

# **ANNUAL REPORT**

## **State Agency Farm Land and Forest Land Preservation Activities**

**December 1, 2005**

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, 2004 to June 30, 2005. VDOT purchased 1,059 acres of right-of-way during FY 04-05. Construction is scheduled to begin approximately six months to one year after purchase.

During FY 04-05, VDOT estimates that 44.79 farmland acres and 32.11 forest land 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 82,188 acres were preserved as farm and forest lands through its activities. This figure includes 31,688 acres for which permits were issued for land application of biosolids and 50,500 acres spread with biosolids. There is approximately 381,000 acres of farm and forest lands permitted by VDH to receive land applied biosolids.

### ***Department of Conservation and Recreation***

The Department of Conservation and Recreation (DCR) reports that the agency strives to minimize impacts to farm and forest land on its properties. In FY 05, DCR completed 14 projects between July 1, 2004 and June 30, 2005. A total of 1.9 acres was converted. Of that number, 0.5 acre of forest land was converted, zero acres of farm land were converted, and 1.4 acres of other land (excluding farm and forest) were converted.

According to DCR, every project initiated by the agency undergoes a strict in-house review including the review of the siting of the development. The agency reports that it works with designers and contractors closely to insure that land impacts are minimized. DCR reports that while the agency is deep into the capital improvements approved by the General Obligation Bond referendum of 2002, many projects are underway, but not yet complete. Thus, a relatively small amount of acreage was affected during FY 05.

### ***State Corporation Commission***

The State Corporation Commission's (SCC) farm and forest lands protection plan was unchanged during fiscal year 2005. "The Commission has had no capital projects for some years, and none are anticipated, which would have an impact on the conversion of farm and forested lands." The SCC explains that it approves the construction of utility facilities and considers the impact of proposed facilities on farm and forested lands and their conversion in its analysis of environmental impacts.

The SCC 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 SCC for facilities and activities and public service companies.

### ***Department of Environmental Quality***

The Department of Environmental Quality indicates that it "strives to ensure that any impacts on the preservation of farm and forestlands resulting from the agency's actions are necessary to protect the public health, safety and welfare." Additionally, the agency states that as the agency coordinates the review of environmental impacts resulting from state construction projects, the responsible agencies are asked to identify any such impacts.

From July 1, 2004 to June 30, 2005, DEQ reports that the department coordinated the review of 58 state projects, each of which was reviewed by the Virginia Department of

Agriculture and Consumer Services and the Virginia Department of Forestry. According to DEQ, no adverse impacts to farm lands were identified by either agency. During this time the department had 13 comment periods on notices of intent to adopt, appeal or repeal of regulation and 14 comment periods on proposed adoption, amendment or repeal of regulatory text. Comments relative to farm and forest land preservation were received on one notice of intent and five notices of public comment period.

In regards to comments received on the notice of intent, DEQ reviewed the comments and believe that the designations will not have an adverse impact on farm and forest land preservation.

DEQ reports that the notice of public comment concerned the establishment of point source nutrient control regulations. The agency reports that the primary concern expressed by the commenter was that the regulations as proposed would result in the loss of farm and forest land due to development occurring in rural areas around small package wastewater treatment plants. DEQ also reports that this regulation was significantly modified prior to its adoption based on all the comments received. DEQ believes that many of the concerns for farm and forest land preservation have been addressed. The latest round of comments will be included in the 2006 annual report.