

ANNUAL REPORT

State Agency Farm Land and Forest Land Preservation Activities

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 the se 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, 2005 through June 30, 2006. VDOT purchased 441.18 acres in FY05-06 to be used for right of way. Construction projects on this property will begin six months to one year after purchase.

During FY05-06, VDOT estimates that 68.91 acres of farmland and 34.27 acres of forestland 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 project develops and avoidance measures are pursued.”

Department of Health

The Virginia Department of Health (VDH) estimates that 68,262 acres were preserved as farm and forest lands through its activities between July 1, 2005 and June 30, 2006. This figure includes 18,340 acres for which permits were issued for land application of biosolids and 49,922 acres spread with biosolids during this period. There are approximately 399,000 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 on farm and forest land on agency property. The department is currently involved in one of the largest capital improvement programs in its history. Fifteen projects have been completed between July 1, 2005 and June 30, 2006. These projects affected a total of 69 acres, 66 of which were forest land. No farm land was affected. The projects are part of the department's master plan and focused on expanding and constructing campgrounds and infrastructure.

State Corporation Commission

The State Corporation Commission's (SCC) farm and forest lands protection plan was unchanged during fiscal year 2006. The Commission has had no capital projects for some years, and none are anticipated, that 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 (DEQ) states that it "strives to ensure that any impacts on the preservation of farm and forest lands resulting from the agency's actions are necessary to protect the public health, safety and welfare." Additionally, 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, 2005 through June 30, 2006, DEQ "coordinated the review of 158 state projects, each of which was reviewed by the Virginia Department of Agriculture and Consumer Services and the Department of Forestry. DEQ reports that there were no adverse impacts to the farmlands that either agency identified. During this period DEQ had 16 comment periods on notices of intent to adopt, amend, or repeal a regulation and 17 comment periods on proposed adoption, amendment, or repeal of regulatory text. DEQ also conducted two public comment periods for Fast-Track rulemaking and four comment periods on suspended regulatory actions. Only two comment periods received comments regarding impacts to farm or forest lands.

The State Air Pollution Control Board clarified language on one proposed regulation to assure the U.S. Forest Service that the proposed open burning ban did not apply to forest management practices or agricultural practices or any other permissible burning listed.

The State Water Control Board received significant comments from farmers on a proposed Virginia Water Protection General Permit for minor surface water withdrawals; therefore, DEQ recommended the Board withdraw the proposed general permit. The advisory committee will be reconvened to review and develop appropriate amendments based on the comments received and potentially withdraw the proposed general permit.