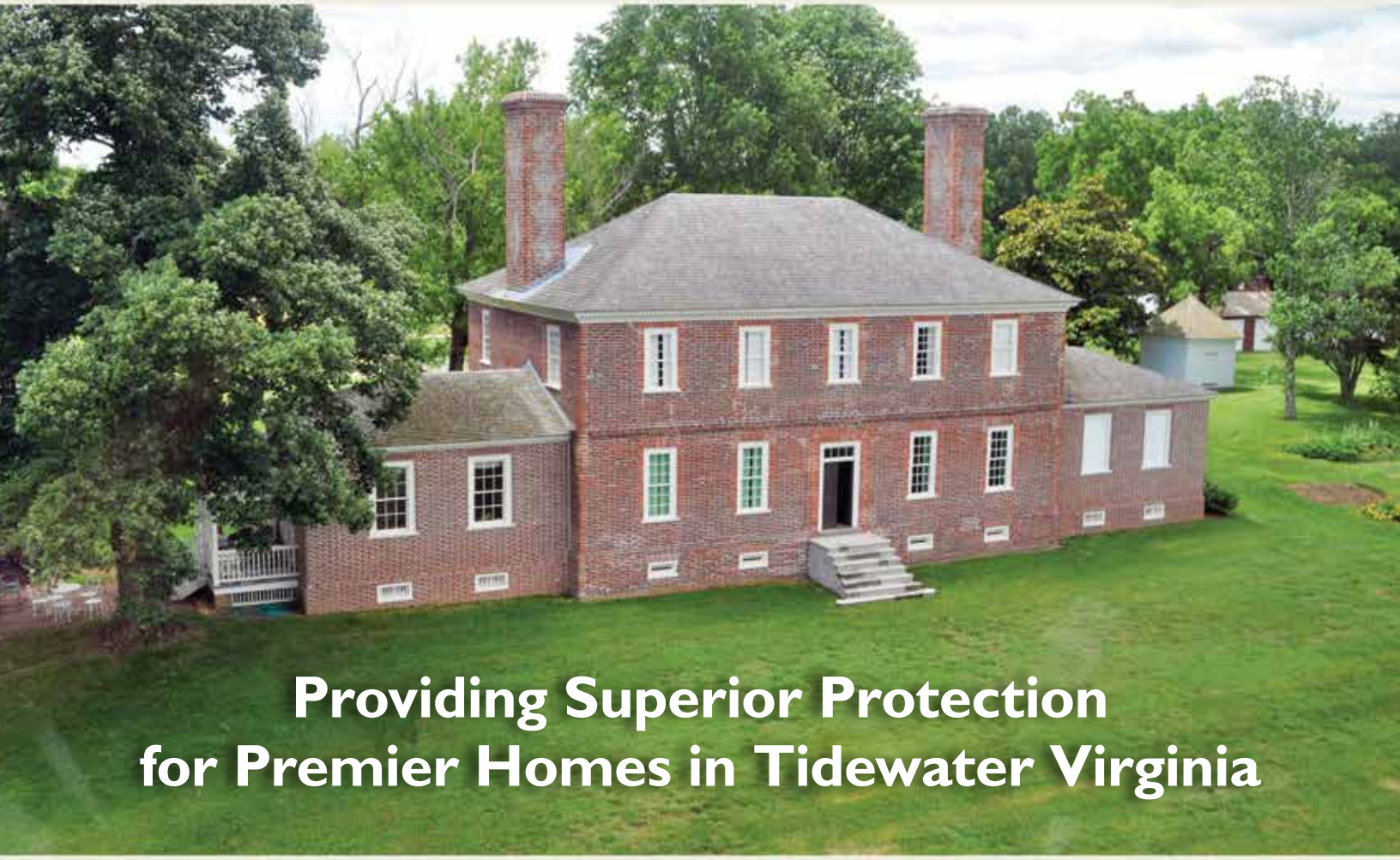

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Cell: 502-299-0824 · Business: 502-585-3277
calliewall@sterlingthompson.com

We introduced our newest ECCA board members, Barry Bates and Sam Sturt, on page 8.

Now, meet the rest of the ECCA board.

Each member brings their unique perspective, talents and life experience to ECCA, creating a collaborative, impactful organization.

Together, with your support and input, we will strive to meet the challenges faced by many rural communities—maintaining our rural identity while promoting new growth opportunities.

Hylah Boyd
Hylah was born and raised in Minor, Virginia, on Elton Farm and graduated from Tappahannock High School (now Essex High School). She attended Longwood College and then worked at State Planters Bank (now TrustBank) in Richmond as a correspondence bank investment analyst—a job title that sounds better than the work. Hylah retired, married, raised three children, and became involved in conservation issues, particularly the preservation of natural resources. She enjoys gardening, but spending time with family is her favorite past-time.

Margaret (Prue) Davis
Prue was raised on Rose Hill Farm. She married Wayne Davis, moved to Baltimore, and had two children. Prue and her husband eventually returned to Rose Hill Farm. She worked for the Essex County School Board, and in 1995, Prue was elected to the Essex County Board of Supervisors and continued to serve on the board for 24 years. Her committee work reflected her interest in nature and conservation, in addition to a diverse range of other county issues. Today, Prue is active on the farm and contributes her time and talents to ECCA and other community activities.

A. Fleet Dillard, III, *Secretary*
Fleet grew up at Ware's Wharf, Essex County. A graduate of Sewanee and Mississippi College School of Law, Fleet practices law at Dillard and Katona, focusing on real estate, criminal defense, and estates. He is a past president of the Northern Neck Bar Association and a former board member of the Essex County Museum and Historical Society. He currently serves on the Riverside Tappahannock hospital board and Tappahannock Town Council. Fleet resides in Tappahannock with his wife, Latane, and their boys, Fitz and Sandy.

Frances H. Ellis
Frances is an Essex County native, growing up at Rose Hill Farm. She married Benjamin Baird Ellis and moved to the Ellis family farm on Occupacia Creek in Champlain, where they raised two children. Frances is a member and Treasurer of Vauters Episcopal Church. She served as the Treasurer of Essex County and was on the Essex Bank board. Frances is a member of the Middle Peninsula Garden Club and the Essex County Woman's Club. She also serves on the Riverside Tappahannock Hospital board and the Riverside Foundation board.

Macdowell I. Garrett
Macdowell grew up in Roanoke and graduated from VMI and the University of Richmond Law School. He practiced law in Alexandria before moving with his wife, Betty Anne, in 1980, to her family's farm in Hustle (Essex County), where they raised their sons, Ted and Walter. Mac served as Essex's Commonwealth's Attorney for 24 years. He is addicted to feeding and watching hummingbirds, and driving his tractor and golf cart around the farm

Muscoe Garnett
Muscoe grew up on his family farm in Essex County, where his mother still resides. He graduated from the University of Virginia. Muscoe works in commercial real estate with Jones Lang LaSalle in Richmond. He and his wife, Helen, have two young boys who love getting out of the city and spending time on the farm in Essex.

Ronnie Gill
Ronnie has been employed for 36 years at Colonial Farm Credit, where he currently serves as Chief Lending Officer – Branch Operations. He was elected to the Essex County Board of Supervisors in 2019. Ronnie also serves as Treasurer of the Virginia Grain Producers Association. Ronnie holds a BS in Agronomy from Virginia Tech and spends many weekends at the family farm in Lancaster County. Ronnie and his wife, Linda, have two grown children.

James H. "Jay" Hundley, III
Jay lives in Champlain, Virginia, with Faye, his wife of 36 years. He's a third-generation farmer, working alongside his father and brother since the 1980s. Faye and their two sons also help out on the farm. Jay serves as President for the Essex County Farm Bureau, a board member for the Virginia Grain Producers Association, and the Virginia Small Grain Board.

Gam Rose
Gam grew up outside Philadelphia, earned a liberal arts degree at Yale, and then moved to Virginia, where he earned an MBA at the University of Virginia and met his wife, Kendall. Kendall and Gam own Cantabo, a farm in lower Essex County, where they husband heritage breeds and are in transition from industrial tenant farming to a more holistic model. Gam's professional work centers on using data more effectively to inform public policy and to foster a culture of human flourishing.

Margaret Smith, *Treasurer*
Margaret grew up in Warsaw, graduated from the University of Virginia, and is now a CPA in Richmond. Since her family's farm, located just outside of Tappahannock, became a part of the Rappahannock River Valley National Wildlife Refuge in 2001, Margaret has enjoyed volunteering with the NWR and other conservation groups to protect and promote scenic lands and preserve our natural resources. When she is not working, Margaret enjoys spending time with her family, including two small children, on the Rappahannock River.

Juliana Strock
Julie is a resident of Essex County. She graduated from Auburn University with a bachelor's degree in Education. She holds a master's degree in Reading from Mississippi University for Women. Julie taught in public schools and tutored students with dyslexia. After leaving teaching, Julie volunteers as a CASA (Court Appointed Special Advocate) for Northern Neck CASA. She also serves on the Tappahannock Art Guild Board. Julie is the current President of the Essex County Library Board and 1st Vice President of the Garden Club of the Middle Peninsula.

Tripp Taliaferro
Tripp is President and Chief Investment Officer of Tower 3 Investments. Before his current position, Tripp was with Private Advisors, a $5.0 billion alternative asset investment firm, Quad-C Management, Inc., a middle-market private equity fund, Wachovia Capital Partners, and Wachovia Securities. Tripp holds a BS in Business Administration from the University of North Carolina at Chapel Hill, with a concentration in International Business.

Knox Tull, Jr.
Knox grew up in Hampton, Virginia, and attended Hampton University. He received civil engineering degrees from the University of Michigan (BS) and the Georgia Institute of Technology (MS). Knox is President of Jackson and Tull (J&T), a Washington, DC-based engineering and technology company. Knox and his wife Brenda have four adult children, all engineers and managers at J&T, and two grandchildren. The Tull Family spends as much time as possible on their farm in Occupacia.

Henry N. Ware, Jr.
Harry is an Essex County native and an avid hunter and fisherman. He spends as much time as he can at his family's farm, Bellevue, on the Rappahannock River. Harry holds a BA from UVA and a law degree from U of R. He is a member of the Boyd Graves Conference and a Fellow of the Virginia Law Foundation. Harry's practice at Spotts Fain PC in Richmond focuses on products liability/toxic tort defense and insurance coverage. He and his wife Marilynn live in Manakin-Sabot. They have three grown sons.

Robert Waring Jr.
Bob is an Essex County native. He graduated from Randolph-Macon College in 1992 and is currently employed in precision nutrient management and cover crops with the Virginia Department of Conservation and Recreation. Bob is a board member of the Southern Cover Crops Council and Chair of Virginia's Cover Crop and Nutrient Management Technical Advisory Subcommittee. He and his wife Elizabeth, their two children, Katherine and Karrh, live and work on the family farm.

Prue Davis. A Tribute.

by Elizabeth Harper and Frances Ellis

Her name is Margaret, but they call her Prue. Prue Hundley Davis. She was raised on Rose Hill Farm, the oldest of five girls of Peyton and Dell Hundley. She was a willful child and a law unto herself, driving the back roads of King & Queen at the age of 13. She couldn't wait to get away from the farm and married the best-looking boy at Tappahannock High School who was co-captain of the football and basketball teams, Wayne Davis. This little country girl moved with Wayne to Baltimore and learned how to get around by street car and together they started a family. Wayne's work took them to Saluda, Urbanna, Fredericksburg and the Northern Neck, finally settling back in Tappahannock. But as badly as she had wanted to get off the farm, she couldn't wait to get back. With the children Ellen and 'Bunky' grown, she and Wayne came back to Rose Hill, and restored a house in the front yard of the main house.

She worked for 26 years for the Essex County School Board before retiring. Peyton Hundley had been on the Board of Supervisors from 1937-1961 and her sister Frances was Essex County Treasurer; you might say public service was in her veins whether she knew it or not. F.L "Skipper" Garrett had decided not to run for another term as the Essex County Lower District Supervisor, and Prue told Wayne he should run. He shook his head and told Prue she needed to instead, so she did. In November 1995, she ran against Gordon Birkett and Emerson Hughes and won the seat her father had once held by a single vote. Her 24-year career as the first and only woman on the Essex County Board of Supervisors began. She loved it.

Her focus has been on the well-being of the County and during her tenure she's proud of the renovation of the three public schools, the County purchase of the Beale Church property allowing for the much needed room for county departments, the closing of the county landfill at a savings to the county, the state recognized EMS department and the continued effectiveness of the Tappahannock-Essex Volunteer Fire Department, the continuation of the Parks and Recreation Department when others wanted to reduce it, the establishment of an IT Department, the collaboration with surrounding counties in the creation of the new emergency radio system, the creation of a no-kill animal shelter, and the county support of the Ledwith-Lewis Regional Free Clinic. She stood up for land use taxation and remained cool under the constant barrage of criticism from those who disagreed with her. She served as Chairman for a number of years and was all business, keeping the meetings moving.

But just as important to her was the work she did on committees and with government agencies that reflected her interest in nature and conservation. They have included the Dragon Run Steering Committee, the Tidewater Resource Conservation and Development Council, the Three Rivers Soil and Conservation District, the Middle Peninsula Chesapeake Bay Access Authority, the Rappahannock River Basin Commission, the Middle Peninsula Planning District Commission, and appointments by several governors to serve on the Virginia Land Conservation Foundation Board of Trustees.

Not bad for a 24-year career of public service. As she noted, "It's been a pleasure." Now there is nothing she likes better than to drive out to look at the cattle and see if there are any new calves, tedder the hay and watch it be baled, or ride down to the pond and look across the dam at the Dragon Run. And she still makes the best damn ham biscuits in the country.

Resolution #19-012

In Recognition of Extraordinary Service and Leadership, the Essex County Board of Supervisors Presents this Resolution in Honor of

Margaret H. "Prue" Davis

WHEREAS, Margaret H. "Prue" Davis, has served on the Essex County Board of Supervisors for the full term of 24 years, representing the South District with great character and distinction since 1996; and

WHEREAS, Margaret H. "Prue" Davis has given selflessly of her time, talent and wisdom to serve her fellow Essex County citizens; and

WHEREAS, Margaret H. "Prue" Davis has provided exceptional leadership to Essex County, serving as Chair of the Board of Supervisors; and

WHEREAS, Margaret H. "Prue" Davis also served with dedication and wisdom during her tenure as a County Board Supervisor, as the County Board of Supervisors' representative on the Rappahannock River Basin Committee since 2000 and the Middle Peninsula Chesapeake Bay Public Access Authority since 2012,

NOW, THEREFORE, BE IT RESOLVED, that the Essex County Board of Supervisors with much respect and gratitude extends its appreciation and recognition to Margaret H. "Prue" Davis for her 24 years of leadership, dedication and service that she has given to Essex County.

BE IT FURTHER RESOLVED, that a copy of this resolution expressing the appreciation and respect of this Board of Supervisors on this matter shall be conveyed to Margaret H. "Prue" Davis and shall be spread upon the meeting minutes of said Board of Supervisors.

Signed on this 20th day of December, Two-Thousand and Nineteen.

By Essex County Supervisors:

Sidney N. Johnson, Vice-Chairman

Rob Akers

John C. Magruder

Edwin E. "Bud" Smith, Jr.

REBRANDING THE Essex County Conservation Alliance

The Essex County Conservation Alliance would like to thank Spencer Gervasoni, Vanessa Hopkins and Ralph Harvard for their invaluable help in designing the new ECCA logo. We are extremely grateful for their expertise and formidable talent. We are indebted for the time, creativity, talent and artistic input they specifically gave to the ECCA.

Ralph Harvard has been working as a designer in New York since 1981 and in related fields for over fifty years. A die-hard Virginian, whose cutoff date is 1760, he is a rigorous academic with an unparalleled knowledge of 18th century Southern material culture and architecture. He has been lucky enough to have worked on some of the foremost eighteenth-century dwellings in the South, including the Dulaney House in Alexandria, the Miles Brewton House in Charleston, Cottage Gardens in Natchez, and Thomas Jefferson's Monticello in Charlottesville. He is currently completing the interior restoration of Carter's Grove, where coincidentally, he was a budding archaeologist in the 1970's.

Ralph holds a degree from the School of Architecture at the University of Virginia. He has an additional degree in Interior Design, attended the Attingham School in Britain, and the Harvard Graduate School of Design.

Spencer Gervasoni is a marketing specialist working with ECCA around rebranding, messaging, and tactics for engaging with the broader community. Spencer was born in Portsmouth and spent his early childhood in Suffolk, where his father had a small soybean farm. He majored in Marketing Strategy at Virginia Commonwealth University and then worked in advertising, graphic design, and brand communications in New York City.

Spencer is pursuing a master's degree in Architectural History at the University of Virginia. He hopes to combine experience in marketing and communication with a passion for quality town planning, architecture, and historic preservation to advocate for better development plans and to revitalize small-town communities and prevent suburban sprawl.

He is connected to the ECCA through Peter Bance's daughter Louise; the two became fast friends during their time as Virginians in New York. "I am honored to work with ECCA. I see two unique challenges facing Essex County: growing the economy while preserving the rural beauty, local character, and tangible history that makes Essex one of the most special places in our incredible state."

Vanessa Hopkins is a graphic designer living and working in New York City. Vanessa began her career in 2016 after studying design at Central Saint Martins in London and at the University of Connecticut. Growing up she would spend a few weeks every summer on her uncle's farm in Calicoon, NY where she developed a deep love for the outdoors.

She has been fortunate to work with a variety of clients such as Marriot and Target. Vanessa strives for boldness, clarity, and simplicity in her work and is most inspired by purpose driven projects. When she's not working she can be found either trying a new recipe or trying a new restaurant.

For information about the Virginia Scenic Rivers Program, go to www.dcr.virginia.gov/recreational_planning/srmain.shtml
The full text of the Virginia State Scenic River Act is in the Code of Virginia, Sections 10.1-400 through 418.

Nomination of the Lower Rappahannock River for Scenic River Designation by the Commonwealth of Virginia

by Hill Wellford and Hylah Boyd

An Important Message to ECCA Members and Sponsors:

The year 2020 will be remembered for a lot of things. By all accounts, it has proven to be a most difficult year. We can all use an uplifting event to raise our spirits and direct our attention on a positive development. The ECCA Board is pleased to tell you that we have embarked on just such a project. It is one that should create excitement for all residents of Essex County and for many other residents of counties in the Northern Neck and Middle Peninsula that border the Rappahannock. The project we are referring to is a collaborative initiative by ECCA, Friends of the Rappahannock, and Scenic Virginia to nominate the lower Rappahannock for State designation as a Scenic River. This is the section of the river that runs from where the Route 3 bridge spans the Rappahannock at Fredericksburg to where the river flows into the Bay. The section of the river above the Route 3 bridge was designated for Scenic River status in a series of steps starting in 1985.

Scenic River designation for this stretch of the Rappahannock is long overdue. It is a stretch of tidal river that turns from salt to fresh water as it winds its way in a westerly direction. This is a stretch of river, unburdened by factories and industrial pollution, that serves host to countless aquatic species of animal life, including anadromous fish, such as sturgeon and striped bass, that swim upriver to spawn, oysters that thrive in the high salinity areas, blue crabs that can transition into waters of lower salinity, and an amazing diversity of plant life that grow in the salt and freshwater marshes that border the river along its route. The marshes provide a vast wildlife habitat for migratory and non-migratory birds, for non-aquatic animals, and for many species of crustaceans. It is a remarkably pristine section of the Rappahannock acclaimed for its largely unspoiled natural resources, its scenic vistas, ecological importance, cultural landscapes, historic characteristics, and recreational opportunities. It would be difficult to identify any river more deserving of Scenic River status.

As we pursue nomination of the lower Rappahannock for Scenic River status, we will, of course, be working in close coordination with Friends of the Rappahannock and Scenic Virginia. We will also be working closely with representatives of the Virginia Department of Conservation and Recreation (DCR). DCR has published an informative brochure on its websit which contains a description of Virginia's Scenic Rivers Program, the criteria for designation, the role of DCR in managing the program, and other information that will help answer questions our members and sponsors may have. For our Scenic River nomination to be successful, we will need to list as many supporting organizations as possible from both sides of the river in the nine-county area bordering the lower Rappahannock. Many of those organizations have already been contacted, and we are pleased to report that our list of supporting organizations is rapidly growing. Among the organizations who have announced their support for Scenic River designation of the lower Rappahannock are the Chesapeake Bay Foundation and the Chesapeake Conservancy.

It goes without saying that much work needs to be done in order for our goal to be achieved. We not only need a strong showing of support from community organizations, but we also need the support of the local Boards of Supervisors, town and city representatives, and the area's state legislators. Before a section of river can be designated, DCR's staff must conduct a study of the river to confirm that it satisfies the criteria for Scenic River status. The DCR study is typically initiated in response to a request by local governments. To that end, we have already commenced the process of submitting letters to the local government representatives in the counties that border the lower Rappahannock seeking their support for our Scenic River nomination and asking that they contact DCR to request the requisite study. While this is an ongoing process, the responses we have received to-date are most encouraging. The economic value of scenic recognition is well documented and understood by local government representatives. The following comment from DCR underscores this point: "Scenic Resources frame authentic experiences for tourists, support ecotourism, increase land values and attract new business."

Virginia celebrates the 50th anniversary of its Scenic Rivers Program in 2020. It is an occasion to recognize the Commonwealth's Scenic Rivers and the communities that care for them. We can conceive of no better time for the General Assembly to add the lower Rappahannock to this distinguished list.

Meriwether Smith:
An American Founding Father from Essex County, Virginia

by Wright Harleston Andrews Jr.

Anyone with even a passing knowledge of the American Revolution is likely to have heard of our nation's founding fathers. Some of the best known are Virginians including Thomas Jefferson, George Mason, James Madison, Patrick Henry and, of course, George Washington.

Photo of the Leedstown Resolves used courtesy of Menokin.

Such individuals were clearly in the very top tier of patriot leaders. However, there were numerous other Revolutionary-era leaders throughout the colonies whose contributions and sacrifices were so significant that they also merit recognition as founding fathers. Unfortunately, with the passage of time, most of these other founders have been largely forgotten.

This article is about the life of Meriwether Smith[1] of Essex County, Virginia, one such forgotten founding father. He was in fact the most prominent, most engaged, and most impactful of Essex County's political leaders in Revolutionary days. As will be discussed in more detail subsequently, Smith had a long and distinguished history of political involvement and public service at the local, state, and national levels. Among other things, Smith

- signed the *Westmoreland/Leedstown Resolutions* against the Stamp Act (1766);
- was a leader in confronting Archibald Ritchie and Archibald McCall, Tappahannock's largest Scottish merchants, over their support for the Stamp Act (1766);
- signed the June 22, 1770, Virginia Nonimportation Agreement against British imports;
- served as a member of the Essex County Committee of Safety and was recognized as a leader in passing the historic Essex Resolutions (1774);
- represented Essex in the Colonial House of Burgesses (1774–1775), and in the State House of Delegates (1776–1778, 1781–82, 1785, 1788);
- served as a member of the exclusive and influential Governor's Council of State (1780s);
- served as a member of the Virginia state conventions that called for Congress to declare independence and drafted Virginia's first state constitution and Declaration of Rights (1776);

[1] The picture above is of a painting based on a drawing that is the only known likeness of Meriwether Smith. After extensive research, the author found that remarkably little has been written about Smith. His personal papers, which, reportedly, were passed on to his family when he died, appear to have been lost or destroyed, and no historian has written a detailed account of his life. Nonetheless, several histories have mentioned certain of Smith's activities, and a few of his letters have been preserved, along with colonial legislative records that reveal he was quite active and influential in many policy areas.

- served as a member of the Virginia state conventions that called for Congress to declare independence and drafted Virginia's first state constitution and Declaration of Rights (1776);
- served in the Continental Congress (1778–1779, 1781);
- represented Essex in the Virginia convention that ratified the US Constitution (1788);
- served as the colonel commanding the Essex County Militia, and as a vestryman of South Farnham Parish; and
- drafted influential pamphlets and articles regarding American independence, the proposed constitution, and other key policy issues.

Family, Marriages and Children

Smith, born on March 20, 1730, came from a wealthy and prominent Essex family. His father, Col. Francis Smith, the first clerk of Essex County and one of its largest landowners, had represented the county in the Virginia House of Burgesses (1752–1758). His mother, Lucy Meriwether, came from another such family, then headed by her father Francis Meriwether, who built Bathurst, the family plantation home named after his wife, Mary Bathurst. Meriwether Smith was born and resided at Bathurst, which he later inherited. He married, first, Alice Lee about 1760, and had two children: Alice Lee Smith and George William Smith, who later became Virginia's governor. After his first wife died, he married, on September 29, 1769, Elizabeth Daingerfield, daughter of Col. William Daingerfield and Elizabeth Bathurst, of Greenfield in Essex County, and had two additional children: Lucy Daingerfield Smith and Edward Bathurst Smith.

Education

It is noteworthy that unlike many other men who became Virginia's leading political leaders in Revolutionary times, Meriwether did not attend college or study law. He was educated by his family and tutors at Bathurst. Clearly, he did remarkably well with such home schooling.

Businessman

Smith became a successful planter and merchant who had grain warehouses and a mercantile store on Piscataway Creek just below Tappahannock. The following advertisement placed by Smith in the *Virginia Gazette* of December 26, 1771, illustrates some of his mercantile activities:

HAVING discontinued the Store kept at Tappahannock on my Account, I have opened, this Fall, a large and genteel Assortment of GOODS, lately imported from London, at my Landing, on Piscataway Creek, about a Mile from the Mouth of it; where all Persons may be supplied on very low Terms for Cash, Tobacco, Corn, Plank, Shingles, or Staves, as well as Credit.

–MERIWETHER SMITH.

Bathurst

Although Smith's plantation home at Bathurst was torn down in 1937, we have considerable knowledge of it from the pictures below and detailed drawings of the house made in 1936 as a part of the US Department of Interior's Historic American Buildings Survey. The pictures, drawings and a description of Bathurst are available in the Library of Congress's online collections at https://www.loc.gov/pictures/collection/hh/item/va0391/. One of the drawings is reproduced at the end of this article.

The 1793 advertisement at right offering the property for sale is also informative.

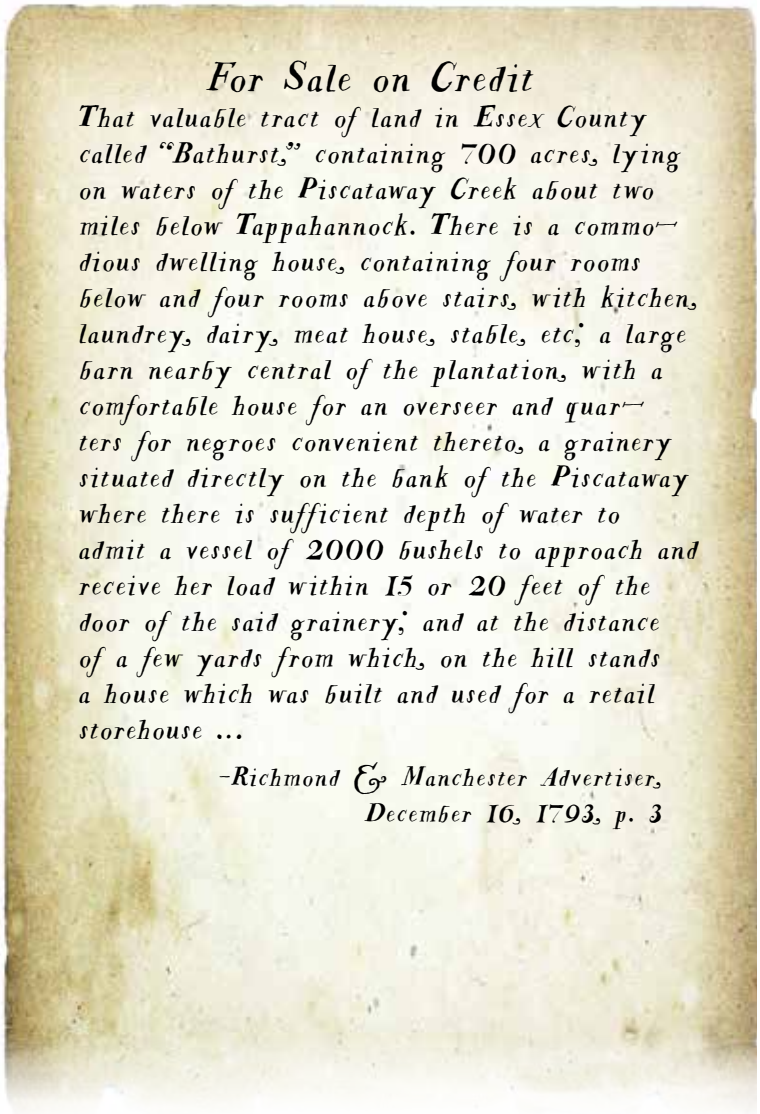
Although Bathurst was not nearly as grand as Robert Beverley's Blandfield, a few miles up the Rappahannock, it was a substantial and functional home and business headquarters, serving Smith and his family members, and then others, well for generations.

Pastimes and Demeanor

Meriwether was well-known for his love of playing his fiddle. As did other wealthy Essex gentry, Smith also enjoyed horse racing. Interestingly, he and Archibald Ritchie in 1764 imported several expensive Arabian race-horses, which was quite unusual at the time. Smith is said to have worn a cocked hat, and he "took much snuff when earnestly engaged in conversation and had great influence and control over the people." He reportedly had some "eccentricity of character," but was nevertheless "much conversant with affairs, both public and private, and in public councils took an active and conspicuous part."

Prominent Political Leader

Although he was a successful businessman, shipping grains domestically and internationally, Smith became increasingly involved in political issues. He was an influential player during legislative debates in Virginia's legislature and the Continental Congress. He also was an active participant in the critically important Virginia Convention of 1776 that called for independence and developed Virginia's First Constitution and Declaration of Rights, which significantly influenced our later federal Constitution and Bill of Rights.



For Sale on Credit

That valuable tract of land in Essex County called "Bathurst," containing 700 acres, lying on waters of the Piscataway Creek about two miles below Tappahannock. There is a commodious dwelling house, containing four rooms below and four rooms above stairs, with kitchen, laundrey, dairy, meat house, stable, etc; a large barn nearby central of the plantation, with a comfortable house for an overseer and quarters for negroes convenient thereto, a grainery situated directly on the bank of the Piscataway where there is sufficient depth of water to admit a vessel of 2000 bushels to approach and receive her load within 15 or 20 feet of the door of the said grainery; and at the distance of a few yards from which, on the hill stands a house which was built and used for a retail storehouse ...

–Richmond & Manchester Advertiser, December 16, 1793, p. 3

In addition, Smith was a key leader in the Virginia Convention of 1788, which ratified the federal Constitution. Through his active involvement in the Virginia legislature, the Continental Congress and state conventions, Smith knew and regularly engaged toe-to-toe on political policy matters with men such as Washington, Jefferson, and Madison, whom we now recognize as being among our leading forefathers. Applying today's political jargon, Meriwether Smith was a heavy hitter who was at the table when many major political decisions were made. He secured appointment to, and worked actively in, important legislative committees on significant matters:

- *Virginia's First Constitution, Declaration of Rights and Declaring America's Independence in 1776:* During the 1776 Virginia Convention, Smith was quite involved in preparing Virginia's first State Constitution and a Declaration of Rights. He was appointed to the committee that was tasked by the Convention to prepare these documents, and reportedly shared with other members his own proposed drafts of both documents. While he doubtless had substantial input and influence during the process, the general view is that George Mason and James Madison were the primary architects of these historic documents. Smith did, however, play a leading role in fostering the rapid shift in Virginia and therefore in other colonies that queued off Virginia's lead to calling for independence. Virginia's Convention of May 1776 debated the question of separation from the mother country, and he actively engaged in the discussions. Three draft resolutions were placed before the Convention: one by Patrick Henry, a second by Meriwether Smith, and a third by an unidentified delegate, likely to have been Edmond Pendleton, president of the Convention. Henry's draft proposed leaving it to Congress instead of the individual colonies to declare independence. Smith's draft and the other called for a unilateral declaration by the state ending Britain's rule over Virginia. The key Smith language provided:

  > Resolved, That the government of this Colony as hitherto exercised under the crown of Great Britain be dissolved, and that a committee be appointed to prepare a Declaration of Rights, and such a plan of Government, as shall be judged most proper to maintain Peace and Order in this colony, and secure substantial and equal liberty of the people.

Pendleton had the task of resolving the differences in the proposals. In doing so, instead of having Virginia unilaterally declare its independence, he took Henry's approach by calling for Virginia's Congressional Delegates to propose that the Continental Congress "declare the United Colonies free and independent states." He called for Congress to form a confederation of states and to make alliances with foreign powers. Pendleton then based the remainder on Meriwether Smith's text which reserved Virginia's right to determine its own form of government and used verbatim Smith's wording for the appointment of a committee to frame a new federal constitution and a Declaration of Rights. This compromise combined text was passed by the Convention without opposition on May 15, 1776.[2]

- *Continental Congress:* Smith served in the Continental Congress on the Commerce Committee, the Foreign Affairs Committee, the Marine Committee, and numerous special committees, including ones pertaining to (1) negotiating foreign loans to finance the war; (2) apportioning taxes as well as loan money to defray war expenses among the states; (3) conferring with General Washington on "retrenchment" in army costs; and (4) proposing terms which the states would accept to end the war with Great Britain. Among other issues, Smith was well-known in Congress for his knowledge of finance and for supporting a strong alliance with France. In a letter written in 1779 he noted the importance of such an alliance and stingingly characterized the motives of people who did not favor his position by saying, "I cannot but feel an indignation against the conduct of those little politicians (not to say worse of them) who know not how to distinguish between . . . [France] . . . and a few individuals of that nation . . . when harmony with that Nation is essentially necessary to our Safety, they are daily sowing the seeds of universal disgust."

[2]Although Congress was yet to act, as a practical matter Virginia's independence occurred with this resolution's passage, and most Virginians were ecstatic. Word of Virginia's action spread quickly to other colonies. Then, following the Virginia Convention's instructions, on June 7, 1776, Richard Henry Lee of Westmoreland County offered the famous resolution in Congress "That these United Colonies are, and of right ought to be, free and independent States." Congress thereafter, on July 1, began debate on Lee's motion, and it was adopted the following day, July 2, 1776. Two days later, Congress adopted Jefferson's draft of a detailed formal public declaration, with some modifications, as the official Declaration of Independence.

- *Early Proponent of States' Rights:* Meriwether Smith also has been recognized as an early proponent of states' rights, putting forth such arguments in 1783 in a widely circulated twenty-eight-page pamphlet against provisions in the proposed peace treaty with Great Britain entitled, Observations on the Fourth and Fifth Articles of the Preliminaries for a Peace with Great Britain designed for the Information and Consideration of the People of Virginia. Concepts articulated in this pamphlet in support of states' rights foreshadowed those put forth by Jefferson and Madison fifteen years later, and by John C. Calhoun many years thereafter.
- *Virginia's 1788 Ratification of the US Constitution:* Meriwether Smith was Patrick Henry's leading ally in opposing ratification of the proposed Constitution. He was a vocal anti-federalist due to his belief, which reflected the views of his Essex constituents, that the proposal needed to be revised before being adopted. Smith was especially concerned that the document lacked adequate provisions guaranteeing citizens' fundamental rights as set forth in Virginia's Declaration of Rights. He also feared that Virginia's commerce and other interests would be damaged by what he viewed as a too powerful federal government. However, as were Patrick Henry and James Madison, he was in the minority, and the Convention ratified the Constitution as drafted by a vote of 89 to 79.

Political Critics and Supporters

Meriwether Smith's aggressive political style and sharp tongue not surprisingly engendered political opponents who were not hesitant to criticize him. For example, he was often at odds with another famous Virginian, Richard Henry Lee, who commented in a letter that "Mr. Smith (alias Dogberry) has been famous here for being a very vain and a very troublesome man, but his vanity, for certain reasons, hath been so powerfully fed at Philadelphia, that it hath eaten him up." Some of his political opponents berated him by calling him "the Oddity of Virginia" and "Fiddlehead," referring to his well-known musical endeavors.

Despite such criticisms, Smith clearly was quite influential and was widely recognized among his contemporaries as a leading patriot. For example:

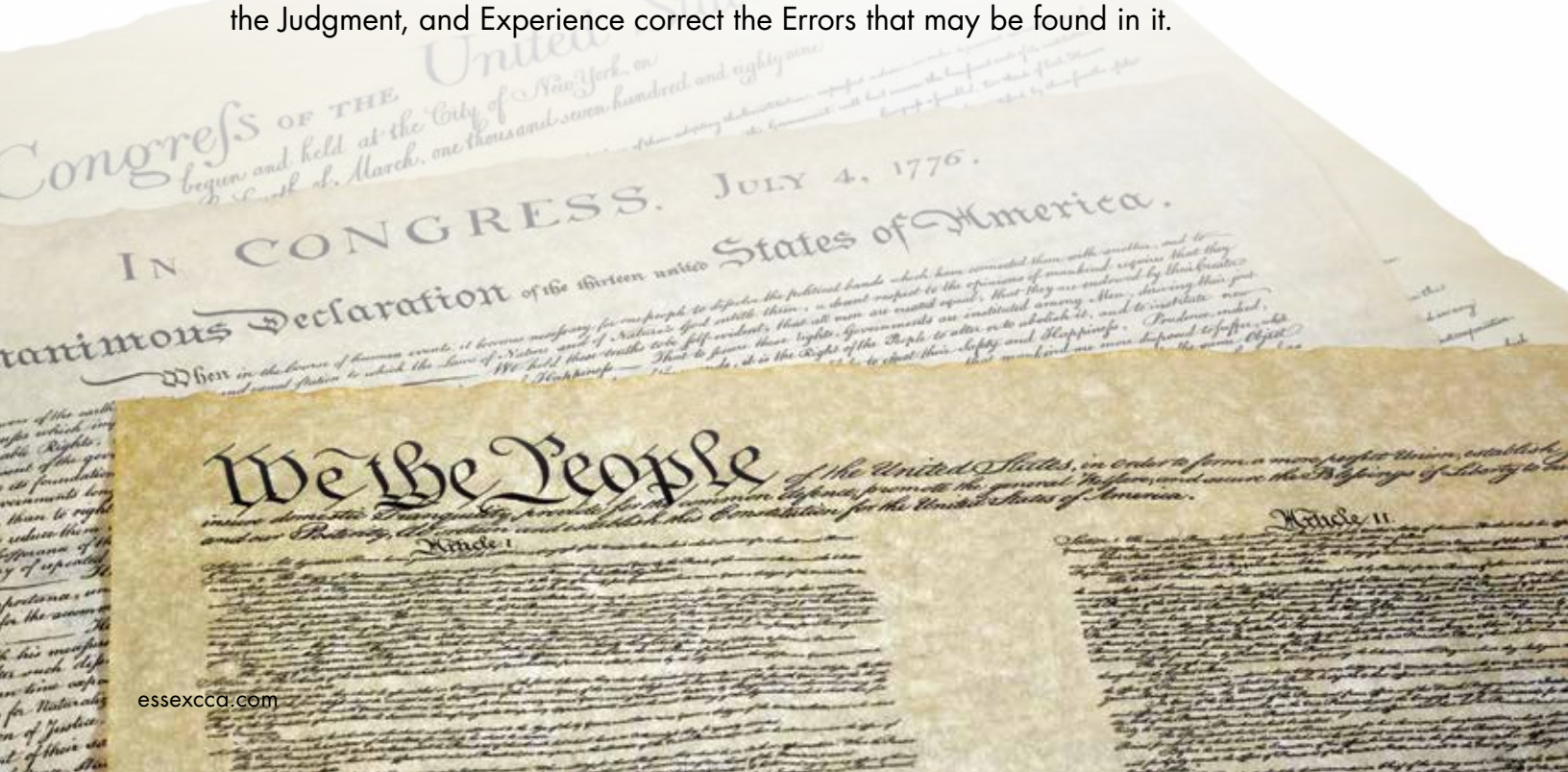
- John Augustine Washington, the brother of George Washington, wrote on May 18, 1776, that Meriwether Smith was among the five best speakers in the Virginia Convention of 1776 that produced Virginia's resolution for independence and its state constitution and Declaration of Rights;
- President James Monroe described Meriwether as a "fiery patriot" and "one of the earliest and most ardent patriots of the Revolution. He, from the beginning, struck boldly and confidently for independence and nothing less"; and
- US Chief Justice John Marshall, who was well acquainted with Smith, said Meriwether was "among the first to move forward in the cause of his country."

Pictured from left are patriot Patrick Henry and President James Monroe.

Smith's Final Years

Despite his opposition to passage of the Constitution without amendments, Meriwether Smith had no qualms about accepting the decision of the majority to go forward with ratifying the Constitution. That said, he felt that it was essential that the new Congress promptly act to improve the initial document, especially by adding provisions such as those subsequently added in the Bill of Rights. Accordingly, in 1788 he ran for a seat in the new Congress. Smith stated his views in a December 21, 1788, broadside campaign poster distributed throughout the District, as follows:

> In the days of Difficulty, Distress, and Danger, I stood among the foremost in asserting and defending your Rights against the Oppression and Power of Great Britain. The approbation of my Country so repeatedly manifested, hath been considered by me as the highest Reward: But if Age and Experience in public affairs have weight with you in Applications of this Nature, I flatter myself that my pretensions to your favourable Regard are not ill founded.
>
> The establishing a Constitution of Government as the Result of cool deliberation and discussion, is an Advantage which the Americans have experienced in an Eminent Degree. But the present Moment should be well Improved. To rest satisfied with the Adoption of the New Constitution proceeding from a supposed Necessity of~ changing the old form of Government, may be fatal to you. It should secure in its Operations your Rights & Interests against Ambition and Avarice the constant Enemies of both Civil and Religious Liberty. It should be critically examined and not suffered by precedents founded on the Construction of loose and inaccurate Expressions, to speak a Language and assume a principal neither understood nor foreseen by the people when they adopted it.
>
> Although I am sensible of the necessity of Reformation in Government, I own I do not like the Constitution in its present Dress. I fear it is a Wolf in Sheep's clothing, that will seek a fit opportunity to devour us. But whatever may be my sentiments I hold it the duty of every good citizen to submit to the Determination of the Majority, as the only rule by which free Societies can be supported. Time may better inform the Judgment, and Experience correct the Errors that may be found in it.



Despite his best efforts, Smith was unsuccessful in his 1788 Congressional campaign. Subsequently, he sought appointment by George Washington to a federal post. His July 20, 1789, letter to Washington clearly reveals that his long active involvement in public service had taken a toll on him and his family's finances:

> Virginia, Bathurst 20th July 1789
>
> Sir,
>
> I rejoice with others for your recovery from your late Illness, & hope you will live to establish a System of Government, which may secure the Liberty & Happiness of America, and which perhaps, depends greatly upon your Life: But whilst your Employments embrace the whole Continent of America, permit me to interrupt you for a Moment in solliciting a Favour for myself, which I would grant to you, were I in your Situation and you desired it. To you alone I communicate my desire; I will never trouble you by the Importunities of others on my Account: 'Tis even with Reluctance that I make Applic sation to you, for some honourable & lucrative Employment under the Government, suitable to my declining Years, which, by the Casualties to which my fortune & family have been exposed under the Revolution, would be highly acceptable and convenient to me.
>
> Unaccustomed to sollicit Appointments of any kind, I do it with a very ill Grace, because my feelings are much wounded; and altho' I claim no extraordinary Merit from the time & Services I have devoted to my Country, which circumstances hath contributed greatly to reduce me & my family to an uneasy Situation; I hope it may be considered as a foundation & Apology for my request.
>
> Were it necessary for me now to say in what Line my Talents would lead me to be most useful to my Country with greatest Ease to myself, I should sollicit an Appointment in the Judiciary or in the Customs within this State; but if there be any other in which you think I can be more serviceable to my Country, with equal advantage to my Family, I shall chearfully submit to your Judgment, and endeavour to discharge the duties required of me. I have the Honor to be with the highest respect, Your most obedt & most hble Servt.
>
> M. Smith

Like a great many others who sought an appointment from Washington, Meriwether Smith did not receive one. Disappointed, but apparently resigned to his fate, Smith wrote Jefferson on February 4, 1790:

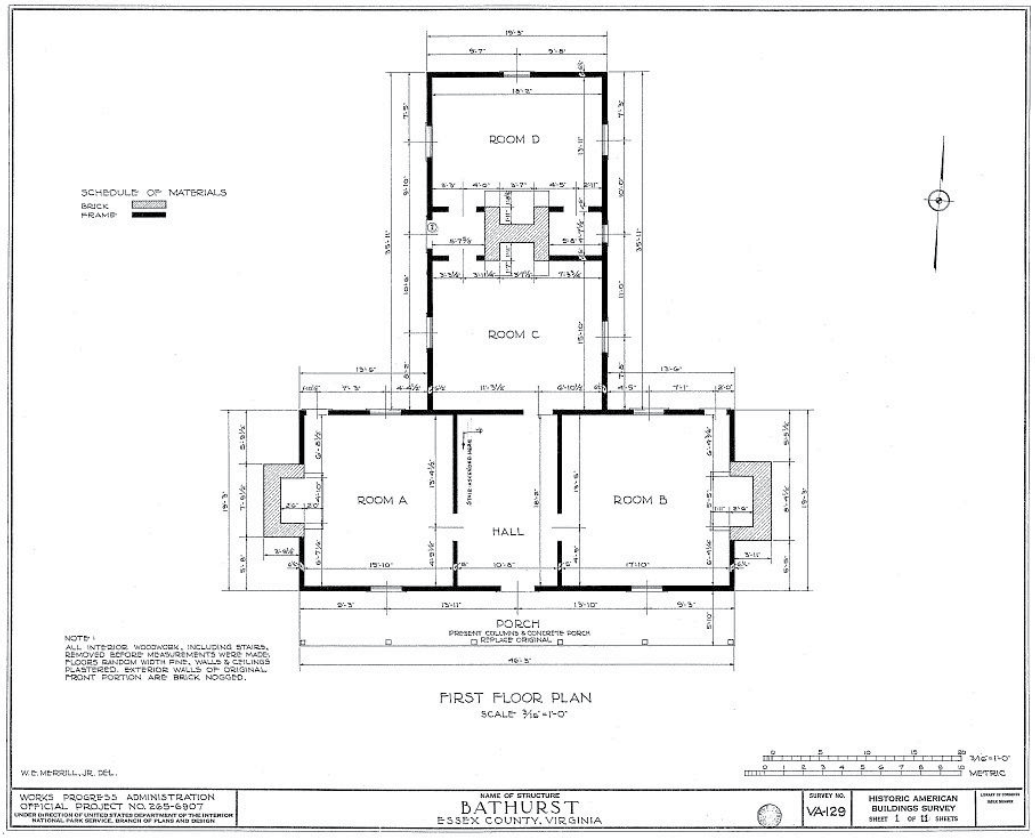
> I rejoice at the order and tranquility in which the present Government moves on. I suffered my Zeal during the late revolution to carry me far beyond the bounds of prudence, to the great injury of my private affairs. My Sufferings and my Services which were once esteemed, are equally forgotten. I submit, however, to the decrees in favor of Men who perhaps may be more usefull as well as more deserving; and, altho' I may not again become an Object of public favor, I have the Consolation arising from conscious Rectitude, and from the reflection of having rendered acceptable Service to my Country in the days of her greatest Distress.

From this point on, Meriwether Smith appears to have remained in retirement in Essex, and he died at Marigold, another of his family's plantations in lower Essex, on February 24, 1794. He was later interred in the family cemetery at Bathurst.

Conclusion

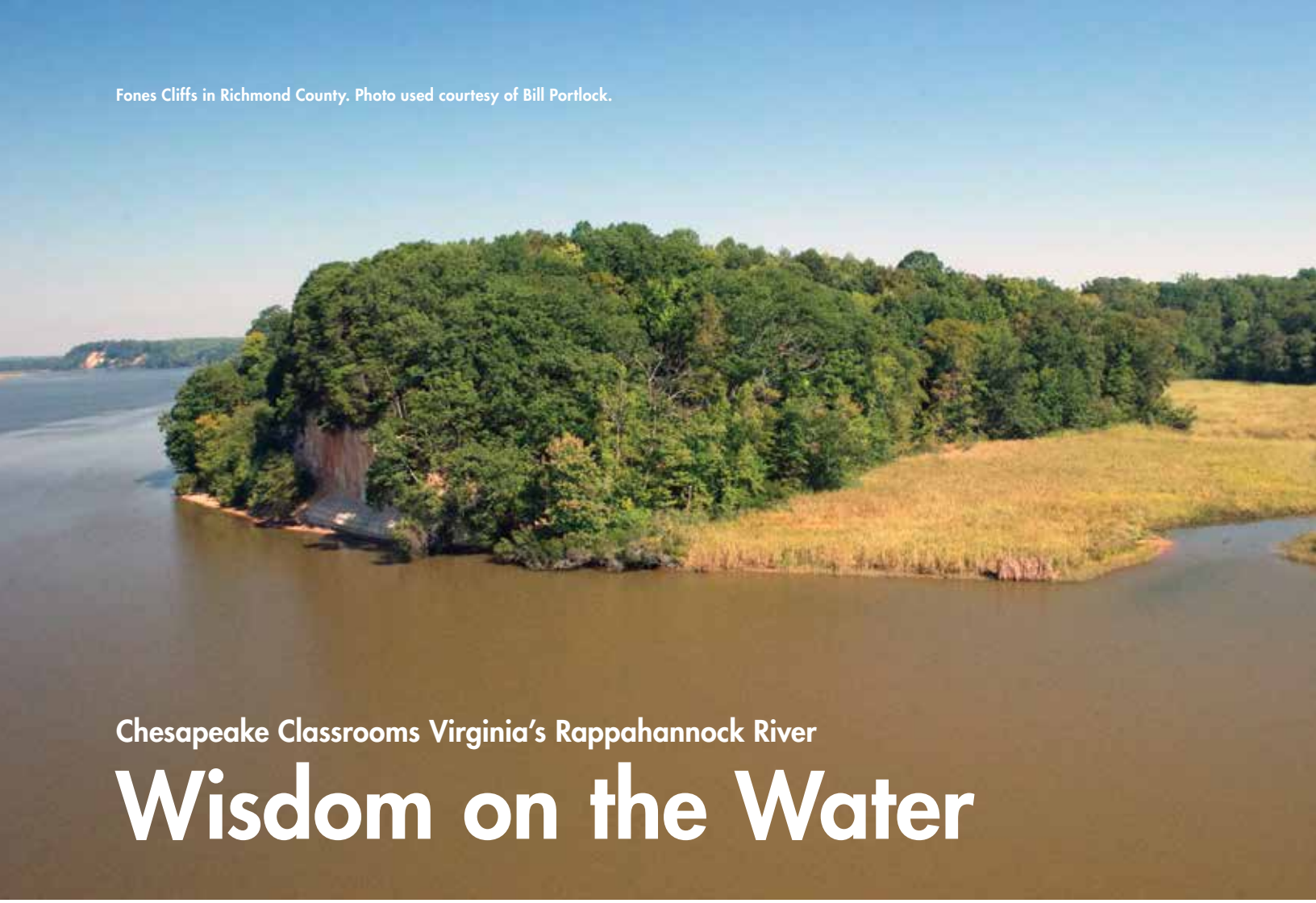
Although Meriwether Smith did not become part of the new national government, his earlier prominent involvement and leadership in Virginia and the Continental Congress clearly established him as one of our nation's founders. In a letter to the Pennsylvania Packet, Smith stated: "Patriotism is a virtue which few men possess, and a real patriot, of distinguished abilities to serve his country is a jewel of inestimable value." By any fair analysis, Smith, a home-schooled son of Essex County, was indeed such a true patriot and a founding father of our nation. Today's Americans, especially Virginians, should be aware of his important contributions and sacrifices and honor him for his service.

Example of drawings of Bathurst done in the 1936 Historic American Buildings Survey, available online in the Library of Congress's collections at https://www.loc.gov/pictures/collection/hh/item/va0391/



Sources: Information contained in this presentation has come from a variety books, articles, and online sources. The records of the Continental Congress, Virginia House of Delegates, and Virginia State Conventions also were consulted, as were documents in the Library of Congress. Especially helpful were: Settlers, Southerners, Americans: The History of Essex County, VA by James B. Slaughter; The Revolution in Virginia: 1775–1783, by John E. Selby; and "Col. Meriwether Smith and His Time, 1730–1794," by Emory L. Carlton, published November 1982 in vol. 21 of the Essex County Historical Society Bulletin.

Wright H. Andrews Jr., who practiced law in Washington, DC for over forty-five years, now lives with his wife, Lisa (also a lawyer), at Hazelswood, their family home on the Rappahannock River, about seven miles above Piscataway Creek where Meriwether Smith lived. The Andrews family has lived in the area since the 1650s. Now largely retired, he devotes his time to writing and active participation in local organizations such as the Essex County Museum and Historical Society (First VP); Essex County Conservation Alliance (Advisory Board); Rappahannock Chapter, Sons of the American Revolution (Past President); Tappahannock Rotary Club (Past President); Tappahannock Main Street (Board member); and St. John's Episcopal Church (Vestry member). He can be reached at wandrews@andrewsdclaw.com.



Fones Cliffs in Richmond County. Photo used courtesy of Bill Portlock.

Chesapeake Classrooms Virginia's Rappahannock River

Wisdom on the Water

by Loren Anne Barnett

The Chesapeake Bay Foundation (CBF) conducts on-water student field investigations in Virginia, Maryland, and Pennsylvania for over 30,000 school students and teachers annually. As a result of social distancing guidelines and school closures during the COVID-19 crisis, for the first time in fifty years all CBF student field trips were cancelled for the 2020 spring season. Nevertheless, environmental learning continued as CBF developed online videos and investigations for students learning remotely, available at www.cbf.org/learnathome.

Every summer, CBF teaches over 400 teachers and school administrators in summer professional development classes. This summer will be different and some of our programing will move online, adapting courses such as Teachers on the Bay, which Bill Portlock has taught on the Rappahannock River and the Bay for thirty-one consecutive years. The following is a story written by Loren Anne Barnett, creative director for CBF, describing two days she spent on the Teachers on the Bay course in a prior summer. CBF looks forward to welcoming students and teachers on the water when outdoor learning can resume.

"Eagle!" Jimmy Sollner yelled from his captain's chair on the Chesapeake Bay Foundation's (CBF's) education boat Jenny S for the tenth time. There were twenty of us aboard the forty-foot, jet-drive investigation boat, and the call brought intended chuckles. It was a perfect day on Virginia's Rappahannock River.

There are many ways to enjoy the Rappahannock: fishing, kayaking, and hiking in its watershed, to name a few. My choice for this visit was to join a class of teachers and CBF educators for the first couple days of Teachers on the Bay. The week-long course, part of CBF's professional learning program, is designed to make connections between biology, chemistry, natural resource science, history, culture, and the Chesapeake Bay—connections teachers can take back to the classroom.

The teachers develop and take home experiences that improve student engagement, critical thinking, and environmental stewardship. And based on their specific students and curriculum focus, each experience is tied up nicely with a driving question such as What does the bay contribute to our local water quality and vice versa?

That day on the Jenny S, our group was collecting data—including the number of bald eagles—on the Rappahannock near Tappahannock and Fones Cliffs.

The Rappahannock, considered one of the most scenic rivers in the Chesapeake Bay system, originates in the Blue Ridge Mountains and flows southeast to Fredericksburg, where it becomes a tidal estuary until it meets the Chesapeake. At the town of Tappahannock, the river is more than a mile wide.

On the Northern Neck above Tappahannock is Fones Cliffs, a four-mile-long cliff formation. This threatened, forested stretch of the Rappahannock is one of the bald eagle's most important convergence areas in eastern North America.

The bald eagle Jimmy spotted was one of forty—yes, forty—adults and juveniles we counted around Fones Cliffs. And we saw several other bird species that day, including a peregrine falcon, a kingfisher, even a hummingbird that buzzed our stern.

To measure biodiversity below the river's surface, we pulled up crab pots and dragged a trawl net, finding blue crabs, perch, and other critters. The day's catch prompted CBF Education Outreach Communications Coordinator Norah Carlos to perform her fin dance, a true teaching moment for remembering fish fins from the dorsal to the caudal.

After lunch on board, the teachers measured water clarity, pH, salinity, and dissolved oxygen. The Rappahannock, whose watershed has a high percentage of agricultural land and increasing development, has struggled with low water clarity.

Back in Tappahannock, dinner was followed by a presentation from CBF Senior Educator Bill Portlock, who began Teachers on the Bay thirty years ago. Full of knowledge, I retired to the Essex Inn, a

Left: Participants made marsh bouquets of pickerelweed, arrowhead, and wild rice.

Bottom: CBF Education Outreach Communications Coordinator Norah Carlos performed her fin dance.

comfortable 1851 Greek-Revival bed and breakfast.

The next morning, we crossed the river by bus to visit Menokin, a 1769 plantation built on 500 acres once inhabited by the Rappahannock Tribe. We brought our own canoes, but for those without, Menokin offers kayak rentals and lessons.

Following a canoe 101, we launched our fleet on Cat Point Creek, a stunning tributary of the Rappahannock. Norah gathered us in a shady crook for a minute of silence. We listened for both man-made and natural sounds, hearing many more of the latter. We talked again about biodiversity—this time focusing on underwater grasses and marsh plants. Ready to identify the flora, we split up, exploring the shoreline and making marsh bouquets of pickerelweed, arrow-head, and wild rice.

As we picked our final greenery, Aaron Bunch and Brady Donovan from the Virginia Department of Game and Inland Fisheries approached in their research vessel. Two sets of what looked like giant wire head scratchers hung above the water off the bow. The unusual equipment is used to stun and collect fish for tagging and research. We rafted up around the new boat while Aaron, the leader of the department's Tidal Rivers Project, introduced us to his latest subjects. All but one was still kicking. CBF Fox Island Environmental Education Program Manager Jeff Varnon was able to revive the baby sunfish in the water next to his canoe and received quiet kudos from those nearby. Aaron held up a few types of catfish, some of which are invasive here and in other bay-area waters, and a few other species including a yellow perch, which I found quite beautiful.

Menokin's Director of Education and Programming Alice French gave the teachers group a tour of the eighteenth-century Georgian-style mansion on the property.

Menokin's Director of Education and Programming Alice French gave us a tour of the eighteenth-century Georgian-style mansion on the property. Wearing hard hats, our group was able to enter areas of the house, which is being pieced together like a giant jigsaw puzzle.

The following day, the teachers and educators departed for what I hear was a magical three days at CBF's Fox Island Education Center, a re-purposed hunting lodge surrounded by Virginia's Tangier and Pocomoke Sounds.

I headed to Lowery's Seafood Restaurant for a local lunch. Bartender Dorie served up a crab cake, tomato, and yellow squash that tasted like summer. She also introduced me to a local delicacy she learned from her father's hunting buddy: corn on the cob with mayo and Old Bay. Don't knock it until you try it.

On my drive home, I thought of the teachers and how this week's lessons would make their way back to hundreds of students. My achievement was a little less profound, but still fulfilling. My driving question: Can you learn and have fun at the same time? The answer is yes.

Loren Anne Barnett grew up on the Severn River in Annapolis, Maryland, sailing, crabbing, and flying through the air on rope swings. As Director of Creative Services at the Chesapeake Bay Foundation, she has been fortunate to join CBF educators on field experiences around the watershed.

Bill Portlock grew up on the Elizabeth River in Norfolk, Virginia crabbing, fishing, and "amessing around in boats". He now lives in Caroline County, Virginia with wife Nancy and new puppy Callie. He is Senior Educator for the Bay with the Chesapeake Bay Foundation where he has worked since 1981.

Smith's Map of Virginia (1608, published 1612)

Discovering Rappahannock Indian History in the Landscape

by Julia A. King, St. Mary's College of Maryland, Chief G. Anne Richardson, Rappahannock Tribe of Virginia, and Scott M. Strickland, St. Mary's College of Maryland

Perhaps one of the best-known Indian nations in American history is the Powhatan Confederacy, the members of which greeted the English colonists who arrived in Virginia in May 1607. The Powhatan Indians, Captain John Smith recorded, were an especially powerful chiefdom, their dominion extending across most of Tidewater Virginia and even into what would become Maryland. The Powhatan were led by the charismatic Wahunsenacawh, whose daughter, Pocahontas, is memorialized in our national heritage.

There is little question that the Powhatan were a powerful chiefdom and that they loomed large in the everyday experience of colonists who were, for the most part, centered in the James and York river valleys of Virginia, the center of Powhatan authority. These colonists left written accounts of their interactions with the Powhatan—including the Pamunkey Indians—and these interactions, which ran along a continuum from peaceful trade to defensive violence, have forged how the Powhatan have been understood ever since.

But what about the Indian groups living along the Rappahannock River from its mouth to what would later become known as Port Royal and Port Conway? Many historians have defined the Rappahannock groups as tied to the Powhatan. Smith's map of Virginia, which was prepared based on observations made during his

voyage of 1608, show native communities densely packed in towns located almost exclusively on the north bank of the Rappahannock River. In 1919 (more than a century ago), a Harvard archaeologist interpreted this representation as further evidence of Powhatan power—fearing the Powhatans, the Rappahannock groups had placed a river between them and the Powhatans, with the south bank of the river remaining vacant.

This is a narrative that historians and archaeologists alike have subscribed to ever since, and that includes two of us (King and Strickland). Smith shows almost no towns on the south side of the Rappahannock, and surviving accounts describing the Powhatan as both ambitious and aggressive lend weight to that interpretation.

In 2015, we had the opportunity to work with the Rappahannock Indians as part of a project defining what Deanna Beacham describes as the indigenous cultural landscape. The work was funded by the National Park Service and the Chesapeake Conservancy (https://chesapeakeconservancy.org/) as part of an effort to develop interpretive materials for the Captain John Smith Chesapeake National Historic Trail (https://www.nps.gov/cajo).

The team, including the Rappahannock Indians, downloaded vast quantities of data from the web, including information on soils, marshes, waterways, elevations, corn yields, zoning, and many other characteristics of the river valley. We undertook three driving tours, with Rappahannock tribal members guiding us to meaningful landscapes in their past and present, marking maps along the way.

This exercise was hugely impactful and revealed how we should all take the time to explore our own everyday landscape. For the Rappahannock Indians, it was part of their ongoing effort to return to the river, their ancestral home. Tribal families and the tribal government are now centered around Indian Neck in Essex and King and Queen counties, although a large Rappahannock diaspora exists across the United States, including as far away as Hawaii. The Indian Neck vicinity was the area to which the colonists had pushed the Rappahannock Indians by about 1700, displacing them from the rich agricultural lands along the river.

As part of the process of taking large quantities of data and mapping them, we found that the distribution of known archaeological sites tend to confirm Smith's observations: artifact concentrations reflecting major Indian towns appear to occur in greater numbers on the north bank of the river. This interpretation is tentative, though, given a relative lack of archaeological survey in the Rappahannock valley, especially when compared with the James, York, and Potomac river valleys.

Further, excellent corn-producing soils occur on both sides of the river. This finding supports the interpretation that the Rappahannock groups had to have been avoiding Powhatan if they were purposely ignoring productive agricultural land on the river's south side.

But what caught our eye—and what has since overturned nearly a century of historical thought about the Rappahannock Indians—were the differences in landscapes between the north and south banks of the river.

Using geographical information system (GIS) technology, we were able to take the large sets of data we had downloaded, map their distributions in the Rappahannock valley, and conduct tests to see how these datasets were related.

What we found was that native communities in the Rappahannock valley had four conditions to meet when locating their towns: (1) productive agricultural soils, (2) marshes rich in wetland resources, (3) locations with easy access to the river, and (4) relatively wide viewsheds, or the ability to see great distances. While these conditions individually occur throughout the river valley on both sides, they co-occur—that is, they are closely associated—most frequently on the north bank.

While not especially surprising in and of itself, this finding reveals that the almost exclusive distribution of native towns along the north bank on Smith's map appears to have little to do with the Powhatans and much to do with straightforward ecological reasons.

Diving back into the records in an attempt to "reread" what Smith and others had said about the Rappahannock groups, it was clear that Smith, who had a lot to say about Virginia's Indian communities, made no mention of any antagonism between the Rappahannock communities and the Powhatan. Indeed, Rappahannock oral tradition today holds that the vacant south bank served as a communal hunting ground, where the Rappahannocks and the Powhatans would come together in winter months to hunt cooperatively. The conflict Smith reports in his journal instead occurs among the Rappahannock groups with nary a mention of the Powhatan.

Drilling even deeper, we found that E. Randolph Turner, an archaeologist who has spent his career studying the Virginia Indians, had estimated native population counts for the various river valleys of Virginia. Dr. Turner used warrior counts collected by Smith, assuming each warrior was associated with a family of four to five individuals. His estimates for the north bank of the Rappahannock River are 125 persons per square kilometer; for Powhatan country, he calculated 105 persons

View of Portobago Bay after the heavy rains of May 2018.

per square kilometer. For the Rappahannock groups, that's about 17 percent more people per kilometer.

Estimating population counts is a tricky and almost never rewarding business. Surely there were many warriors whom Smith did not see for any number of reasons. A family of four to five individuals is, as noted, an assumption, not a fact. Therefore, these numbers must be used very cautiously, a point Dr. Turner makes himself. What these numbers do show, however, is that Indian communities in the Northern Neck were relatively densely populated, perhaps more so than the communities in the York and James Rivers drainages.

What this information suggests, although it does not prove, is that both the Powhatan and Rappahannock communities may have been equally powerful chiefdoms. The documentary record, however, which was written by colonists centered within the Powhatan chiefdom and who dealt with the Powhatans on a daily basis, has constructed an especially fierce tribe. The colonists were generally kept out of the Rappahannock valley until mid-century, so the record concerning the Rappahannock communities is comparatively silent.

The Rappahannock River polities, from the river's mouth west, with their relatively denser population, appear to have been at least equal to those of the Powhatan. What's more, analysis of ceramic artifacts from the two regions intriguingly suggests minimal interaction between the Powhatan and Rappahannock groups.

Where do we go from here? In partnership with the Rappahannock Indians and with support from the National Endowment for the Humanities, the National Park Service, and other organizations, we have been surveying the Rappahannock River valley in search of the valley's major Indian towns. We are cataloging and comparing ceramics and projectile points found at these sites in an effort to get a handle on Rappahannock Indian history since the first people entered the river valley thousands of years ago. We are exploring townsites and their viewsheds to understand the greater indigenous landscape.

Surprisingly, the Rappahannock River valley is one of the most understudied river valleys in all of Virginia. Residential and industrial development in the other river valleys along with the continued focus on the Powhatan in the James and York valleys has limited what is known about the Rappahannock valley. This lack of study, however, does not mean a lack of history.

We welcome your interest in our project. It is only through the access provided by generous landowners that the true story of Rappahannock history will be known.

Chief Anne Nelson Richardson is the chief of the Rappahannock Indian Tribe of Virginia. The first woman to lead a Virginia Indian tribe, Chief Richardson is a fourth generation chief in the Nelson family. She has been named a Virginia Woman in History and is tireless in her efforts to raise awareness of Native American issues, concerns, and history.

Julia A. King is professor of anthropology at St. Mary's College of Maryland where she studies, teaches, and writes about Chesapeake history and culture. She is the recipient of the Society for Historical Archaeology's 2018 J.C. Harrington Award for outstanding scholarship in historical archaeology.

Scott M. Strickland is a project archaeologist, geographic information systems (GIS) manager, and adjunct Instructor at St. Mary's College of Maryland. His research specialties include spatial patterning and modeling, colonial records research, and studying the history of Anglo-native interaction in seventeenth-century Maryland and Virginia.

Left: Old Peoples Drug Store with St. Margaret's classrooms on second story, now an office building. Photo used courtesy of Susan Motley. Vintage photograph used courtesy of St. Margaret's School.

Below: Tappahannock business district pre-1950 and 2020. Photo used courtesy Susan Motley. Vintage postcard used courtesy of Essex Historical Society and Museum.

You Can't Go Home Again, OR CAN YOU?

by Susan Motley

I spent my childhood on Prince Street, the main street of Tappahannock, Virginia. My home was on the "other side" of Route 17, the side of town farther from the Rappahannock River. Fifty years ago, was a time of relative freedom for youngsters in town. My childhood home had a large fenced back yard, but a child could roam or bicycle around the neighborhood and parents didn't need to know exactly where their children were. I understood that I could venture only around the neighborhood and return home for the next meal. If I didn't come home at the appointed time, or I went outside the neighborhood, I would be in a boatload of trouble.

Running around barefoot, the backyard swing, games of tag, hopscotch, playing hide and seek, Simon says, and jump rope were the norm. The caring neighbors allowed us to have pickup games of softball in their backyards, and they always welcomed me. When we rode bicycles around the Prince Street/Faulconer Circle neighborhood, all the kids knew everyone who lived in each house. Inside any car that drove by, was someone who waved and perhaps said a friendly, "Hello", "Hi", or "Hey." It seemed that all the adults knew me, but the reality was they really knew my parents.

I was lucky that Gaines's service station (on the corner of Prince Street and Church Lane) wasn't on the other side of Route 17. It meant I could walk there as a young child without parental permission to cross the busy highway. Sometimes (if I were well behaved), my mother would send me down to Gaines's gas station with a nickel, which was enough money to buy any treat in the store. A huge, metal, electric, chest cooler contained all different flavors of ice cream and candy bars, as well as a soda machine, filled with glass bottles of Coca-Cola. I recall those bottles required strength to pull them from the machine. Oftentimes, I needed help and help was always there. Only later in life did I realize just how fortunate I was to grow up in this town.

As children grow, they usually earn increasing levels of responsibility and privileges, even at a young age. One of my first major hurdles was getting permission to cross Church Lane (Route 17/360), a very busy street for a small

town. Wow! The river side of town was open to me. Freedom! I could walk all the way down Prince Street to the water (mainly window shopping at this point). I would peruse the toy section at French's Market, go into the bank, perhaps deposit my nickel allowance and step on the money scale to see my weight. Passagaluppi's store had penny candy and there was window shopping for clothes at Anderton's department store. The drug store soda fountain on the corner of Prince Street and Water Lane was a local gathering spot. Although not allowed out after dark, I could check out the title of the current movie at the Daw Theater. Mr. Seay's Sweet Shop Bakery had awesome doughnuts plus that irresistible aroma of baking pastries in the mornings. One day a week, a farmer's market was held near the courthouse, where pickup trucks were full to overflowing with fresh produce for sale. A summer parade and carnival were annual events, both sponsored by the fire department. There were boat races on the river. The Christmas parade was an event not to be missed. I had a wonderful, idyllic childhood here in Tappahannock.

"You can't go home again." Superficially, it means you can't return to your childhood home, yet moving back is possible for many who can choose where they live. The saying is oftentimes interpreted as "when you return to your childhood home after moving away for a long time, this home, neighborhood, or town won't be the same." Of course, it's not the same! Remembrances of your childhood originate from a specific point in time. These memories don't change, but people and towns do change. Fond childhood memories are likely to overshadow the not-so-fond ones. For most people, childhood is looked upon as an enjoyable time, a time in which you were protected. It's all comforting nostalgia.

Now, fifty years later, I've returned, and what do I see? Tappahannock continues to have a unique small-town character. The beauty of the river is unchanged.

– Susan Motley

In writing about Tappahannock, I was asked to compare the town of my childhood to the present town and emphasize the businesses (or lack thereof). I stopped my recollections around the time I turned sixteen. That was when I got my driver's license and travel to nearby areas became open to me. Therefore, my memories of Tappahannock span the period from the late 1950s to around 1970.

My being able to drive coincided with a common trend among many small towns. Retail development started on the outskirts of town, luring businesses away from the old downtown. Tappahannock has been no stranger to this trend. Tappahannock was expanding to the road between town and Bray's Fork, along with the opening of various big-box stores in what used to be farmer's fields outside town. Many of the downtown stores disappeared, either moving to the new retail areas or losing their business to larger retailers. Downtown changed rapidly.

Now, fifty years later, I've returned, and what do I see? Tappahannock continues to have a unique small-town character. The beauty of the river is unchanged. As you stand on the bank of the Rappahannock River and look across, you see marsh and trees. There's hardly a building for miles. Few towns can claim that. The small town/river town feel is still here. I relish old friends who have remained here, others who have returned, and new friends I have met. The eagles and the osprey soar, unlike during my childhood, when these birds were nearly extinct from the effects of DDT. Some passersby will wave, even though they might not know me. I find a slower pace of life that I have long sought. Here, there are no more harried commutes to work and no competitive jockeying for parking places. I feel true delight in the open space around town. I love seeing the surrounding forests and farms. Spring pops in Essex County with its myriad of blooming dogwoods,

redbuds, daffodils, azaleas, and more. The huge deciduous trees sprout their leaves. There are miles of walking trails in the area's wildlife refuges. Spring here is like nowhere else. In this county, one finds a certain calmness and tranquility. There's time to savor the moment. I appreciate every business I see in the historic downtown area. I'm impressed by a restored building or two, and I'm pleased to have shop owners and staff who greet me. I see a strong sense of belonging among many residents in town.

On the other hand, I sense a bit of sadness and there seems to have been a lack of enthusiasm. Of course, businesses have been established and then left, but mainly, those businesses have gone. Many storefronts are empty, parking places are plentiful. Near the end of April 2020, I strolled down the streets and found many empty storefronts, some with "For Sale" signs or "For Rent" signs. Those signs have multiplied as the current Coronavirus pandemic has, but the signs preceded the COVID-19 disease. Some of the remaining businesses seem to be merely hanging on.

I've always noticed an informal competition between Tappahannock and the town of Warsaw. That town has seen a resurgence of its downtown. We have not. Why is this? Is it that Warsaw has more shoppers, town/county grant writing, Rappahannock Community College, or perhaps providing financial breaks for shop owners? It claims to be a river town, yet the town boundary is miles from the Rappahannock River. We have the river. We have more traffic. There's plenty of potential to capitalize on customers and visitors who drive through town.

Many of the empty storefronts preceded COVID-19. The health crisis has made it even harder for small business to hang on. But a movement is underfoot led by local residents to revitalize Tappahannock's historic Prince Street area. Collage used courtesy of Susan Motley.

A movement (or perhaps resurgence) is underfoot. The farmer's market, long ago eliminated, is now back. The Christmas parade stopped, but thanks to lots of time and effort, it's back. The town is tastefully decorated at Christmas due to volunteer efforts and a holiday celebration is being held. Rivahfest required an enormous effort, but sadly, ended after only a few years. Now, instead of a carnival, the fire department hosts an oyster roast. Civic organizations sponsor many events. Residents have become passionate about revitalizing Tappahannock.

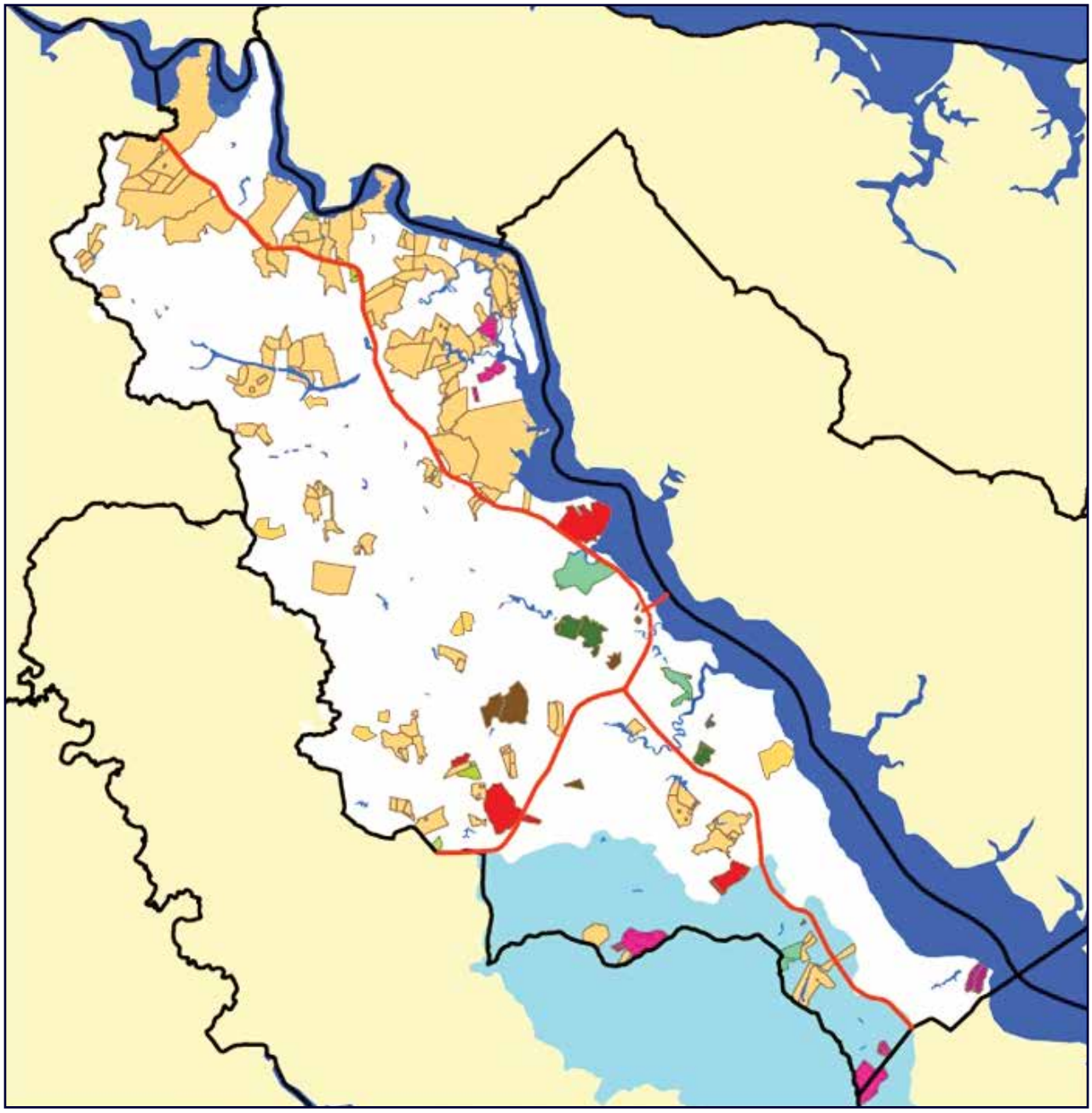
And momentum is gaining. A local group has been working for many months to complete an application for Tappahannock to become a designated community in Virginia's Main Street Program. It's a grassroots organization, spearheaded by the deputy county administrator, Stuart Turille. Virginia's Main Street Program is a preservation-based economic and community development program that follows the Main Street federal program. It offers a range of services and assistance to small communities interested in revitalizing their historic commercial districts and the program may include grants. Tappahannock's Main Street mission is to provide "a community catalyst creating a vibrant future for a diverse, historic Tappahannock, attracting residents, visitors and businesses to our river town." I see participation of all ages, involvement from many people, and organization beginning to develop. I see passion and enthusiasm! The Main Street application has been submitted to the state and there's hope that it will be approved in June.

All of this takes determination, time, and tons of effort. Can we do it? I'm sure we can. Jump in and help. Contact Stuart Turille (sturille@essex-virginia.org). Together we can make Tappahannock a happening town, a welcoming town, a town that supports events and businesses, and a town that's fun and engaging for both children and adults.

For most of us, who either remained here, moved here, or returned here, there's no better life than ours in Essex County.

Susan Motley grew up in Tappahannock. She moved 700 miles north to Maine, where she practiced Emergency Medicine as a physician assistant for almost forty years. Susan was an assistant professor and clinical coordinator at the University of New England School of Medicine and PA program. She is returning home in her retirement.

Protected Lands 2020
Essex County, Virginia



ESSEX COUNTY CONSERVATION ALLIANCE

Protected Lands as of June 2020

- County Boundaries
- Water Bodies
- Department of Historic Resources (DHR)
- Fish & Wildlife Services (FWS)
- Friends of Dragon Run (FDR)
- Middle Peninsula Land Trust (MPLT)
- Northern Neck Land Conservancy (NNLC)
- Tax Exempt (Essex County)
- Tax Exempt (Federal/State/Region)
- The Nature Conservancy (TNC)
- Virginia Department of Forestry (VDOF)
- Virginia Outdoors Foundation (VOF)
- Wetland/Stream Mitigation Banks
- Dragon Run Watershed

MIDDLE PENINSULA PLANNING DISTRICT COMMISSION

N W E S

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Virginia Counties with the Highest Percentage of Acres in Easement

County	Acres under Easement	Total Acres	% in Easement
Clarke	26036.19	113,036.62	23.03
Fauquier	95608.40	449,699.00	21.26
Albemarle	94,241.99	462,469.68	20.38

Non Tidal Counties

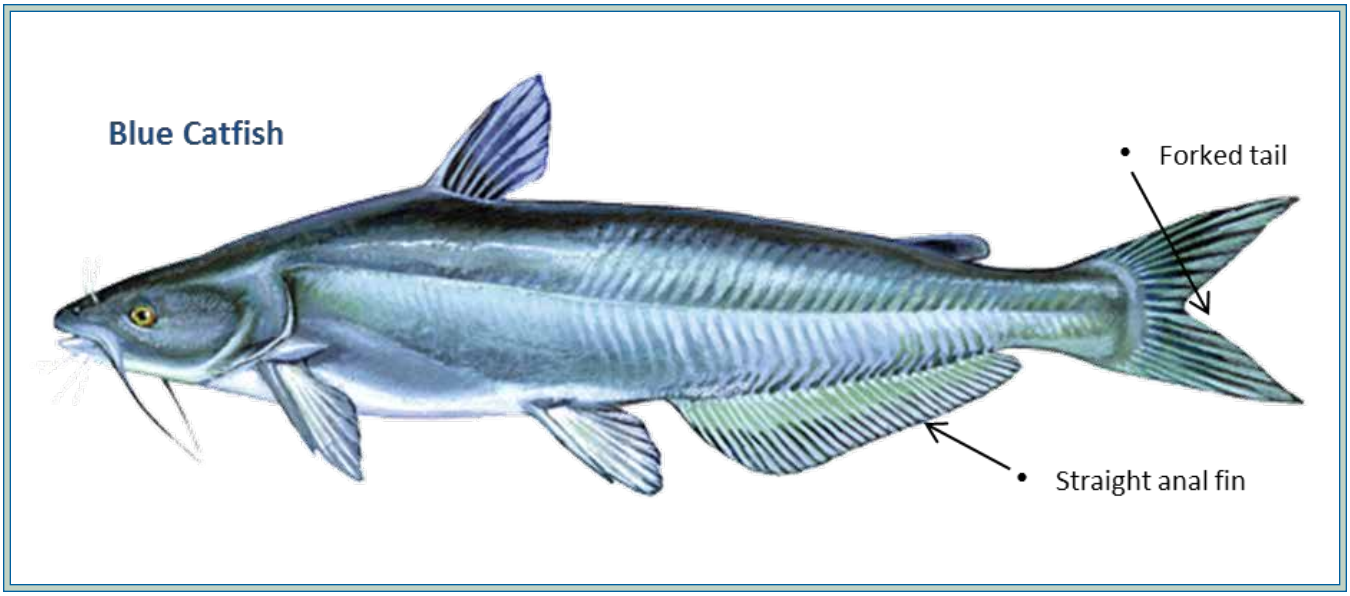
County	Acres under Easement	Total Acres	% in Easement
Fauquier	95,608.40	449,699.00	21.26
Albemarle	94,241.99	462,469.68	20.38
Rappahannock	32,710.38	170,604.53	19.17
Orange	34,991.24	204,425.72	17.12
Greene	10,126.43	97,920.00	10.34
Madison	15,519.41	204,937.78	7.57
Culpeper	19,289.85	238,692.00	8.08
Warren	8,556.23	139,514.66	6.13
Stafford	4,565.82	177,280.00	2.58
Page	2,973.42	193,306.00	1.54
Rockingham	7,518.05	543,360.00	1.38

Tidal Counties

County	Acres under Easement	Total Acres	% in Easement
Essex	28,887.83	165,120.00	16.89
King and Queen	23,291.17	202,406.08	11.51
King George	7,974.28	115,199.82	6.92
Richmond	7,218.27	122,534.21	5.89
Westmoreland	9,714.76	146,674.97	6.62
Northumberland	7,433.88	123,071.81	6.04
Lancaster	3,472.75	85,208.47	4.08
Middlesex	4,085.94	83,391.87	4.90
City of Fredericksburg	254.80	6,711.00	3.80
Spotsylvania	5,094.07	263,180.83	1.94

Blue Catfish: Hazard or Opportunity?

by John Page Williams



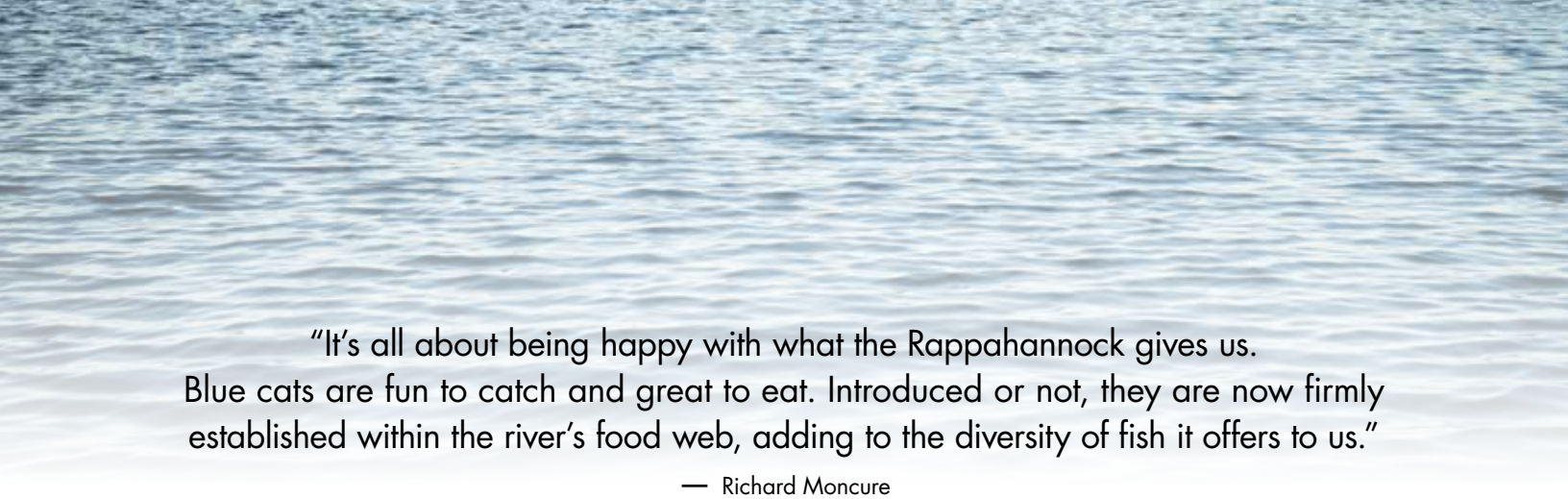
Thanks to Marty Taylor of Tappahannock and Dr. Matt Balazik of Virginia Commonwealth University, readers of past ECCA magazines know something about the Rappahannock's blue catfish and Atlantic sturgeon. This year's story offers recent information from both scientists and watermen about these two very different fish stories, in which our river may have too many of the former and not enough of the latter.

BLUE CATFISH

Blue cats are native to the Mississippi River drainage basin. They grow to trophy sizes of thirty to one hundred pounds and produce tasty fillets. The fish came to the Rappahannock in the mid-1970s from stocking by the Virginia Department of Game and Inland Fisheries. The agency's aim was to improve opportunities for both recreational and commercial fishermen. In hindsight, the wisdom of introducing this large, hungry predator may have been questionable. The fish, however, have prospered to the point that they are in the river for good, so the challenges now are to manage them so they provide the most benefit and the fewest disruptions to the river's ecosystem.

Thus, fishery scientists from Virginia Department of Game and Inland Fisheries (VDGIF), Virginia Polytechnic Institute and State University (Virginia Tech), the Virginia Institute of Marine Science, and Virginia Commonwealth University (VCU) began in the late 1980s to monitor the stocks of the blue catfish in Virginia's rivers and research their diets to see if they threaten other important fish and shellfish. In general, smaller fish (up to twenty-five inches—about eight years of age) eat a wide variety of both plant and animal foods, none of which is currently threatened. Large fish favor the river's abundant and highly nutritious gizzard (mud) shad, though in saltier water below Tappahannock, they also eat some blue crabs. As is true for many introduced creatures, the fish reproduced rapidly after introduction and in the 1990s grew to prodigious sizes, quickly taking prominent positions in the river's food web.

The stocks' responses varied from river to river. In the Rappahannock's early years, many blues grew to trophy weights of thirty to sixty pounds (twenty-plus years of age), but in the process, they reduced the river's stock of mud shad, and their growth rate slowed. The stock of large fish peaked in 1999 and declined quickly afterward, while numbers of smaller individuals increased greatly. Today periodic electro-fishing surveys



"It's all about being happy with what the Rappahannock gives us. Blue cats are fun to catch and great to eat. Introduced or not, they are now firmly established within the river's food web, adding to the diversity of fish it offers to us."

— Richard Moncure

show that the Rappahannock stock of blue cats has large numbers of young fish twelve to twenty-five inches in length, but fewer trophy fish than any other Virginia river. A handful of Rappahannock individuals, however, have appeared in the surveys, weighing up to ninety pounds.

Wayne Fisher of Leedstown began fishing pound nets on the river in 1995, working with his father, his son, and now in partnership with Albert Oliff of Jones Creek. They have been selling blue catfish to various seafood dealers ever since, along with "whatever else the river gives us." Large catfish tend to have toxins such as PCBs concentrated in their flesh, so the Virginia Department of Health recommends not eating individuals longer than thirty-two inches, but most seafood companies buy only fish that are twelve to twenty-five inches long anyway, so the Rappahannock stock fits the Fishers and Oliff well.

Though the fish are abundant, the market fluctuates, with demand high in the restaurants of the Washington, DC-Baltimore metropolitan area and in some grocery chains, especially Whole Foods and Wegmans. These fresh, local, sustainable, wild-caught fillets have to compete with fish from southern catfish farms and must currently move through some awkward regulatory hoops in processing. Surprisingly, demand is low around Richmond, though Mike Hutt, executive director of the Virginia Marine Products Board (and former owner of Northern Neck Seafood in Warsaw), is interested in developing a stronger local market for this plentiful supply.

As a resource for recreational and subsistence anglers, blue catfish have been a success. Trophy-seekers flocked to the Rappahannock in the late 1980s and 1990s, but they have shifted more recently to the James and the Potomac, where fish continue to grow large. Wayne Fisher observes that he is seeing more fish over twenty-five inches in the last several years, and Capt. Richard Moncure, river steward for the Friends of the Rappahannock and partner in Rappahannock Roundstern Charters, concurs. He notes, as well, that his lower river bottom-fishing charters out of Simonsen are delighted to find fat, hard-fighting blue cats fifteen to twenty-five inches long mixed in with the usual catch of spot and croakers.

Richard agrees with Wayne Fisher when he says, "It's all about being happy with what the Rappahannock gives us. Blue cats are fun to catch and great to eat. Introduced or not, they are now firmly established within the river's food web, adding to the diversity of fish it offers to us." With his river steward hat on, though, he emphasizes that "we need to continue to restore the Rappahannock's health to keep that food web healthy with active water quality improvements and restoration projects, especially three-dimensional oyster reefs and living shorelines."

John Page Williams was raised in Richmond and retired in 2019 from the Chesapeake Bay Foundation after a long career working as a naturalist and field educator on streams, creeks, rivers, and open Bay throughout the Chesapeake watershed in Virginia, Maryland, and Pennsylvania. As he has also done for many years, he continues to review powerboats and write on fishing and environmental issues for *BOATING*, *Chesapeake Bay*, and *Virginia Wildlife* magazines.

Update to the Tax Benefits
Regarding Conservation Easement Donations

by Todd Hochrein

The tax benefits regarding conservation easement donations were in a state of flux last year. At the time, the Treasury Department had issued, but not enacted proposed regulations. The regulations, which would apply to charitable contributions made after August 27, 2018, generally require a taxpayer to reduce its charitable donation deduction by the amount of a state tax credit received as a result of the donation.

The tax benefits from making a qualified conservation donation are two-fold. One, at the federal tax level, landowners donating a conservation easement receive a charitable donation deduction for the value of the easement as determined by a qualified appraiser. This deduction can offset up to 50% of the taxpayers adjusted gross income each year for up to 16 years, or until the donation is fully utilized. Qualifying farmers can offset up to 100% of adjusted gross income for the same time period. Two, at the state tax level, landowners donating a conservation easement receive 40% of the value of the easement as a Virginia income tax credit. This credit can be used by the tax payer or sold to other taxpayers at a discount, thereby generating significant cash flow for the easement donor.

The proposed Treasury Department regulations from last year have since been enacted. In other words, if a Virginia landowner donates a conservation easement that is valued at $1 million, they will be eligible for $400,000 of Virginia tax credits according to the state statute. However, the Virginia landowner must now reduce their federal tax deduction from $1 million to $600,000 since they qualify for $400,000 of state tax credits. Obviously, this reduces the value of the federal tax deduction to the landowner. Potentially offsetting this reduction, there may be proposed legislation to recognize basis in the state credit equal to the amount of the reduction in the federal deduction. Ultimately, the tax impact of this proposed change will have to be assessed by a landowner's legal or tax professional.

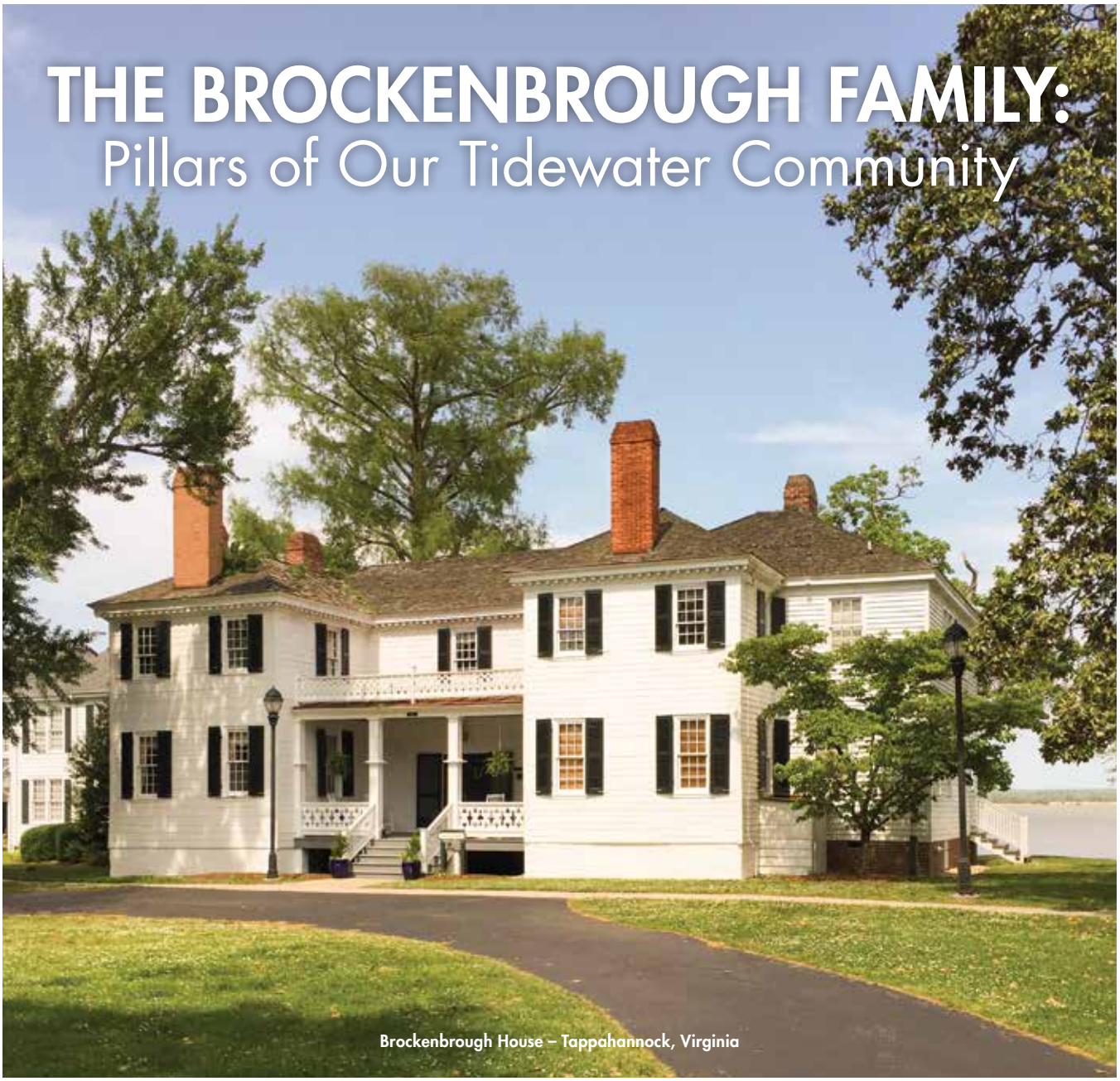
There has been one additional change to the tax benefits from a conservation donation. This change is at the state level. Specifically, the $20,000 per year limitation regarding how many credits a Virginia taxpayer can use has expired. The change is noted in the budget bill follows:

Effective for taxable years beginning on and after January 1, 2017, but before January 1, 2020, the amount of the land preservation tax credit that may be claimed by each taxpayer, including amounts carried over from prior taxable years, must not exceed $20,000.

Unless there is a special session of the general assembly to extend the $20,000 limit, the statute 58.1-512(C)(1) allows for each taxpayer to claim up to $50,000 of credits per year, or $100,000 for married filing joint. Any Virginian interested in acquiring land preservation tax credits should consult their tax professionals.

Todd Hochrein founded the Virginia Conservation Credit Exchange, LLC in 2004 to help landowners protect their family farms and property. Since then, Todd has helped over 600 landowners donate conservation easements. Todd has a BS in Business Administration and a MBA from the University of Richmond. When not spending time with his family, Todd enjoys flying, fly fishing, and bike riding.

THE BROCKENBROUGH FAMILY:
Pillars of Our Tidewater Community



Brockenbrough House – Tappahannock, Virginia

by Wesley E. Pippenger

The Brockenbrough name is synonymous with prominence, respectability and public service. From the late 17th century forward, Rappahannock River communities have been served by various Brockenbrough family members who have held positions of leadership in law, politics, the military, business, commerce, medicine, and societal affairs. William Brockenbrough was one of the signers of the Leedstown Resolves in 1766, which was the first organized protest to the British imposition of the Stamp Act. Justice and Sheriff Newman, Doctors John and Austin, veteran Benjamin Blake, and Judge William Brockenbrough are all remembered for their sharp intellect, human genuineness, and service to their communities and state. Dr. Austin's tomb in the Brockenbrough cemetery which is situated next to the Essex Museum & Historical Society reads: "After a long life of untiring usefulness as a Physician, Magistrate and Friend of the Poor, the weary body was lain down to its peaceful rest till called to arise a glorified form."

Today, the Brockenbrough family, through philanthropy, continues to provide key support to organizations and enterprises that are vital to the heritage and pulse of the town of Tappahannock and Essex County.

The Brockenbrough Family of Essex

by Suzanne Derieux

Circa 1926 "Soldiers in Armor" stained glass window dedicated to two Brockenbrough brothers at St. John's Episcopal Church, Tappahannock. Photo used courtesy of Wesley Pippenger.

William Brockenbrough, the progenitor of the family in America, was born in England ca. 1650 and arrived in Massachusetts Colony in the early 1670s. He first appears in Old Rappahannock County records in 1677 and died ca. 1700/1. He married Mary Newman before 1684 and had issue: Austin, William, Thomas, Elizabeth, and Newman. The original family seat was on the north side of the river, on Pepetick Creek. Now called Brockenbrough Creek, it heads west of Foneswood, on Newland Road, and runs southwest to the Rappahannock, entering just above Fones Cliffs.

William's eldest son, Austin (1685–1717) married Mary Metcalfe in 1714. Their only child was William, born ca. 1715, who married Elizabeth, the daughter of Moore Fauntleroy and Margaret Micou, in 1735; issue: Lucy, John, Moore Fauntleroy, Newman, and Thomas.

The family was wealthy and prodigious, controlling several large plantations in Richmond County. They intermarried with the Fauntleroys so often that the names became a tangle of Fauntleroy Brockenbroughs and Brockenbrough Fauntleroys.

John and his brother Newman began the Essex lines of the family when they both crossed the river to make very profitable marriages.

Newman Brockenbrough bought 662 acres adjoining Marigold on the Church Road in 1771, and named it New Hall. He served as a gentleman justice and as high sheriff for Essex in the 1780s. He married Lucy, daughter of William Daingerfield and Apphia Bushrod Fauntleroy, ca. 1770–1. They had one child that lived, Elizabeth Fauntleroy Brockenbrough, who married John Roane Jr. of Uppowac, King William County, ca. 1789; issue: Elizabeth, Newman Brockenbrough, John Jones, Samuel, William Daingerfield, and Susanna Jones Roane.

Newman's will left everything to his wife, and at her death, to his daughter, but a codicil dated September 1813 states: "My daughter Elizabeth is dead, and all my estate is to be held together till my granddaughter Susanna Roane marries." The will was probated in 1816, and his final accounting is in 1834. Lucy Daingerfield Brockenbrough did not leave a formal will, but a letter

Dr. John Brockenbrough, 1773-1852
Photo used courtesy of Wesley Pippenger.

Austin Brockenbrough, 1842-1863

she wrote leaving her estate to her grandchildren was admitted to probate as her will in 1831.

Newman Brockenbrough Roane was the heir to New Hall, but after his death in 1825, his executor sold the plantation to Dr. Austin Brockenbrough.

John Brockenbrough married Sarah Roane, daughter of William Roane and Sarah Upshaw, ca. 1770–1. The Roanes and Upshaws were two of the richer and more influential families in Essex. As fellow members of the gentry, no doubt Brockenbrough met Sarah long before he began to court her. Born 1750, Sarah was quite a catch, having been left £500 by her father's will in 1757, and another £263 by the division of her mother's estate in 1761.

John settled in Tappahannock, buying two lots in 1771. No numbers are given in the deed, but by chain of title, they were lots 11 and 15, where Emmerson's Tavern stands. In 1774 he added a slice of lot 16, adjoining "where he lives." It has been thought he lived in what is known as the Anderton House on the St. Margaret's campus, but he bought that lot at auction in 1803. He also owned 394 acres adjoining Bowler's Ferry and 529 acres called Ritchie's on the road to Jack's Fork.

John died in 1804, leaving a detailed will that passed everything to his wife, and after her death, the estate was to be divided between his sons. His only daughter, Judith Lucy Cox, received £500 in trust, not to be subjected or controlled by her husband, James Livingston Cox.

His inventory shows farm tools, medical equipment, highly valued furniture, and a large number of books, including books by authors Horace, Homer, Shakespeare, Chesterfield, Goldsmith; many histories; religious works; and books on law. He also had six Hogarth engravings. They might have been a set, which could have been *A Harlot's Progress*, or *Marriage a la mode*. Either would have been an interesting choice for a Virginian of the period.

He and Sarah are said to be buried at Doctor's Hall in Richmond County. Their tombstone was reportedly broken up, but a partial reading in 1902 gave

John Brockenbrough
Ob Nov 1801 [sic] Aet [at the age of] 60
(Sa)rah Brockenbrough
1810

John and Sarah's Seven Children

1) Lucy died an infant ca. 1772–3.
2) John, born May 8, 1773, moved to Richmond after earning a medical degree from Edinburgh. He married Gabriella Jones Randolph, née Harvey, in 1797, the widow of Thomas Mann Randolph Sr.; issue: John Harvey/Harvie Brockenbrough, and Gabriella, both of whom died as infants. John died July 3, 1852. Gabriella died in 1853.

John built a federal (Adam) style mansion in 1818, on Clay Street, which was sold out of the family in 1844. It later became the property of the confederate government and was used by President Jefferson Davis during the war. It now houses the Museum of the Confederacy.

Moving in and out of politics, John was part of the Essex Junto, which was composed of, among others, three first cousins: John Brockenbrough, Thomas Ritchie, and Spencer Roane. Ritchie was the son of Archibald Ritchie and Mary Roane, and Spencer Roane was the son of William Roane [Jr.] and Judith

Lucy Brockenbrough Pratt Lewis, 1787-1856
Photo used courtesy of Wesley Pippenger.

Benjamin Blake Brockenbrough, 1844-1921
Photo used courtesy of Wesley Pippenger.

Ball, all grandchildren of William Roane and Sarah Upshaw. The Junto was a powerful political machine in Virginia between 1815 and 1845 and had an influence on American politics. All three men were involved in Thomas Jefferson's political career and presidential campaign: Brockenbrough with law and money; Roane as editor of the Richmond Enquirer, one of the foremost newspapers of the time; and Roane with connections to lawyers and the court system of Virginia. Roane was in a position to become chief justice of the US Supreme Court on Jefferson's election, but John Adams beat Jefferson to the punch by appointing John Marshall, a federalist, to the post on the last night of his presidency.
3) Thomas, born 1775/6, never married. He bought the McCall House in 1811, and sold it to his brother Austin in 1813, when he moved to Richmond. He was a member of the Richmond law firm of Brockenbrough and Harvie and died September 27, 1832.
4) William, born July 10, 1778, died December 10, 1838. He attended William and Mary and studied law. He represented Essex in the Virginia House of Delegates 1802–3 and was appointed judge of the General Court in 1809, and judge of the Supreme Court of Appeals in 1834. He married Judith Robinson White of King William County in 1803; issue: Sarah Jane, John White, Elizabeth White, Mary Stevenson, Dr William Spencer Roane, and Judith White Brockenbrough, who married the Rev. John P. McGuire in 1846. Her book Diary of a Southern Refugee during the War, concerning her experiences during the War between the States, was published in 1867.
5) Lucy Judith, born 1779, married James Livingston Cox, who was not well received by her father; issue: John Livingston, Kate, Ann, and Mary. Lucy Judith died before 1845.
6) Arthur Spicer, born October 20, 1780, was married in 1811 to Lucy Gray, sister to Dr. Thomas B. W. Gray. They moved to Richmond, and then to Charlottesville, where he served as a professor of architecture and the proctor of the university from ca. 1824 until his death in April 1832; issue: William H., Thomas W., John Newton, Arthur Spicer, Austin, George Long, Lucy W., and Mary Rebecca. Lucy died sometime after 1853.
7) Dr. Austin, born October 9, 1782, lived his life in Tappahannock, except for militia service in the War of 1812, and a short term in the Virginia House of Delegates 1820–24. He was a gentleman justice in Essex for many years, and high sheriff. He owned several farms, including New Hall and Greenfield, stretching from Brockenbrough's Gut on Marsh Street to Mt. Landing Creek. His first marriage was to his cousin, Lettice Lee Fauntleroy, the daughter of John Fauntleroy and Judith Griffin née Ball, on May 4, 1808.

Austin and Lettice Lee's Five Children

1) William Austin, born June 11, 1809, earned an MD degree from the University of Virginia. He married Mary Carter Gray, the daughter of Dr. Thomas B. W. Gray and Lucy Yates Wellford, in 1832. (He married his uncle Arthur's brother-in-law's daughter.) She died August 3, 1852, eight days after the birth of her eleventh child. William Austin lived and practiced medicine in Richmond County, on land from his mother's family. Dr William Austin Brockenbrough died November 13, 1858; issue: Lucy Yates, William Austin, Marius Carter, Thomas, Catharine Wellford Gray, Lettice Lee, John Fauntleroy, Mary Randolph, Harriett Ann Nelson, Elizabeth Grosvenor, and Judith Branch. Marius and John F. moved to Texas. Thomas and Harriett died as infants. Lucy, Catharine, and Lettice Lee never married.
2) John Fauntleroy, born March 27, 1812, died December 25, 1865, married Frances Ann Carter in 1833. They lived in Westmoreland County; issue: Ella, Eugenia,

Frances, Lettice, Austin, Louisa, John Jr. (died at nine months), Johnetta, and Alice.
3) Henrietta, born June 5, 1814, married Dr. Benjamin D. Nelson in 1835; issue: Catharine, Lettice Lee Brockenbrough, and Thomas Cary Nelson.
4) Judith, born January 24, 1818, died September 10. 1818.
5) Thomas Temple, born July 31, 1819, died October 14, 1830.

Austin married, as his second wife, Frances Blake, the daughter of Tappahannock merchant Benjamin and Elizabeth Blake. The bond date was April 29, 1824. Austin was forty-one years and six months, and Frances was fourteen years and ten months, exactly two days older than her new stepson, William Austin. Dr. Austin died December 31, 1858, and Frances, June 22, 1867.

Austin and Frances's Nine Children

1) Austin, born and died 1826.
2) Bettie, born January 18, 1828, married her cousin Samuel Harwood March 16, 1869; no issue. She died June 1, 1874.
3) Sally/Sarah Roane, born January 23, 1831, died February 25, 1845. Part of her memorial in the Blake-Brockenbrough cemetery is now missing.
4) Louisa, born August 1, 1833, was married May 5, 1863, to Dr. Logan H. Robinson; issue: Frances, Jane Louisa, and Gabriella. Louisa died August 14, 1898, and is buried in Fauquier County.
5) Frances Blake, born August 18, 1835, married on November 18, 1857 (without her mother's approval), William Westmore Gordon, son of their neighbor Dr. Thomas Christian Gordon and Martha M. M. Jones; issue: daughter, Thomas C., William F., daughter, others? Frances died June 19, 1911.
6) Austina, born November 23, 1837, married, on December 10, 1856, her cousin John Mercer Brockenbrough, son of Moore Fauntleroy Brockenbrough and his second wife, Sarah Waller Smith; issue: Sarah Roane, Frances, Eugene, Austin, John Mercer Jr., Austina, Edward, Benjamin, and Jane Tyler.

Frances Blake Brockenbrough, 1809-1867
Photo used courtesy of Wesley Pippenger.

7) Gabriella, born December 13, 1839, married Joseph Chinn of Richmond County; issue: Marianna S., Joseph William, Austin B., and Walter Neal/Neale. Gabriella died February 2, 1874.
8) Austin, born January 18, 1842, was a student at the University of Virginia. He enlisted in 1860 in Co. D, 55th Va. Infantry. He was promoted to captain in July 1862. He was shot by a Union sniper on the July 1, 1863, at Gettysburg, and died July 2, 1863, at the age of twenty-one.
9) Benjamin Blake, born November 15, 1844, enlisted in Co. F, 9th Virginia Cavalry, in January 1863. He married Annie Mason of Raleigh, North Carolina; no issue. He was a farmer and businessman in Tappahannock all his life. He died May 29, 1921, and Annie, February 12, 1926. Benjamin, the last owner of the Brockenbrough house, bought by Dr. Austin in 1813 from his brother Thomas, was left to his nephew, Joseph W. Chinn. It was sold to the Diocese of Virginia in 1927 to become part of St. Margaret's School, founded in 1921.

Suzanne Derieux was born, raised, and currently resides in Tappahannock, VA. She was graduated from St. Margaret's School in Tappahannock and Mary Washington College in Fredericksburg. She is a professional genealogist, and can be often found doing research in the Essex County Courthouse. She has co-compiled (with Wesley Pippenger) two books on Essex County Cemeteries: Volume 1–*County Church Cemeteries* and Volume 2–*Tappahannock Cemeteries*. In her spare time, she enjoys refereeing women's lacrosse and field hockey at the high school and collegiate level.

AGRICULTURE in Essex County

by Robbie Longest

It is no secret that Essex County is rich in natural resources including healthy forestland and fertile farmland as the county stretches along the Rappahannock River, spanning from Supply to Laneview, and Miller's Tavern to Tappahannock. Traveling along Rt. 17, Rt. 360, or one of the many rural backroads of Essex County constantly affords the opportunity to witness agriculture in action, whether it is watching a corn field transform from small seedlings to golden grain, a baby calf learning to walk, or enjoying locally grown vegetables.

Agriculture has been a keystone in Essex County, going back hundreds of years, and this way of life has been passed from generation to generation, resulting in third and fourth generation farms. There are also new and beginning farms that are adding to the diversification of agriculture in Essex County, and all of these different types of farms help shape Essex County's agriculture. The image of agriculture has certainly changed throughout history, but its role is still as evident and important as ever. Horse-drawn plows have long been replaced with ever-growing diesel-powered equipment, and the average farm size continues to grow. Changes in production practices, evolving technology, and improvements in seed genetics are just a few factors that have made a yield goal of a 200-bushel corn crop a reality, given the right conditions.

According to the 2017 USDA Census of Agriculture, there are roughly 58,702 acres of land in farms in Essex County, with 92 percent of operations being family farms (USDA-NASS, 2017). The average farm size of 667 acres in 2017 has increased 15 percent since 2012, and

The viticulture industry is growing rapidly in both Essex and surrounding counties.

Livestock are also an important aspect of Essex agriculture, representing roughly 6 percent of total agricultural sales within the county.

487 percent since 1945, when the average farm size for Essex County was 113.7 acres (USDA-NASS, 1950). Agriculture in Essex contributes to the local economy in many ways, both directly and indirectly through "production, core processing, extended processing, and distribution" (Essex County Economic Development Authority, 2014) and has an estimated total annual economic impact of $25.3 million (Rephann, 2017). A wide variety of agricultural crops and livestock are produced in Essex County, with an annual market value of roughly $21.05 million (USDA-NASS, 2017). Grain and oilseed crops account for the majority of production on a total acreage basis. Approximately 20,043 acres of soybean, 16,994 acres of corn for grain, and 7,829 and 1,270 acres of wheat and barley, respectively, are grown annually (USDA-NASS, 2017), although these acreages vary slightly from year to year. Though it may not always be easy to tell, these crops are components of many of the items that we rely on in our everyday lives, and they are being grown right here in Essex County. One major use of these crops is livestock feed, but there are countless other end-user products that contain corn, soybean, wheat, and barley. For example, flour is a product of wheat, and used to make bread, cakes, and crackers; and soybeans have many uses as well, such as being processed to make soybean oil for cooking and biodiesel. High-fructose corn syrup and ethanol are end uses for grain corn, among numerous other uses. Essex County has the fifth largest market value of grain and oilseed crop products sold in Virginia, which totals over $19.5 million annually (USDA-NASS, 2017). Specialty crops account for a smaller portion of the agricultural land in Essex County and include, among others, wine grapes, vegetables, fruits, honey, nuts, and most recently, hemp, along with nursery and greenhouse operations and floriculture. Although these specialty crops do not represent the large acreage that the traditional grain and forage crops do, they are usually higher-value crops on a per acre basis, as they are often value-added products that require more inputs and management. The viticulture industry is growing rapidly in both Essex and surrounding counties, and agritourism venues have gained more interest in recent years.

Livestock are also an important aspect of Essex agriculture, representing roughly 6 percent of total agricultural sales within the county. The market value of livestock, poultry, and their products in Essex County is estimated at $1.21 million annually (USDA-NASS, 2017). Beef cattle are the predominant livestock raised in Essex, and cow-calf operations account for most of this production. There are also smaller numbers of sheep, goats, alpacas, hogs, horses, and chickens. Forages and pasture are necessary to feed these livestock, and Essex producers collectively manage nearly 900 acres of hay and haylage, which includes crops such as tall fescue, orchard grass, alfalfa, small grains, clovers, and forage mixes, coupled with roughly 2 percent of the agricultural land in the county being devoted to pasture for grazing (USDA-NASS, 2017). Beef, pork, chicken, eggs, and

The importance of agriculture will always be present as long as there is a continued need for food, fuel, and fiber, and thus the preservation and conservation of the natural resources that are the foundation of these systems are important to maintain sustainability for future generations.

wool are all examples of animal products produced in Essex County.

The importance of agriculture will always be present as long as there is a continued need for food, fuel, and fiber, and thus the preservation and conservation of the natural resources that are the foundation of these systems are important to maintain sustainability for future generations. Many producers in Essex County have adopted various changes in their cropping and livestock systems as steps toward this goal, while continuing their production efforts, and also taking environmental health into consideration. Conservation practices continue to be implemented on agricultural lands in Essex County, with no-till and cover cropping estimated to be practiced on 41 percent and 38 percent of farms, respectively (USDA-NASS, 2017). The goal of conservation practices such as these are soil conservation and water quality improvement, through better nutrient management and agricultural stewardship. These conservation efforts, coupled with advancements in production that are yet to be discovered through research, and the tireless pursuit of improvements and rising to the challenges of life are important to agriculture in Essex County. Hopefully, agriculture can continue to be sustainably productive, remain so for many years to come, and be there for future generations to experience the many great treasures that agriculture has to offer.

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Robbie Longest serves as the Essex County Virginia Cooperative Extension Agriculture and Natural Resource Extension Agent. He graduated from Virginia Tech in 2015 with a Bachelor's of Science Degree majoring in Crop and Soil Environmental Science with a concentration in agronomy. Robbie received his master's degree in 2017 from Virginia Tech as well with a focus in agronomy. Robbie was raised in Hanover County, but grew up around row crop agriculture and cattle in King and Queen County with his father's family.

RAPPAHANNOCK RIVER ROUNDTABLE
Offers Free Trees for Clean Water

by Bryan Hofmann


Shortleaf and Loblolly Pine are cost-effective reforestation species.


FOR River Steward and family planting hardwood trees in Richmond County.


Completed reforestation project in Northern Neck .

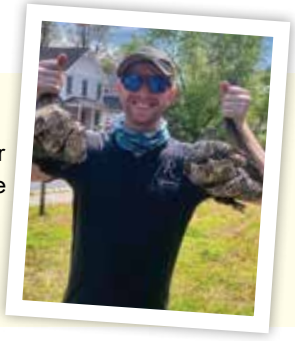
Friends of the Rappahannock (FOR) and the Rappahannock River Roundtable are excited to offer landowners throughout the eighteen counties of the Rappahannock River watershed a variety of conservation solutions designed to improve water quality and create habitat for fish and wildlife. FOR is able to offer 100% percent cost share funding and technical assistance for tree planting, free tree giveaways, and other conservation projects for interested partners. These programs are made possible thanks to the support of a wide range of regional partners and new funding from the National Fish and Wildlife Foundation(—through the Environmental Protection Agency (EPA), (US Fish and Wildlife Service (USFWS), and US Forest Service (USFS), —Virginia Environmental Endowment, Arbor Day Foundation, and Chesapeake Bay Restoration Fund.

Beginning in 2020, FOR has worked with partners to launch several initiatives to increase the implementation of conservation projects known as "best management practices" (BMPs)or bmps. So far, over 17,000 trees have been planted! These projects range in size and scope for different properties and landscapes, but are generally designed to reduce nitrogen, phosphorus, and sediment from entering our local creeks, streams, and the Rappahannock River.

"This spring we really focused on tree planting projects,", said Bryan Hofmann, deputy director with of Friends of the Rappahannock. "We like to team up with the Virginia Department of Forestry, local soil and water conservation districts (SWCD), and other partners to offer landowners 100 percent cost-share for planting trees on their properties, whether it is one acre or twenty-plus acres."

The Rappahannock River watershed needs around five million trees planted by 2025 to help meet water quality clean-up goals. Planting trees not only helps water quality, but also sequesters carbon dioxide, retains healthy soil, and provides valuable habitat for fish and wildlife.

FOR is excited to partner with the Essex County Conservation Alliance (ECCA) and other partners in the Middle Peninsula to expand our tree planting programs in 2020 and 2021. If you, a friend, or neighbor are interested in protecting the environment and local natural resources, we would love to work with you on solutions for your property. For more information or to contact one of our staff, please visit www.riverfriends.org/free-trees.



Bryan Hofmann joined Friends of the Rappahannock in 2013 and currently serves as the Deputy Director. He oversees the restoration and advocacy programs, and works with the four river stewards to support the 18-county watershed service area. Bryan has a Bachelor's degree in Political Science and Economics from Xavier University and a Masters of Environmental Science from Miami University. His background is in environmental policy, green infrastructure, stormwater management, and community engagement.

How Urban Growth Boundaries Make Zoning Decisions Easier and More Profitable for Everyone

by Gam Rose

Call it *dysagency*. We all trust various agents to meet specialized needs better than we could for ourselves. I don't school my own children (or anyone else's), I don't store my money in a mattress, I don't write arrest warrants or prescriptions, and I can't repair my car. Rather, I (along with most other Americans, to one degree or another), outsource most of my needs to specialists. Such specialization has long been the secret of America's extraordinary wealth machine. But the very strength we gain from labor specialization creates an offsetting weakness: agents don't always do what they are supposed to.

Where are some of the dumbest ideas propagated? In schools. Where can you find some of the most unhealthful food? At the grocery store. Where do some of the most virulent diseases fester? In hospitals (and in vaccine labs, we lately learn). And money is supposed to be a store of value, but don't store too much in a bank unless you want to find it has less purchasing power when you come back for it. This partial failure of our basic institutions to deliver what they promise is a fact of life, which most of us negotiate by getting more involved in other people's expertise than we might otherwise choose to. The concert pianist cannot improve if she doesn't practice, but she ends up spending plenty of time learning about nutrition, investment, and health care, because she can't afford the risk of blind reliance on other specialists.

Much dysagency is not deliberate; it is structural. Hospitals aren't trying to kill you, but they become accumulation centers for the worst germs. Banks aren't trying to sap your purchasing power, but our monetary system involves a continual political incentive to expand the money supply. Universities aren't eager to propagate nonsense, but people with bad ideas find them harder to sell elsewhere. And so on.

The hallmark of structural dysagency is what economists call externalities: costs created by economic activity but not borne by the immediate participants. Auto makers promise greater mobility and more fuel efficiency, but most cars accumulate in high-density areas, where they jam up in endless congestion, generate additional pollution, and necessitate continual road development. Modern monetary theory aims at higher employment and growth but often punishes people naïve enough to hold too much money – ie, savers. Academics love to fill young minds and new books with fresh-sounding ideas, but many such ideas prove damaging in practice. Externalities are closely related to the concept of moral hazard: you generate the cost, but someone else pays for it.

Some externalities are geospatial: they involve our shared experience of common space. Your neighbor turns her farm into a solar plant, and suddenly your property looks out over a sea of metal, glass, and stripped subsoil. Your neighbor sells his farm to a developer, and suddenly your property abuts a high-density housing project (or a brightly lit industrial/retail building with a vast parking lot). A farm up the river leases land to a fracking operation, and your family and livestock lose their supply of potable water. Such externalities can be beneficial—you get cheaper power, delightful new neighbors, or a convenient source of auto parts—but many are harmful and permanent. Your property value declines, sometimes sharply. Your ownership experience is impaired. You suddenly assume new risks. No one asked you—or compensated you for these new burdens.

The great tool for balancing (a) your right to use your property as you choose with (b) your neighbor's right not to be harmed thereby is (c) zoning. Some people think the very idea of zoning is an unconstitutional restriction of property rights. This idea is dangerously wrong. The Virginia and United States constitutions imply my right to swing a fist, but that right ends at your nose. I have a First Amendment right to free speech, but I am not permitted to shout "Fire!" in a crowded store because such speech endangers other shoppers, not to mention the store owner: people might get hurt in the resulting panic, and property might be damaged. Zoning works in

the same way. The question is not whether zoning should exist, but whether your right to swing a fist is sufficiently limited to prevent my getting punched in the nose.

Unfortunately, even government is not immune to the moral hazard of dysagency. Zoning administrators rightly have power and authority to apply judgment in deciding zoning questions. But governments also like new revenue streams, even if the long-term costs of such streams be greater. The lure of a revenue-generating development proposal is powerful and immediate: you could be the official who brought new jobs to the county and resolved a budget crisis. The cost of unjustified development is longer-term: new jobs, new residents, and new tax revenue today, but more-than-offsetting costs down the road for traffic lights, hospital beds, police officers, schools, and so on. The cost of today's unjustified development is tomorrow's externality. Instead of delivering a basic obligation of government (ie, the protection of existing taxpayers' property rights), an unjustified development decision delivers dysagency.

> The urban growth boundary (UGB) makes justifiable zoning decisions much easier for government officials. The UGB protects everyone's property rights while clarifying and stabilizing the opportunities available to each owner.
>
> – Gam Rose

Hence, the urban growth boundary (UGB). The UGB is an extremely successful, if less-known, approach to preventing zoning dysagency (and attendant externalities) in rural/scenic areas. The UGB makes justifiable zoning decisions much easier for government officials. The UGB protects everyone's property rights while clarifying and stabilizing the opportunities available to each owner. The UGB is helpful for lower-income people because it makes all high-density construction (whether for low- or high-income residents) easier and cheaper. The UGB also makes mass transit more economical and more widely available. The UGB is conservative because it enables beautiful areas to stay beautiful. The UGB is conservationist because it protects wildlife/habitat while delivering quick and easy access for residents to beautiful green space. Perhaps most significantly, the UGB makes us all wealthier because it concentrates development, minimizing infrastructure costs, business costs, and tax burdens.

What is a UGB? Also called green belts, urban growth areas, etc, UGBs are zones of concentrated development within larger low-density envelopes. A legal boundary is established around the area to be developed; development in the enveloping area is minimized.

Where have UGBs been adopted? UGBs have been used all over the developed world. Here are some notable examples:

- *Australia* – Melbourne
- *Canada* – Vancouver, Ottawa, and Toronto
- *United Kingdom* – London and Yorkshire
- *New Zealand* – Dunedin
- *France* – Rennes
- *United States* – Portland, Oregon; Minneapolis, Minnesota; Boulder, Colorado; Lexington, Kentucky; Miami-Dade County, Florida; and Virginia Beach, Virginia

What are the results of existing UGBs? Serious studies of UGB results are not abundantly available. Many reports are gushing praise pieces, often from the residents, who benefit. One of the best, and more scientific, studies was published in the journal Regional Science and Urban Economics in 2013 (volume 4, issue 6). The researchers (Dempsey and Plantinga) found that the main benefit of UGBs is to stabilize development, preventing the runaway conditions that often plague underdeveloped areas. Such studies show that UGBs do not harm overall development probability, meaning that development can (and often does) still occur at the same overall rate but that (by implication) UGB implementation is not followed by accelerating development.

Can a UGB backfire? Absolutely. The main error associated with UGBs is a partial or halfway approach. Areas that establish partial or incomplete UGBs frequently see crowding and congestion in adjacent areas. More limited/selective measures, such as the creation of historic districts and nature protection zones, are usually well intended, but only a continuous and extensive envelope around the UGB can prevent damaging spillover effects. With UGBs, go big or go home.

What stands in the way of a UGB for Essex County? Ordinarily, with a ballot initiative, voters can approve a UGB. Alternatively, a city council (or board of supervisors) could act unilaterally to establish a UGB. (The voter-led process is stronger because it cannot be terminated

without a subsequent repeal vote.) But neither of these two options is straightforward for Essex County because Tappahannock is an independently governed entity. In order for Essex to establish a UGB with Tappahannock, the two entities would have to convene in a joint effort. Such effort could produce a joint ballot initiative for both electorates, or the two supervisory entities could act together to establish a common UGB around Tappahannock. With either approach, the actual location of the UGB would be a focus of discussion, as would any revenue-sharing from Tappahannock to the county. Of course, Tappahannock representatives might at first recoil at the prospect of sharing revenue; but revenue-sharing can easily be structured to apply to new development only, so that both entities share in the benefit of Tappahannock's concentration of development, even as Essex forgoes such opportunities.

Essex County is an obvious candidate for UGB adoption. Orbiting satellites show that Essex and the Northern Neck have some of the lowest nighttime light emissions on the entire East Coast. Our rich alluvial soil is ideal for farming and timber (not for solar arrays and exurban sprawl). Our population is only fractionally larger than it was a hundred years ago. And we have enjoyed an accidental barrier against the metastatic growth of the I-95 corridor through Washington, DC: Fort A. P. Hill holds back the overflow of sprawl from Fredericksburg. Sooner or later, however, Essex County's magic bubble will burst, especially if Tappahannock and Essex cannot get together on a strategy to husband our unique heritage.

The UGB is a bright line around, and a strong stand for, our precious shared inheritance. A UGB would secure what makes us collectively rich while opening up new growth opportunities in employment, productivity, and tax revenue, even as relative per-capita tax burdens decline. The way ahead for areas both rich in natural beauty and near high-income population centers is a narrow passage between stagnation/poverty and incoherent growth resulting in the same degradation of natural heritage occurring in most other exurban counties. The UGB is a road map through this narrow passage to a future of uncommon wealth and beauty. In a way, Essex County faces a choice between UGB and … ugly.

Essex County isn't rich in natural beauty alone: the county also has a rich cultural tradition arising from an appreciation of our shared aesthetic heritage. Below, a poem printed in 1927. The author, a professor nearly blind, was nevertheless saturated with a simple joy almost incredible in these hectic latter days.

An Ode to Nature

William C. Garnett

I have given my soul to the herd on the lea,
To the rocks and the rills down the glen;
They'll keep my soul right safe for me,
Ere long I'll find it again.

I have given my soul to the birds and the trees,
To the field and the fallow on the hill;
'Twill return to me on a summer breeze,
I'll know it when all is still.

I have given my soul to flowers and to song,
To love and to laughter and to lambs at play;
"We'll return your soul, 'twill not be long,
We have kept the faith," I hear them say.

I have given my soul to the star-lit night,
To the clouds at the passing day;
I know 'tis safe for its winged flight,
And as pure as the sun-sent ray.

I have given my soul to the forest kind,
To the dove a'moan near her nest;
My soul some day I'll safely find,
They'll keep my soul as they know best.

I have given my soul to the winding stream,
To the shells and the sands on its shore;
I have seen it there in a quiet dream,
In peace and love, content and pure.

I have given my soul to the wild wind's blast,
To the snowflakes a'dance and a'glee.
In trust they'll hold it safe 'til the last,
Then my soul will come back to me.

Gam Rose grew up outside Philadelphia, earned a liberal arts degree at Yale, and then moved to Virginia, where he earned an MBA at the University of Virginia and met his wife Kendall. Kendall and Gam own Cantabo, a farm in lower Essex County, where they husband heritage breeds and are in transition from industrial tenant farming to a more holistic model. Gam's professional work centers on using data more effectively to inform public policy and to foster a culture of human flourishing.

What Do You See?

by Cody Clarke

The cheery whistle of a nearby bobwhite quail (*Colinus virginianus*) catches my attention in the early morning sunrise. I am standing in the perfect habitat for the Essex County native, a thinned loblolly pine (*Pinus taeda*) plantation with a grassy understory. I hear a quail call back from afar and I gaze into the distance. I not only see a diverse habitat of forage, cover, and nesting areas but I am also seeing an array of manufactured products throughout the landscape—products such as telephone poles, fence posts, landscaping timbers, and pier pilings. No, these products are not in my immediate sight, but with a little foresight and imagination, all of these products and others can be produced from a pine plantation. The quail continue their melodies, and I continue to inventory the pine stand.

My name is Cody Clarke, a lifetime resident of Essex County. I was raised in Caret, near Upper Essex Baptist Church, and developed a love for the outdoors at a young age. I attended Essex High School, then Rappahannock Community College, and lastly, transferred to Virginia Tech. During my time at Virginia Tech, my major was Fish and Wildlife Conservation, and my minor was Forestry with a concentration in Wetlands. In 2016 I graduated with a bachelor of science degree from the Fish and Wildlife program. Almost immediately out of college, I accepted a position with the Virginia Department of Forestry as a forest technician in Southampton County, Virginia. Mind you, forestry was my minor, so I was not keen on the common practices or the modern forestry applications that are available to landowners today. I stayed in Southampton for eight months, gaining some basic knowledge, and then returned to Essex to work for a private company procuring timber, which I still do today. My lifelong dream of working in the outdoors became a reality, and I am still indirectly working with wildlife because of my ability to change an ecosystem via timber harvesting. I'll be the first to admit that when growing up, I had misconception of timber harvesting. I thought it damaged the ecosystem and timber companies were not considerate of nature. Turns out that is far from the truth. I am now on the other side of the fence and can say that I am first and foremost a conservationist, and secondly a procurement forester. Here in Essex, we are fortunate to have the capability to grow an outstanding crop of loblolly pine.

Poles being procured on the timber harvest.

Many residents are likely to see a pine plantation for what it is—the woods, briars, and bugs—but when I see a planted pine, I see so much more. What do you see?

Loblolly pine is the quintessential tree of the southeastern United States. Commonly overlooked as a crop, this tree produces much-needed fiber for today's world. Planted for its fast growth, fairly easy maintenance, and aesthetics, the loblolly is a great choice for landowners looking for the perfect backyard photo drop, as well as potentially quick income. Through years of experimentation, we have been able to modify the loblolly into different classes and create seeds that are tolerant of different geographical conditions. Luckily for us in Essex, there have been a few strains that are receptive of our growing conditions and do very well here. Within the first year of growth, the seedlings are sprayed with a chemical to kill any hardwood competition that has emerged from the seedbed. Those hardwoods are typically more shade tolerate than the pine, and will quickly dominate the pine seedlings, thus killing patches of pine due to lack of sunlight. As the hardwood grows, the

A young loblolly is measured to ensure its growth is competitive with the rest of the stand.

A tree cutter removes a row of pulpwood during the thinning process.

shade expands and more pines are taken out. Spraying the germinating seedlings will give the pines a jump start on their success. Young pines are later inventoried by foresters to evaluate their regrowth success (see Image 1).

Once the pines are established and reach a merchantable height of about twenty-five to thirty feet, they can be thinned (see Image 2). This takes anywhere from fifteen to twenty-plus years, primarily depending on the genetics of the trees, soil conditions, and weather conditions. Thinning is typically done by a professional logging crew with a tree cutter. The trees are planted roughly 400–450 trees to the acre, but once thinned, there are approximately 250–300 trees to the acre. The remaining stand of trees no longer have such strong competition, and within seven to ten years can become much bigger than they would have if the stand had not been thinned. The targeted trees during thinning are ones with defects or damage, or are smaller in size than the rest of the average stand size. The trees in this class are known as pulpwood, a very common product in a stand of timber. Pulpwood typically yields the lowest revenue per ton, due to the massive supply of it to the local market. Defects can occur from disease or insects, such as fusiform rust or pine bore beetle, both of which occur in Essex. Typical damage seen in this area is ice damage: the weight of ice on the branches can cause the tree to snap midway up the main stem. The tree will continue to grow but usually forks where the snap occurred. This fork results in two smaller stems rather than one main stem. The one, larger, main stem is desirable because it will produce more lumber than the two, smaller stems. Wind damage from hurricanes and straight-line winds is also seen. Pulpwood, the staple of the timber market, is the main product produced during thinning. Pulpwood is used to produce corrugated cardboard boxes, and personal toiletries, as well as the waxy paper used in fast food service. I oversee numerous thinning operations throughout the year and truly enjoy seeing the end result. The trees that are left are the beginning of the next stage: sawtimber and poles.

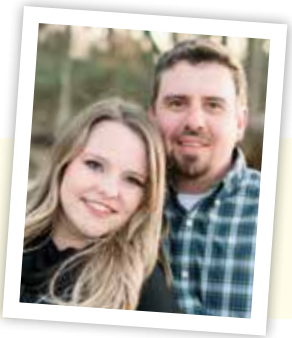
Let us travel ahead ten years after the plantation has been thinned. Briars have abounded, small hardwood saplings have emerged, and alas, we now have a mature, towering stand of pine. Mature, to me, means the pines have grown to a size capable of being merchandised into other products than pulpwood. The purpose of planting these seedlings was to produce the most income possible, and pine sawtimber and poles are where the landowner can make the most revenue in today's market. When looking at a stand of mature pine timber, I am mostly focused on these things: diameter at breast height (DBH), merchantable height, and sweep. Sweep in a tree is the amount of curvature the main stem has as it gets taller. Poles require no more than two inches of sweep within thirty-five merchantable feet, which means the tree has to be "gun-barrel straight" as we like to say. Essentially the entire thirty-five feet, or more, cannot have any bow or curve to it when looking at the tree while standing on the stump. Think about it: you rarely see a pole on the roadside that is crooked. These poles must be at least twelve inches in diameter inside of the bark on the butt, and at least eight inches on the small end (see Image 3).

Pictured on the right of the photo is a thinned pine plantation that borders an unmanaged portion of the tract to the left.

Being that these trees are hard to come by, they tend to pay a little better than their curved counterparts. The trees that have some curve can be merchandised into sawtimber, which can be cut into sixteen foot sections that are straight, or sent to the mill, tree length with some sweep in them. An experienced logging crew can take a crooked tree and cut out multiple sixteen-foot sections that are straight enough to be utilized. Depending on the mill they are sent to, the trees with sweep will be cut up and processed in-house. The small ends on these cut-up logs must be at least ten inches, and the tree-length small ends must be at least eight inches. These trees are sawn into lumber for hardware stores, pilings for marine contractors, and fence posts for commercial chain stores. The residual shavings are sold to the pulpwood mills as chips, which are then used for boiler fuel at the mill, as well as for paper and pulp production.

During the process of extracting poles and sawtimber, the tract is usually clear-cut. A clear-cut involves removing all of the merchantable timber from the property, leaving the property void of any standing trees. When I was young, I saw this final harvest as a merciless exploitation of the land and woods. I had no understanding of the benefits this procedure would provide to the nearby wildlife, not to mention the income for the landowner. Once a clear-cut has been finished, there is usually an edge habitat effect that causes more wildlife to move into the area. The edge habitat effect occurs where there are two differing ecosystems adjacent to each other—for example, a clear-cut next to a mature stand of timber or a thinned plantation next to an unmanaged tract of timber (see Image 4). The local wildlife, deer and turkeys especially, tend to move into the new clear-cut to forage on the freshly exposed seedbed, as well as browsing on budding plants that are now reacting to the surge of sunlight and reduced competition. After replanting, native grasses tend to grow in the new habitat. The emergence of the new vegetation encourages fresh life into the ecosystem, such as migrating songbirds, quail, and rabbits, to name a few. The clear-cut will leave some debris, but this debris contains carbon, a vital part of the new growth's success. As the debris decomposes, carbon will return to the soil and eventually be recycled into the future stand of timber as the new seedlings absorb nutrients.

In the United States we are growing 20 percent more timber than we are harvesting. As an industry, we now better understand how to grow loblolly pines, and how to grow them more quickly, as well as taller and straighter than ever before. Although a stand of pines may take thirty years to mature, the process of growing a timber crop mirrors the growth cycle of small grains or a corn crop. The next time you are in Essex County and encounter the familiar whistle of bobwhite, or find yourself looking at a pine tree, I hope you are reminded of the bounty of products procured from the stand of timber. Look at the trees and now tell me what you see.



Cody Clarke is an Essex county native, born and raised in Caret. His fiancé, Emily, is also a native of Essex. Their families have cherished this area for many centuries. The couple currently resides in Dunnsville, where they spend their free time on the Rappahannock, hunting and fishing with their Boykin Spaniel, Chu.

SIX IMPORTANT DEVELOPMENTS for Conservation Easements

by Timothy Lindstrom, Reprinted with permission of the Virginia State Bar

Once upon a time, conservation easements were simply generous donations by conservation-minded landowners. Neither the donor, nor the lawyer handling the transaction, nor the Internal Revenue Service for that matter, paid much attention to the details. At least as far as the IRS is concerned, that is no longer the case.

872,951 acres of Virginia land were permanently protected between January 1, 2000 and August 31, 2018; primarily through the use of conservation easements. The appraised value of this conservation amounted to $4.14 billion. Assuming, hypothetically, that deductions equal to this value were claimed sheltering income that would otherwise have been taxed at 32%, federal tax savings (or expenditures, if you like) alone would amount to $1.325 billion. Virginia Land Preservation Tax Credits ("Preservation Credits") in the amount of $1.66 billion were also issued for these donations.

With the growth of conservation transactions nationally, as well as in Virginia, the IRS and the Tax Court are now paying very close attention indeed to the details. Opinions of the federal Tax Court handed down over the past several years, and an increasingly skeptical IRS, have made compliance with even the most minor rules essential to protecting tax benefits. In addition, the Land Trust Alliance, of which most land trusts in Virginia are members, require that land trusts refuse to accept donations likely to constitute tax shelters.

This article summarizes six recent significant developments in the tax law governing conservation easement deductions.

1. **Credit Offset Regulation.** On August 27, 2018, the Treasury Department issued a proposed Regulation requiring that the amount of any charitable deduction for which a state or local tax credit was available be offset by the amount of that credit. For example, suppose a Virginia landowner contributes a conservation easement worth $1 million. The contribution is eligible for Preservation Credits equal to 40% of the contribution, in this case $400,000. The new Regulation requires that the federal deduction for this contribution be reduced by the amount of the Preservation Credit, from $1 million to $600,000. Because Virginia tracks federal charitable deductions, the donor's Virginia charitable deduction will also be reduced to $600,000.

   In effect, the new Regulation treats easement donations for which tax credits are available as bargain sales. The Treasury Department is considering whether credits for which offsets are required should be recognized as having a basis. Under current law, tax credits issued in exchange for easement donations are considered to have neither basis nor holding period. Under current tax rules, when a tax credit is sold, as is possible with Preservation Credits, the entire amount of net proceeds is taxable. According a basis to Preservation Credits could be a significant benefit to Virginia easement donors, depending upon how (and if) the Treasury Department figures that basis.

   Although the credit offset reduces overall tax benefits, when the value of the Preservation Credit is taken into account, tax benefits remaining are still about 80% of what they were prior to the offset requirement. Conservation easement donations in Virginia continue to generate some of the most substantial tax benefits in the nation.

2. **Building Envelopes.** Many conservation easements allow a landowner to construct or locate new buildings, including residences, on the easement property. To avoid having the location of such new structures conflict with the conservation purposes of the easement (thereby risking the deduction) frequent practice was to require new structures to be located within building envelopes designated in the easement. To provide flexibility, easement documents often allowed building envelopes to be relocated subject to the prior consent of the easement holder.

   A recent Tax Court decision ruled that allowing

Conservation easement donations in Virginia continue to generate some of the most substantial tax benefits in the nation. Photo used courtesy of Hill Wellford.

the relocation of building envelopes, even subject to consent of the easement holder, violated the requirement that the easement be perpetual. This decision is on appeal. However; even if overturned, the Tax Court has repeatedly demonstrated its unwillingness to comply with appellate court rulings with which it disagrees unless such compliance is mandatory.

This decision creates a drafting challenge for conservation easements reserving the right to future structures, particularly dwellings. If soils within building envelope designated in the conservation easement for residential use can't perc, for example, the building envelope may be unusable. However; because of the *Pine Meadow* ruling, the easement document cannot allow designation of an alternative; leaving the landowner with a useless building envelope. Postponing the location of a building envelope until the landowner is ready to use it, which would avoid this problem, raises perpetuity issues similar to those addressed in the Pine Meadow case. This is true even if the easement holder must pre-approve the location.

One alternative to avoid such a problem is to create multiple building envelopes from which the landowner may choose. Once a choice has been made the other building envelopes are extinguished.

Another alternative relies upon the "no-build/build zone" concept used in the past by the Virginia Outdoors Foundation and others in their easements. This approach identifies particularly sensitive portions of a property, such as scenic views, karst formations, streams or wetlands, and draws a line around these features prohibiting any new structures inside the line, which is the "no-build zone." New structures can be located anywhere outside of the no-build zone—the "build zone."

However, this approach raises an "inconsistent use" issue: If structures can be located anywhere within the build zone, the IRS may argue either (1) that there are no conservation values worth protecting within the build zone, and if that is the case why should there be any tax benefits for protecting it?; or (2) the right to locate structures anywhere within the build zone constitutes reservation of an "inconsistent use" which is grounds to deny the entire deduction.

To anticipate such arguments, easement documents,

or baselines, should include specific information supporting the conservation value of build zones, and specific information explaining why location of structures within the build zone is not inconsistent with those values.

Similar information should be prepared supporting the location of building envelopes, if they are provided for. If an easement provides one or more specific building envelopes instead of relying on the build zone approach, the areas identified for building envelopes should be thoroughly analyzed to insure that they will satisfy local building regulations, including provision of water and septic, as well as access.

If the build zone approach is used, to minimize the impact on conservation values within the build zone, structures should be clustered, rather than allowed to sprawl throughout the build zone, and total the footprint of all structures should be restricted (which is typically the case anyway).

3. **Proceeds Clauses.** Tax law requires that in the event that a conservation easement is extinguished, proceeds from a subsequent sale of the underlying land must be divided between the landowner and the easement holder (the "proceeds clause"). In some cases, easement documents provided that existing or future improvements on the easement property are to be disregarded in determining what proceeds were required to be paid to the easement holder.

   The 5th Circuit Court of Appeals recently ruled that the amount of proceeds to be allocated to the easement holder *cannot exclude* the value of existing or future improvements, but must be based upon the value of the "whole property" as provided in the Regulations. In other words, the value of existing or future improvements on land, even if they do not in any way contribute to the value of the conservation easement, must be included in determining proceeds due the easement holder in the event of extinguishment.

4. **Valuing the Easement in the Case of Extinguishment.** In an attempt to facilitate satisfaction of the proceeds clause, a number of conservation easements provide that the values required to determine the allocation of proceeds between the landowner and the easement holder should be based upon the values relied upon to substantiate the deduction. In other words, the value of the easement as a percentage of the value of the "whole property" would be determined from the taxpayer's easement appraisal. Sometimes these provisions stipulate that the proceeds clause values would be those "finally determined" for purposes of the deduction, thus allowing for adjustments resulting from audits, etc.

   This common sense approach to establishing values for purposes of the proceeds clause was disallowed by the Tax Court in a 2016 ruling in which the Tax Court ruled that provisions in easements dictating how such values would be determined to satisfy the proceeds clause violated the Regulations. The Court found that in the event a conservation easement was disallowed on grounds other than valuation, the value of the easement for purposes of the proceeds clause, relying on the formula provided in the offending provision, would be zero, effectively denying the easement holder any value for the easement pursuant to the proceeds clause.

   Therefore, no standard for determining "fair market value" in such cases should be provided in the easement document. In the event a payment pursuant to a proceeds clause is ever required, it will be necessary for the landowner and easement holder to then determine how "fair market value" is to be determined.

5. **Amendments.** For some time, there has been a debate over whether conservation easements could be amended. In a recent case, the Tax Court ruled that conservation easements are contracts and can be amended just like any contract, whether or not the easement document expressly allows amendments. Nevertheless, the Tax Court has made it clear that, to be deductible, conservation easements may not provide for the revision of easement boundaries, the relocation of the easement, or the relocation of building envelopes, regardless of the standards imposed on such revisions or relocations. Whether such substantial changes could be accomplished by an amendment rather than as a reserved right in the easement document, is an open question. Testing such an approach should probably not be done while the statutory period for tax assessments remains open unless a private letter ruling supporting such an approach is first obtained.

6. **Syndications.** In recent years promoters have sold investments in land-owning limited liability companies for the purpose of generating returns to investors solely from the deductions resulting from the donation of conservation easements over that land. These "syndications" purport to give investors

a choice between developing the land, holding it for future sale, or donating a conservation easement over the land. In reality, the only feasible option is the conservation easement, for which the promoters have already obtained a preliminary appraisal. According to the IRS, on average, syndication easement appraisals exceed the amount invested by investors by 470%. Over $20 billion in deductions were claimed by syndication investors between 2010 and 2018.

In an effort to discourage syndications, the IRS issued Notice 2017-10 December 23, 2017 requiring that all investors in syndications, and "material advisors" to syndications, disclose their participation to the IRS on Form 8886 (Form 8918 for material advisors). In December, 2018, the Department of Justice filed suit against a group of persons involved in the promotion of easement syndications on the grounds that such syndications are false and abusive. The Department is seeking to enjoin these persons from promoting syndications in the future and asking that they "disgorge" all gross receipts received by them in connection with the syndications. Needless to say, defendants in this suit are mounting a vigorous defense. The outcome isn't likely for some time, given the resources available for litigation on both sides.

[1] Land Preservation Tax Credit Conservation Value Summary for calendar year 2017 published by the Department of Conservation and Recreation, November, 2018. The value would include both the value of donations in fee as well as conservation easements.

[2] Federal rates currently range from 10% to 37%.

[3] Virginia Code §58.1-512 *et seq.* provide a transferrable credit against Virginia income tax equal to 40% of the value of a conservation easement contribution on Virginia land, or the contribution of Virginia land for conservation purposes.

[4] *Supra,* note 1.

[5] The Alliance is a non-profit organization whose purpose is to serve the nation's private land trusts. It has an accreditation program and provides extensive educational resources to its members and the public in general. It publishes *Standards and Practices,* which contains an extensive set of guidelines for the operation of land trusts.

[6] Treasury Regulation Section 1.170A-1(h)(3). The Regulation was made permanent in June, 2019 effective for all donations occurring after the date of the Proposed Regulation, which was August 27, 2018.

[7] *Supra,* note 3.

[8] *See,* e.g., *Tempel v. Commissioner* 136 T.C. No. 15 (2011).

[9] At ordinary tax rates for credits held for one year or less; at capital gains rates for credits held for more than one year.

[10] For a list and description of current state incentives for conservation easements go to http://s3.amazonaws.com/landtrustalliance.org/State-Land-Conservation-Tax-Incentives-April-2019.pdf

[11] *Pine Mountain Preserve, LLLP, et al v. Commissioner,* 151 T.C. 14, 41 (2018).

[12] Which is only the case when the Tax Court is deciding a question arising in the circuit where the appellate court ruling was issued. The *Pine Meadow* case offers a stark example of the Tax Court's refusal to follow a ruling by the 5th Circuit Court (and, perhaps, an equally stark example of its refusal to use common sense).

[13] An "inconsistent use" is one that is inconsistent with the conservation purposes of the easement. Such uses are prohibited by Regulations sections 1.170A-14(d)(4)(v) and 1.170A-14(e)(2).

[14] Documentation of the condition of the property at the time of the donation required by Regulations section 1.170A-14(g)(5)(i).

[15] Such documentation is reportedly the recommendation of an IRS official in the Office of the Associate Chief Counsel of the IRS with oversite of conservation easements.

[16] Regulations 1.170A-14(g)(6)(ii).

[17] *PBBM-Rose Hill, LTD, et al v. Commissioner,* No. 17-602276 (5th. Cir., 2018)

[18] *Carroll v. Commissioner,* 146 T.C. 13 (2016).

[19] *Pine Mountain Preserve, supra* note 11.

[20] For an in-depth analysis of syndications see Timothy Lindstrom, *A Tax Guide to Conservation Easement Syndications,* Real Estate Review, Winter, 2018, 3-45.

[21] Letter from IRS Acting Commissioner David Kautter to the Honorable Orrin Hatch, Chairman of the U.S. Senate Committee on Finance dated July 18, 2018.

[22] Id.

[23] *U.S. v Zak, et al,* U.S. District Court for the Northern District of Georgia, Case No. 1:18-cv-05774-AT.

[24] A recent newspaper article reports that one of the defendants, an appraiser, surrendered his appraisal license in lieu of going through an administrative hearing triggered by a complaint that the appraiser over-valued residential development potential in his appraisals. To see the article go to https://www.myrtlebeachonline.com/news/local/article232493852.html.

Timothy Lindstrom holds a J.D. from the University of Virginia School of Law. He represents land trusts and landowners in conservation transactions nation-wide. His office is in Washington, Virginia. Mr. Lindstrom has written and lectured extensively about the tax law relating to conservation easements, including numerous continuing education programs for lawyers, appraisers, accountants and realtors throughout the United States. In 2008 he authored *A Tax Guide to Conservation Easements* published by Island Press, which was republished in 2016 by the Land Trust Alliance in expanded and updated form. Mr. Lindstrom also testified before the U.S. Senate Finance Committee regarding tax abuses relating to conservation easements. He played instrumental roles in amending the federal estate tax code to increase the tax benefits for the families of conservation easement donors (section 2031(c) of the Internal Revenue Code), and in the creation of Virginia's Land Preservation Tax Credit (Virginia Code section 58.1-512 et seq). Email him at ctlesq@hotmail.com; call 307-690-9755; or visit his website at www.timothylindstrom.com.

Glencairn

Above and top right: Glencairn was carefully restored in the late 1970s.
Right bottom: The picturesque shed dormers likely date from a mid-19th-century renovation.

by Ralph Harvard

Glencairn is a charming cottage set in the rolling fields of rural Essex County. At first glance it appears a somewhat standard eighteenth-century house, but it represents two major building periods, and several unusual features. The house, with one and a half stories and six bays, sits high on a raised basement, with an English bond foundation, and has unusually narrow shed dormers in the roof. The left section is the oldest, possibly from the 1730s, and incorporates an odd false plate (nerd alert). The ends of the rafters are attached to a 4" x 6" scantling, half-lapped and pegged to a joist, set flat. These joists were exposed under the eaves and not boxed in. There are also champhered beams inside, and some of the frame walls have rare brick nogging (soft bricks set on their side inside the walls as a vague illusion to old English half-timbering). A broad, almost square entrance hall and parlor were added about 1790. The fine woodwork has full-height pilasters, dentiled crown, and paneled overmantle, undoubtedly made by the same craftsman who remodeled the Glebe. On the rear is a long early porch, enclosed for a kitchen at one end. Except for the early section, most of what survives dates to the later eighteenth century, including the Flemish bond chimneys with their tumbled weatherings.

The oldest portion of the house began ca. 1730 as a one-room dwelling.

This informal old manor house, a landmark to passing motorists on nearby US Highway 17, was constructed with rare framing techniques, which offer important clues to early Virginia building technology. The oldest portion of the house began ca. 1730 as a one-room dwelling with exposed ceiling joists and exposed framing for an exterior cornice. This elementary dwelling was expanded to its present form with its long rear porch in the fourth quarter of the eighteenth century, during the ownership of the Waring family. The picturesque shed dormers likely date from a mid-19th-century renovation. An oddity of the plan of the later section is the exceptionally wide center passage. The house long stood in a state of neglect but was carefully restored in the late 1970s.

"Nerd alert" is a jokey introduction to a deeply technical academic discussion.

St. Anne's Vauter's Glebe

Above: This glebe house is considered one of the finest still standing in Virginia.
Left: Interior images of St. Anne's Vauter's Glebe.

Glebe lands were used for support of the parish, and glebe houses were occupied by the rectors. Most often, glebe houses have the same architectural quality as the parish churches. St. Anne's Parish was created in 1704, and although there was an older glebe house extant in 1724, it was ruinous. In 1725 the Reverend Robert Rose, the diarist, arrived from Scotland and probably had the current glebe house constructed on Occupatia Creek soon afterward. Perhaps the earliest of the dozen glebe houses that survive in Virginia, it is also among the finest. It is probable that the same mason who worked on Vauter's Episcopal Church in 1731, built Vauter's Glebe, later called Cloverfields, which shares the brilliant use of materials with superior Flemish bond brickwork. It's an odd 20' x 50', three-bay building of two stories, the upper level diminished in height, and no belt course to separate floors. The end shows small closet windows, and a tiny square opening in the gable. The gables also feature a rare raking course of double-glazed headers. Windows and corners have rubbed bricks and the main openings have gauged jack arches, while the basement has segmental openings as do the upper windows. A bit of a shocker is the surviving interior woodwork. Like several of the houses in Essex County, the inside of the house was ruthlessly remodeled in the late eighteenth century, in this case in high-baroque-style federal. In 1792 a lottery was held to collect money to repair the church and glebe house. But the new interiors are dramatic: in the parlor, built-in cupboards are flanked by pilasters and the mantel has elaborate ramping, guilloche, and fretwork. A complex crown breaks out above the pilasters and circles the room. The rest of the woodwork is in a late country-baroque taste. The glebe house has not been occupied for nearly 100 years, although the owners have worked hard to preserve this singular and illuminating old dwelling.

Ralph Harvard has been working as a Designer in New York since 1981 and in related fields for over fifty years. A die-hard Virginian, whose cutoff date is 1760, he is a rigorous academic with an unparalleled knowledge of 18th century Southern material culture and architecture. He has been lucky enough to have worked on some of the foremost eighteenth-century dwellings in the South, including the Dulaney House in Alexandria, the Miles Brewton House in Charleston, Cottage Gardens in Natchez, and Thomas Jefferson's Monticello in Charlottesville. He is currently completing the interior restoration of Carter's Grove, where coincidentally, he was a budding archaeologist in the 1970's. Ralph holds a degree from the School of Architecture at the University of Virginia. He has an additional degree in Interior Design, attended the Attingham School in Britain, and the Harvard Graduate School of Design.

George Washington and "Southern's Ferry": The Route from Mount Vernon to Williamsburg

by Scott M. Strickland

Portion of Kitchin Map, 1757, depicting route from Maryland via Hooe's Ferry.

It is no secret that President George Washington and his family had a deep connection to Virginia's Northern Neck. Washington may have been born on the banks of the Potomac, but he grew up at his family's plantation on the Rappahannock in present-day Stafford County. In his diary, Washington would refer to his boyhood home as the "Ferry Plantation," otherwise known as Ferry Farm. When Washington finally settled at Mount Vernon in 1759, it physically seated him far away from the capital of Williamsburg. Despite this, Washington made journeys from Mt. Vernon to Williamsburg, often stopping along the way to visit family, and other, landholdings, all of which he detailed in his diary.

Washington's diaries are an immensely valuable tool for understanding his daily life. His first diary entry was written during a surveying trip in 1748, and he kept writing until one day before his death in 1799. Trips back and forth between Mount Vernon and areas south made use of at least three different Rappahannock crossings, depending on which family landholding he would visit. These crossings were located at Port Conway/Port Royal, Leedstown, and Hobb's Hole in Tappahannock. When making these trips, Washington would most frequently make his way through southern Maryland before crossing the Potomac back into Virginia, as the Potomac Path—as it was called—through Stafford County, south of Mount Vernon, was often impassable.

1760 Routes between Mount Vernon and Williamsburg

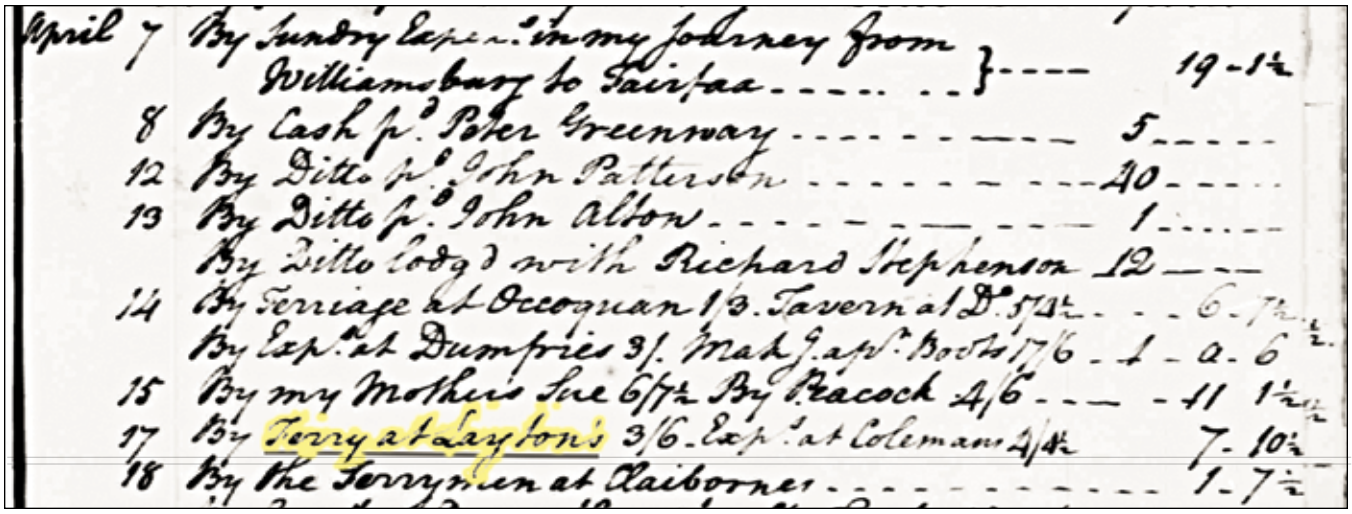
One of the more detailed journeys, which Washington recounted in both his diary and his ledger book, comes from April 1760. It begins on April 19, at Mount Vernon, where he crossed the Potomac River via "Mr. Posey's Ferry." "Mr. Posey" refers to John Posey, who operated a ferry from Dogue Run, just southwest of Mount Vernon, across to Marshall Hall in Charles County, Maryland. Shortly after crossing the river, the chair on his carriage/cart broke, forcing Washington to make a detour, on foot, to the town of Port Tobacco, where the chair could be mended. His journey was delayed because, as he woefully wrote, there was "no Smith being with[in] 6 Miles" who could complete the repairs. Washington's cash accounts ledger logs seventeen shillings and three pence for the repairs and other expenses.

The next day, April 20, Washington continued on his journey, crossing the Potomac from Lower Cedar Point, near

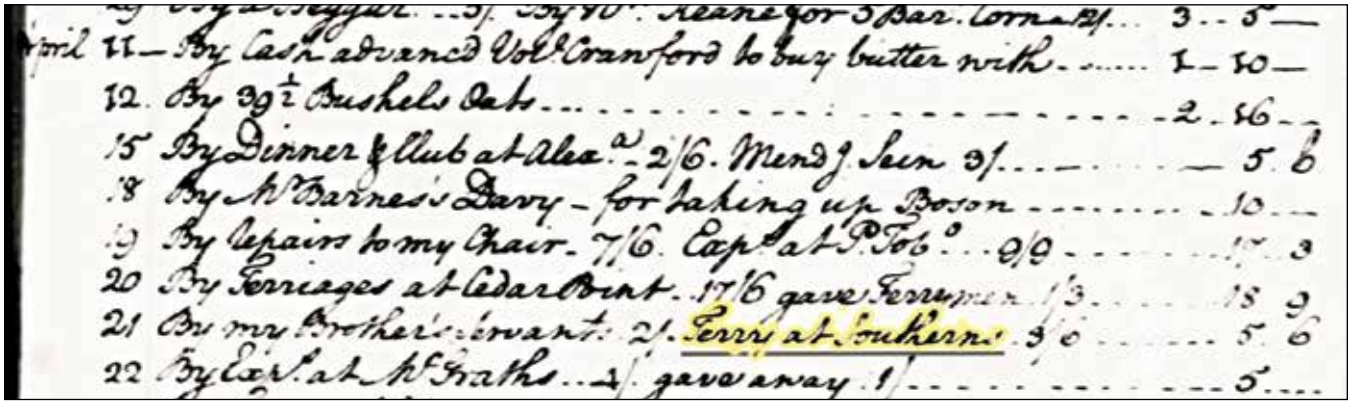
present-day Morgantown, Charles County, to Mathias Point in King George County by way of Hooe's Ferry. The head of the Upper Machodoc Creek is still known to this day as Hooe's, near the intersection of Route 624 and 614. Washington stayed that night at his brother Samuel's plantation in the area, known as Chotank. The land once belonged to their father and was inherited by Samuel in 1755. From here, Washington left the next day, April 21, and headed straight for the Rappahannock River near Leedstown, escorted by his brother's servants. Washington had a relative who lived near Leedstown and was known as "Lame" John Washington. He owned property just west of the town. Washington's diary does not say whether he visited "Lame" John Washington on that particular day.

The main route from Chotank to Leedstown included a ferry crossing over the Upper Machodoc Creek. Known as the Little Ferry, it was near the present crossing of Route 218. The route would have continued southward, connecting to present-day Route 638, otherwise known as Leedstown Road. Washington crossed at what he called Southern's Ferry, before making his way through Essex and King and Queen Counties to the Mattaponi River. The name of the ferry used by Washington was a somewhat antiquated name for the crossing, dating back at least as early as 1679. Entries for other trips refer to the same crossing as Layton's.

After crossing the Rappahannock, Washington appears to have made good time to the next crossing at Todd's Bridge over the Mattaponi River. Todd's Bridge was located just north of present-day Aylett. Washington gives no details of his journey through Essex and King and Queen County, so his precise route is unknown. It is known, however, that a common path crossing the Middle Peninsula in this vicinity was the old Portobago-Mattaponi path. This path followed a ridgeline that connected the native towns

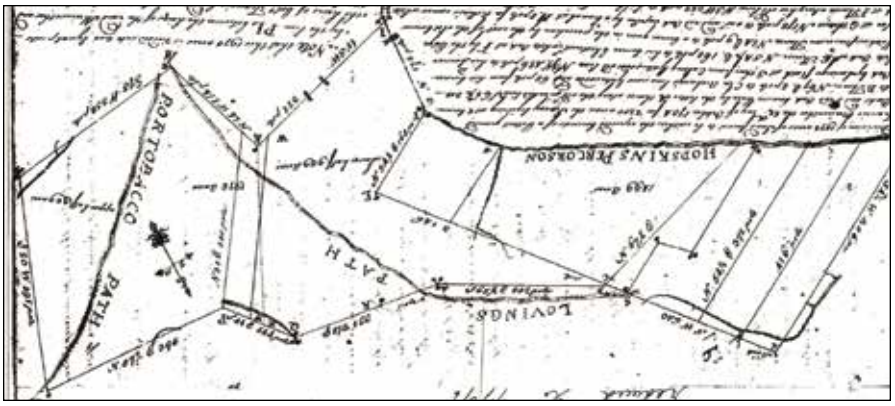

April 7 By Sundry Expences in my Journey from Williamsburg to Fairfax 19-1½
8 By Cash p.d Peter Greenway 5
12 By Ditto p.d John Patterson 40
13 By Ditto p.d John Alton 1
By Ditto lodg'd with Richard Stephenson 12
14 By Ferriage at Occoquan 1/3. Tavern at D.o 5½ 6-7½
By Exp.s at Dumfries 3/. Mad.g apr.s Boots 17/6 1-0-6
15 By my Mothers Sue 6/7½ By Peacock 4/6 ..... 11 1½
17 By Ferry at Layton's 3/6. Exp.s at Colemans 4/4½ 7-10½
18 By the Ferrymen at Claibornes 1-7½

George Washington Ledger Book, April, 1759, depicting payment for Layton's Ferry (Source: Library of Congress).


April 11 By Cash advanced Col.o Cranford to buy butter with 1-10
12 By 39½ Bushels Oats 2-16
15 By Dinner & Club at Alex.a 2/6. Mend.g Seln 3/ 5-6
18 By Mr.s Barnes's Davy – for taking up Boson 10
19 By Repairs to my Chair 7/6. Exp.s at P.t Tob.o 9/9 17-3
20 By Ferriages at Cedar Point 17/6 gave Ferryman 1/3 18-9
21 By my Brothers Servants 2/. Ferry at Southerns 3/6 5-6
22 By Exp.s at Mr.s Graths 4/. gave away 1/ 5

George Washington Ledger Book, April, 1760, depicting payment for Southern's Ferry (Source: Library of Congress).

of Portobago on the south side of the Rappahannock on Portobago Bay to the original Mattaponi town and reservation near Aylett, in the vicinity of Todd's Bridge. Portions of the old path form the boundaries between Essex, Caroline, and King and Queen Counties. Washington likely connected to this path by way of a crossing over Occupacia Creek before continuing southward through parts of Old Indian Neck near Beazley. William Todd ran an ordinary at the crossing, which Washington visited on his return trip.



1706 plat depicting Portobago/Portobacco path near Beazley/Indian Neck.

Washington took up lodging in King William county at the plantation of Major Harry Gaines before heading to the crossing over the Pamunkey River to New Kent County at Williamson's Ferry on April 22. Williamson's Ferry was located just west of the current Pamunkey Reservation near the plantations known as White House, Poplar Grove, and Elsing Green. White House was once the home of Martha Washington and was a place all too familiar to George. That night George stayed with his mother-in-law, Frances Dandridge, at her plantation known as Chestnut Grove, approximately six miles east of the Pamunkey ferry crossing. He spent several days in the area, visiting his nearby landholding and quarter called Claibornes, which he had inherited through marriage. He finally completed his journey to Williamsburg on the evening of April 24.

The return trip to Mount Vernon took a more westerly route than the one Washington initially took to get to Williamsburg. Washington left Williamsburg in the afternoon of April 28. He crossed over Todd's Bridge back into King and Queen County the next day. On this return journey he made a stop at the ordinary of William Todd, as evidenced in his account ledger for April 29. He must not have stayed very long, as he recounts in his diary that he had made it to Port Royal in Caroline County by sunset. On April 30, Washington crossed into Port Conway and made his way back to Hooe's Ferry, where his Potomac crossing was delayed by a day due to poor weather conditions.

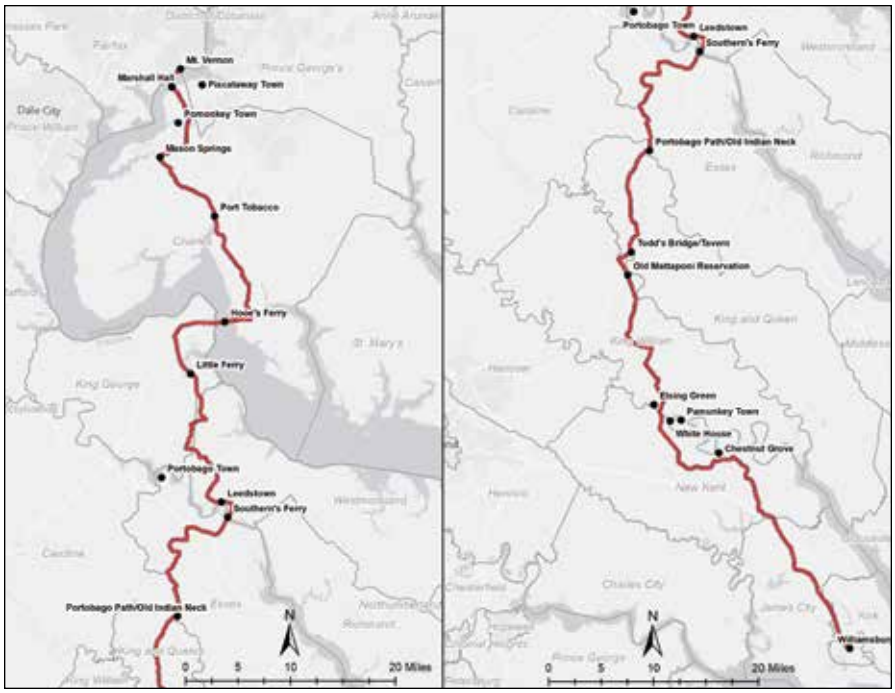
Other diary entries of his travels are not as detailed as those made in 1760. In 1771, Washington recounts in his diary, on July 13, that he "Din[e]d at Leeds Town & reach[e]d Todd's Bridge," very likely following the same route he had taken before. Ledger records from April 1759, May 1763, and June 1763 all make mention of paying for ferry services over the Rappahannock at either Southern's or Layton's Ferry. One crossing at the ferry included expenses at Coleman's, somewhere in the vicinity of Coleman's Creek, adjacent to the landing. An examination of other historical records indicates that this refers to the same crossing, with Southern's being a relic of its seventeenth-century name.

Origins of Southern's Ferry

The most obvious remnants of the old ferry crossing are Layton's Landing Road and Layton Landing Road on opposite sides of the river in Essex and Westmoreland Counties. A landing remained operational here into the 1920s. In 1921 the US Army Corps of Engineers described both a steamboat and lumber wharf on the south side of the river. The steamboat wharf pier extended 142 feet into the river and included a warehouse measuring twenty-four by sixteen feet. The owner at that time was J. H. Allen Jr.

The colonial ferry that would have been used by George Washington, however, is described in a detailed narrative by George Fisher in the 1750s. Fisher wrote a detailed journal beginning in May 1750 in London, England, as he journeyed first to Yorktown, Virginia, before traversing the landscape on his way to Philadelphia. Fisher, as did Washington, made his way from Todd's Bridge over the Mattaponi to Southern's Ferry. His description of the experience of the Southern's Ferry crossing is less than romantic. He recounts, "I was resolved in my own mind to have rested this night at Southern's, but on my approach to the House, it was no more than a mere Hut, full of rude, mean people" and "that they were every one, as well as the Land lord, inflamed with Liquor and exceeding turbulent and noisy." Fisher's account goes on to describe the haste in which he left for the ferry "not so much as knowing or

Portion of Fry-Jefferson Map, 1755, depicting "Leeds" and Ferry on the Rappahannock (Source: Library of Congress).



Washington's conjectured route from Mt. Vernon to Williamsburg, April, 1760, including places of interest.

inquiring who was the real Proprietor of this last disorderly place of entertainment." He goes on to describe how unhelpful the servants/slaves operating the ferry were in providing him "vile direction … and would not go up the bank to set me in the right path" toward Leedstown, where he hoped to stay.

Fisher eventually made his way to Leedstown where he stayed at "the best Ordinary in Town" which had "an elegant appearance, as any I have seen in the country." It should be noted, however, that Fisher had a pessimistic tone when describing much of his journey, and it is quite possible he was describing the accoutrements of the ordinary with snark and sarcasm. Fisher ultimately made his way northward in the same manner as Washington, traveling across the Potomac by way of Hooe's Ferry. Fisher described the location of Southern's Ferry relative to Leedstown, stating that it was within sight of the crossing and downriver approximately two or three miles. Further, he stated that the breadth of the river itself was two miles. In reality, the distance from Leedstown to the crossing was approximately 1.5 miles, and the breadth of the river was less than a mile. The crossing was known as both Southern's Ferry and Laytons. Washington's account ledger notes charges under both names.

The original name of Southern's Ferry comes from George Southern who appeared in the Westmoreland County Court records in 1679, being paid 1500 pounds of tobacco a year to operate a ferry service across the Rappahannock. Southern continued this service until his death in 1684. Southern never owned the land where the ferry operated. At this time the land around the ferry on the north side of the river was owned by David Sterne and John Burkett, who received an 853-acre patent in 1678, which included land originally patented to William Mills in 1654. In 1685, the year following Southern's death, David Sterne petitioned the Westmoreland County Court to be allowed to take over the ferry operation at the same salary awarded to Southern. This court order included other parties with an interest in the ferry following Southern's death. The court order noted that Captain William Fowles had lent a long boat to Henry Ashton for use at the ferry crossing, and that Ashton had "lost and beaten [the boat] in pieces." The court ordered Ashton to pay Fowles ninety-seven pounds for the lost and damaged property.

By 1693 the ferry was being operated by Maximillian Robinson, for which he was paid 2000 pounds

of tobacco annually by the Essex County Court. Robinson owned land just east of the ferry in Westmoreland County, which he purchased from Christopher Wormely in 1686 on land originally patented to Thomas Hopkins in 1654. Robinson's will from 1695 leaves land he called "Southin's Ferry" to his nephews William and James Robinson. This land did not include the known ferry landing but was located just to the east. The landing itself was inherited by David Sterne's daughter, Frances, and her husband William Pannell in 1699. In 1706 William Pannell subdivided the land with a new patent specifically for the ferry landing. William Pannell died in 1716 and his lands were inherited by his wife. Frances Sterne Pannell married Thomas Hughes the year after William Pannell's death. She and Thomas released all rights to the ferry landing to Maximillian Robinson, the son of William Robinson, in 1734.

One of the earliest maps to depict the crossing is the famous Fry-Jefferson map of Virginia, surveyed in 1749, which labeled a ferry adjacent to Leedstown, opposite the river from the area known as Layton's in Essex County. A later map of Maryland in 1757 by Thomas Kitchin depicts a road leading from Hooe's Ferry to a different crossing between Layton's and Port Royal. Regardless of exactly where the Rappahannock crossing depicted on this map was located, the map more or less depicts much of the route taken by George Washington and George Fisher in areas leading from Layton's. Given that the map is primarily of Maryland, few roads in Virginia are depicted on it, suggesting that only main thoroughfares were intended to be conveyed. From near Layton's, this main road continued southerly to the Mattaponi River.

It may come as no surprise that much of this route followed known native-made paths. Leedstown itself is the site of a former town known as Pissaseck. After crossing the Rappahannock, Washington made his way toward the next crossing over the Mattaponi by following portions of the Portobago path. A portion of this path near Beazley is depicted on a 1706 plat near where Essex, Caroline, and King and Queen Counties converge. The path followed a natural ridgeline. Ridgelines were ideal paths and roads because they did not cross bodies of water and were common among colonial roads. The ridgeline, or neck of land, was known as Indian Neck. Old Indian Neck included a much broader area than the present-day community of Indian Neck, stretching for several miles. Rappahannock families were living along the path during Washington's time, having been marched down the path to the Essex County line from Portobago Bay in 1706. Many settled among dispersed English plantations, which may not have been particularly notable to Washington during his travels.

Further, the crossing over the Mattaponi was in the vicinity of present-day Aylett, which was once the site of the original Mattaponi/Chickahominy Reservation. As Washington made his way southward, he crossed the Pamunkey River directly adjacent to the Pamunkey Town and current Pamunkey Reservation. Even the route Washington took in Maryland followed the old network of native-made paths. Land records in Charles County, Maryland, describe paths in the seventeenth century connecting the indian towns of Piscataway and Port Tobacco (Portobago). The Portobago indians in Maryland had begun relocating to the Rappahannock River in the 1650s, thus the presence of their name in both Maryland and Virginia.

Washington's typical route from Mount Vernon to Williamsburg is just a small part of the region's history. The historical route runs far deeper than just an association with our first president. Beginning as physical connections between native places and landscapes, paths were appropriated by colonists to suit their needs. While the connection to Washington is intriguing and a draw to those with an interest in colonial history, a proper retelling of the route is inseparable from its native origins. The next time you drive down an old windy road in Essex County, try and think about how that road came to be and the places and people it connected throughout hundreds of years of history. You just may be following the footsteps of George Washington and the Rappahannock people.

Scott M. Strickland is a project archaeologist, geographic information systems (GIS) manager, and adjunct Instructor at St. Mary's College of Maryland. His research specialties include spatial patterning and modeling, colonial records research, and studying the history of Anglo-native interaction in seventeenth-century Maryland and Virginia.

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ECCA Board Financial Report

By Margaret J. Smith, Treasurer

On behalf of the Directors, thank you for your continued generosity of the last year. The support of our members continues to allow the ECCA to realize our mission of educating landowners on the options available to them through conservation easements and additional outreach aimed at preserving our natural and historic resources.

Through our collective efforts over 17% of Essex County is now under easement, more than any other tidal county along the Rappahannock River. In 2019 we received more than $50,000 in individual and corporate donations. Additionally, the Occupacia Rural Historic District study, which has been a significant undertaking of the ECCA since 2017 and largely financed by grant funding, is expected to be completed later this year.

With the COVID-19 pandemic impacting everyday life, we thank you for your continued support and hope that you and your family remain safe and healthy. We ask you to please remember the ECCA as you contemplate giving through the remainder of the year. In closing, thank you once again for your generosity. Be safe and see you in 2021.

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Due to COVID-19 health concerns and restrictions, we will not hold our annual meeting in October. We look forward to seeing everybody in 2021. Until then, be safe and take care of each other.

Photo used courtesy of Hill Wellford.

ESSEX COUNTY
CONSERVATION ALLIANCE

Post Office Box 356, Tappahannock, Virginia 22560

BRIEF HISTORY OF ESSEX COUNTY

Captain John Smith, one of the original tourists to the area, visited Essex during the summer of 1608, when he wrote of the "excellent, pleasant, fertile, and goodly navigable" Rappahannock Valley. On his first visit he did not linger. While he was trying to disembark near what is now the county seat of Tappahannock, the Native Americans drove him back to his ship.

In 1645 Bartholomew Hoskins patented the Tappahannock site, which became known, at various times as Hobbs His Hole, Hobb's Hole, the short-lived New Plymouth, and the Indian name Tappahannock. The port town was to become a center of commerce during the 17th and 18th centuries establishing a crossroads.

During Bacon's Rebellion in 1676, armed men gathered near Piscataway Creek and defeated Governor Berkeley's cavalrymen. Later they prevailed in the Dragon Run Swamp, but eventually English warships and troops suppressed the uprising. Frontier patrols, however, were maintained against hostile northern Indians into the early 1700's.

In 1692, the now extinct Rappahannock County split into Essex and Richmond Counties. Still heavily influenced by British domain, the county name of Essex may have come either from the shire or county in England, or as a nod to the Duke of Essex himself (Patrons are often generous!). Essex County Virginia today still maintains links with Essex County Council and the people of Chelmsford, Essex, England.

In 1682 a local man, Jacob Hobbs established a trading post in the vicinity of present day Tappahannock, which became known as Hobbs His Hole. The town was comprised of 50 acres divided into half-acre squares. Tappahannock's first call to duty was as a port for river traffic. Colonial charm is evident in a number of private homes still in existence, as well as in a number of businesses still existing in the buildings of that era. Street names such as Marsh, Queen, Prince, Duke, Cross, Church, and Water are original nomenclature. In 1705, the town was once again known by its Indian name of Tappahannock meaning "town on the rise and fall of water."

With the opening of the first Downing Bridge to the Northern Neck in 1927, reliance on the river started to change. Until then, the only way to cross the Rappahannock was by ferry from several wharves, including Bowler's, Ware's and Tappahannock. The present bridge was built in 1963.

Historical statement courtesy of Essex County Museum & Historical Society.