

# **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 Agriculture and Forestry 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, 2006 through June 30, 2007. VDOT purchased 393.39 acres in FY06-07 to be used for right of way. Construction projects on this property will begin six months to one year after purchase.

During FY06-07, VDOT estimates that 45.23 acres of farmland and 34.47 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 76,074 acres were preserved as farm and forest lands through its activities between July 1, 2006 and June 30, 2007. This figure includes 20,504 acres for which permits were issued for land application of biosolids and 55,570 acres spread with biosolids during this period. There are approximately 419,500 acres of farm and forest lands permitted by VDH to receive land applied biosolids.

The Biosolids Use Regulations and land application permitting program will be transferred from this agency to the Department of Environmental Quality (DEQ) on January 1, 2008. The Director of the Office of Land Application Programs for DEQ should be contacted concerning the fiscal year 2008 plan for monitoring the protection of farm and forest lands in relation to biosolids use.

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

The Department of Conservation and Recreation (DCR) 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. Twenty-one projects have been completed between July 1, 2006 and June 30, 2007. These projects affected a total of 115 acres, 35 of these acres were farm land, 75 acres were forest land, and 5 acres were other lands. The projects are part of the department's master plan and focused on expanding and constructing campgrounds and infrastructure. Conversion is minimized because DCR is merely changing the type of recreational use on lands already used for recreation.

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

The State Corporation Commission's (SCC) farm and forest lands protection plan was unchanged during fiscal year 2007. 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, 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, 2006 through June 30, 2007, DEQ, "coordinated the review of 114 Environmental Impact Reports for major state projects, each of which was reviewed by the Virginia Department of Agriculture and Consumer Services (VDACS) and the Department of Forestry (DOF). VDACS indicated that farmlands would not be adversely affected by these projects. DOF stated that 113 of these projects would not have any significant impacts on forest lands. In one case, pertaining to the Hampton Roads Airport Development Plan, DOF indicated that the plan would result in a significant impact on the forest resources of the Commonwealth. DOF recommended that the loss of the forest resources be mitigated as proposed in the environmental assessment. DEQ supported the mitigation measures proposed to offset the loss of forest lands."

During this period DEQ had six comment periods on notices of intent to adopt, amend, or repeal a regulation and two comment periods on proposed adoption, amendment, or repeal of regulatory text. DEQ also conducted one public comment period for Fast-Track rulemaking and one comment period on suspended regulatory actions. There were no comments received regarding the impacts to farm or forest lands during any of the regulatory comment periods, with one exception.

The State Water Control Board received comments during the Notice of Intended Regulatory Action comment period for the Water Quality Standards (9 VAC 25-260) that addressed the proposed designation of the Hazel River as exceptional state waters. One commenter had concerns with future restrictions being placed on farm operations that would negatively impact their current operations and/or future owner's ability to farm. Another commenter expressed concern that the exceptional state waters designation would have deleterious economic effects to agriculture in the river corridor. The Department has reviewed the comments and believes that the designation will not have an adverse impact on farm and forest land preservation.