

ANNUAL REPORT

State Agency Farm Land and Forest Land Preservation Activities

December 1, 2004

A Status Report to the Chairs of the
Senate Committee on Agriculture, Conservation and Natural Resources
and the
House Committee on Agriculture, Chesapeake and Natural Resources

By

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Introduction

Section 3.1-18.6 of the Code of Virginia states:

“The Secretary of Commerce and Trade shall submit a written report by December 1 of each year to the chairmen of the House Committee on Agriculture and the Senate Committee on Agriculture, Conservation and Natural Resources on the impacts of state agency actions on the conversion of farm and forest lands.”

The statute requires that the following five named agencies contribute to this report:

1. Department of Transportation;
2. Department of Health;
3. Department of Conservation and Recreation;
4. State Corporation Commission; and
5. Department of Environmental Quality.

Below is a synopsis of information supplied by each of these agencies. As a part of this report, the full texts of their reports are also attached.

Department of Transportation

The Department of Transportation's (VDOT) farm and forest lands protection plan remained unchanged from July 1, 2003 to June 30, 2004. VDOT purchased 599 acres of right-of-way during FY 03-04. Construction is scheduled to begin approximately six months to one year after purchase.

During FY 03-04, VDOT estimates that 37 farmland acres and 38 forestland acres will be impacted by future construction projects. Since these estimates are determined during early environmental studies, the conversion will not actually take place for two to three years. These estimates are preliminary and may decrease as the projects develop and avoidance measures are pursued.

Department of Health

The Virginia Department of Health (VDH) estimates that 24,577 acres of additional farm and forest lands were permitted by VDH from July 1, 2003 to June 30, 2004 to receive land applied biosolids. VDH indicates that an estimated 48,500 acres of farm and forest lands were spread with biosolids during this period. This equals a total of 73,077 acres being preserved as farm and forest lands through their activities for fiscal year 2004.

Department of Conservation and Recreation

The Department of Conservation and Recreation (DCR) reports that the agency completed eight capital projects between July 1, 2003 and June 30, 2004. A total of 3.9

acres of total land acreage were converted for other use. Of that number, two acres of forest land was converted and no farmland acreage was converted.

DCR indicates that it is very careful to minimize impacts to its properties that would disrupt their natural setting. "Construction on park properties is governed by a Master Planning process that is used to develop the properties in a manner that will best blend the project with the natural landscape of the property." DCR reports that every project initiated by DCR undergoes a strict in-house review including the review of the siting of the development.

State Corporation Commission

The State Corporation Commission's (Commission) farm and forest lands protection plan was unchanged during fiscal year 2004. "The Commission has had no capital or major projects for some years, and none are anticipated." The Commission explains that it approves the construction of utility facilities and considers the impact of proposed facilities on farm and forest lands and their conversion in its analysis of environmental impacts.

The Commission executed a Memorandum of Agreement (MOA) with the Department of Environmental Quality (DEQ) to ensure the coordination of reviews of environmental impacts of proposed electric generating plants and associated facilities. A second MOA with DEQ is in place to ensure that consultation by DEQ on wetland impacts occurs prior to siting determinations by the Commission for facilities and activities and public service companies.

Department of Environmental Quality

The Department of Environmental Quality (DEQ) reports that from July 1, 2003 to June 30, 2004, the department coordinated the review of 95 state projects, each of which was reviewed by VDACS and the Department of Forestry. No adverse impacts to farm lands were identified by either agency. One project involved the acquisition of a five-acre parcel located adjacent to the current VDOT facility at Craftons Gate Area Headquarters in Charlotte County. "The parcel would be cleared and fenced in preparation for construction of a new 3,700 square foot building. Charlotte County indicated that the site is zoned agricultural." No comments were received indicating any adverse impacts to agricultural lands.

During this time the department had 21 comment periods on notices of intent to adopt, appeal or repeal of regulation and 12 comment periods on proposed adoption, amendment or repeal of regulatory text. Only one comment was received regarding impacts to farm or forest lands during these comment periods.

The State Water Control Board issued 18 notices of intent and eight notices of public comment periods on proposals. A comment relating to farming was received on a notice of intent to designate a portion of Laurel Fork as a Tier III exceptional state water.

“However, Laurel Fork is located within a national forest and the U.S. Forest Service controls logging activities within the national forest, not a Tier III water designation made by the State Water Control Board.”