



RIDGE AND RIVER NEWS

Newsletter of the Rockbridge Area Conservation Council (RACC)

December 2017

House Mountain jury finds for RACC, supports original agreements

On December 8 a nine-member jury in the Circuit Court unanimously agreed with RACC's position in its lawsuit against the Virginia Outdoors Foundation (VOF), to defend the House Mountain Management Agreements that permanently protect the House Mountain Preserve in its natural state and insure strong local control of its management.

The preserve encompasses a total of more than eight hundred acres and includes the western slope of Little House Mountain, the eastern slope of Big House Mountain, and the saddle between the two. The land was purchased in 1989 after a fundraising effort organized by RACC and other local citizens brought in about \$170,000, more than half the purchase price, from local residents, alumni of the two universities, local school children and others. VOF then joined the effort, providing the balance of the required funds and taking title to the land under a pair of agreements signed by RACC and VOF in 1988 and 1989. The Agreements defined the seven-member House Mountain Management Committee to include participation by RACC, VOF, W&L, and VMI: the overall goal was preservation of the land in a natural state and public access to it for recreational activities such as hiking, primitive camping, and hunting. A title succession plan was set in case any holders were no longer able to carry out the Agreements.

In 2013 VOF attempted to unilaterally dissolve the agreement that had successfully guided activity on the mountain for more than twenty-five years, taking all decision-making authority to itself and creating a new, advisory-only group to provide local input about VOF actions and decisions.

RACC believed that this action violated both the spirit and the letter of the original agreements and sued VOF to defend the original management system. It viewed this action as necessary to keep faith with the many people who contributed money, time, and energy for the purchase of House Mountain and its maintenance. Most importantly, RACC saw strong local participation in decision-making as an integral part of the original partnership.



Jared R. Jenkins

Over the past five years, significant efforts to settle the disagreement with VOF, including mediation, ultimately led to a period of preparation for trial and the deposition of witnesses as to the original intent of the Agreements. The trial at the courthouse in Lexington lasted two days; following closing arguments, the jury deliberated for three hours before reporting its unanimous verdict.

RACC was represented by attorney Jared R. Jenkins, who provided untold hours of professional effort "pro bono," donating his time and expertise to the cause. Retired RACC board member Ed Spencer commented, "All those who prize House Mountain and hope to preserve it in its natural state are grateful to Jared for bringing his talents as a lawyer and his willingness to contribute his time and effort to protecting this monument in our landscape." RACC also thanks all the courageous and honorable witnesses who testified in court or were deposed in preparation for the trial.

The jury agreed with RACC's position that the Agreements were in fact contracts and that VOF had breached them. They further found that VOF must return to the original structure for the House Mountain Management Committee and maintain the decision-making authority of the committee.

RACC hopes that this decision will give the House Mountain Preserve the best chance to remain in its natural state in perpetuity, enabling the Management Committee to meet the hopes and expectations of those who saw the value and potential of House Mountain, which remains the iconic backdrop for activities across Rockbridge County.

Please include RACC in your plans for year-end giving!

Community Festival in August brought traffic to RACC's booth

RACC mounted a popular display booth at Lexington's Community Festival on August 26. With a high-visibility location and new banners, the exhibit drew large numbers of visitors. Displays included many kinds of educational materials about environmental projects in the area, a table with books and note cards for sale, and chilled "Taste the Maury" water to refresh passersby.



Susan Evans (left) with Jane Comstock.

An adjacent display promoting green energy occupied the drive-through lane of Wells Fargo Bank under a banner reading "You've Got the Power." Included were a pair of electric motorcycles and two electric cars as well as a solar panel and a display of small solar-powered gadgets. The alley also featured an attractive "photo spot" with Mark Cline's sculpture of Natural Bridge; uniformed rangers from the Natural Bridge State Park were on hand to tell people about plans for the park and answer their questions.

The display was orchestrated by RACC board members Gregg Amonette, Lee Merrill, Larry Evans, Bob Biersack, Chris Wise and Executive Director Barbara Walsh. RACC also thanks the many members who helped with set-up, staffing, and tear-down of the exhibits.

Although the primary reasons for RACC's display are public outreach and education, proceeds from festival sales, raffle and donations totaled more than \$600, substantially exceeding the amounts from previous years. Winner of the raffle for a solar-powered birdbath donated by Sallie Sebrell was Susan Evans (shown at left with Jane Comstock).



RACC booth at left with Natural Bridge sculpture behind it and "Power Alley" center-right.

Ridge & River News

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Send suggestions, articles or letters to
racc@rockbridge.net or mail them to the address
shown on the cover.

RACC Board Meetings

are open to members and guests

Time: 4:30 p.m., first Thursday of each month*

Place: RACC Office, Wells Fargo Building 2nd floor
101 South Main Street, Lexington, VA

*Please confirm specific date and time at 540-463-2330
or racc@rockbridge.net.

Food, fellowship and Harwood's 'Boom Daze' enliven meeting

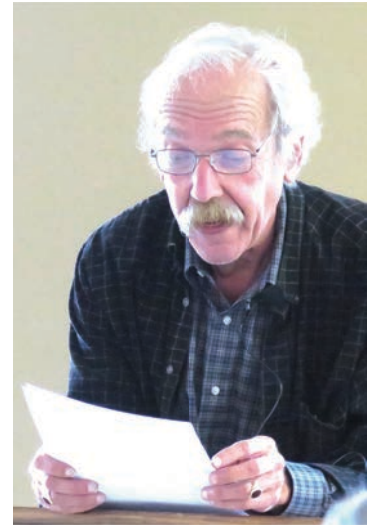
RACC's Annual Meeting on the afternoon of November 12 drew a crowd to the McCauley Pavilion at the golf course in Buena Vista. After feasting on home-made finger-foods with various libations, members settled down for an excellent program, a brief business meeting with the presentation of the 2017 Sustainability Awards under the leadership of Amy DeHart, and election of four Directors to terms running through 2020.

The program began with a thought-provoking talk by RACC Co-President Lee Merrill, "Taking the Long View." After mentioning the important role of W&L and VMI in the area, Lee mused, "Lexington seems to me like a small Greek city-state with both Athenian and Spartan ideals layered over a rural county seat." He noted that RACC's Land Use Committee is developing a set of forums for early 2018 to bring out conservation-minded options for Lexington's update of its Comprehensive Plan.

Lee then introduced the main speaker, the Rockbridge Advocate's Editor in Chief, Doug Harwood. Doug's talk, "Boom Daze," fittingly recounted the historic boom-and-bust cycles that have characterized this part of Virginia, involving at various times grand plans for industrial development (think iron ore) and resort hotels (at hot springs), all perhaps foreshadowing current problems with the Vista Links golf course. The presentation was both informative and amusing, and was much appreciated by the audience.

After a break for further grazing at the buffet, Co-President Gregg Amonette opened the Business Meeting with a summary of RACC's activities in 2017, an extremely busy year featuring many concerns and accomplishments, together with reports on RACC membership and finances; details are available on the RACC website. The awards were presented (see separate story), and then a grateful farewell was said to retiring directors Nathan Bowden, Rosalie Bull, and Conrad Matiuk, followed by election of current directors Bob Biersack, Cliff Kiracofe, Charles Winder, and Chris Wise to new terms running through 2020. In addition, Bob was elected Vice-President.

The last item of business was the raffle drawing for the beautiful framed image of House Mountain, donated by photographer Michele Fletcher. The winner was a longtime RACC friend, Peggy Dyson-Cobb.



Doug Harwood

Awards presented at RACC's Annual Meeting



A **Community Activism and Education Award** went to the Virginians for Responsible Energy for the group's outstanding efforts to inform the public about the environmental hazards associated with the potential development of the Rocky Forge industrial wind turbine complex on North Mountain. VRE determined that local wind conditions and the proposed ridge-line location would limit the power output of the turbines while guaranteeing significant environmental damage. They have worked to educate the public on these issues and alter future permitting processes to better reflect such problems. Accepting the award were (from left) Melissa Hundley, Eric Clanch, Jeff Scott, and Steve Ness.

A special **Lifetime Conservatationist Award** was presented to Dr. Edgar W. Spencer, retired professor at Washington and Lee University and a founding member of RACC. He has worked tirelessly on its causes for more than forty years, including the purchase of the House Mountain Preserve, designation of the Natural Bridge as a state park, and designation of Route 39 as a scenic byway. Ed's geology talks on the Chessie Trail have been a RACC favorite. His most recent book is the "Guide to the Geology and Natural History of the Blue Ridge Mountains," published by the University of Virginia Press. Ed was joined at the ceremony by his wife Betty (right) and their two daughters (from left) Shawn Spencer and Shannon Spencer.



A **Green Infrastructure Award** was presented to the Town of Glasgow to recognize its important efforts to build community and strengthen sustainable connections to local natural assets. Over the past three years, Glasgow has upgraded the town's water distribution and sewer systems, created a Farmers' Market, and expanded local trails.

Examples of RACC Outreach in 2017

- Promoted individual land conservation easements and the Arcadia plan for regional landscape preservation.
- Participated in community discussions to improve Kendal construction plans.
- Worked to promote existing or proposed trails, including the Chessie, Sunnyside, and McThenia trails.
- Joined in opposition to ecologically unsound Atlantic Coast Pipeline and Rocky Forge wind project.
- Cooperated in planning and development of an advisory committee for Natural Bridge State Park.
- Continued citizen water quality monitoring including improvement for Woods Creek.
- Worked on projects for renewable energy, energy conservation, and reduced use of fossil fuels.

For a complete list of activities this busy year, check the RACC website, rockbridgeconservation.org

Please include RACC in your plans for year-end giving!

Telephone: 540-463-2330 * Website: rockbridgeconservation.org * Facebook page: Rockbridge-Conservation

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Chris Wise

Charles Winder

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Cliff Kiracofe

David Harbor

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Co-President, Lee Merrill

Co-President, Gregg Amonette

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