

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 3.2-206 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.

Department of Transportation

The Department of Transportation’s (VDOT) farm and forest lands protection plan remained unchanged from July 1, 2007 through June 30, 2008. VDOT purchased 579.94 acres in FY07-08 to be used for right of way. Construction projects on this property will begin six months to one year after purchase.

During FY07-08, VDOT estimates that 17.77 acres of farmland and 118.71 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

Effective January 1, 2008, the land application permitting program for biosolids application, along with the supporting fiscal and human resources, was transferred to the Department of Environmental Quality (DEQ). Mr. Neil Zahradka is the Manager of the Office of Land Application Programs at DEQ, and he has all the activity records for this program including the activities conducted prior to January 1, 2008. VDH does not conduct any other activities that impact the conversion of farm and forest lands.

Department of Conservation and Recreation

The Department of Conservation and Recreation (DCR) follows a master planning process that develops property in a manner that will best blend the project with the natural landscape of the property. DCR is highly sensitive to the conversion of open space, including the conversion of farm and forestry acreage. Our overarching policy is directed toward having the development, whether it be campsites, visitor centers, or parking lots, “lay lightly on the land”. Seventeen projects have been completed between July 1, 2007 and June 30, 2008. These projects affected a total of 18.75 acres, two of these acres were farm land, 15.5 acres were forest land, and 1.25 acres were other lands. The Agency works with designers and contractors closely to insure that land impacts are minimized. DCR considers the conservation of open space and minimizing the intrusion by capital improvements a priority.

State Corporation Commission

The State Corporation Commission’s (SCC) farm and forest lands protection plan was unchanged during fiscal year 2008. The Commission anticipates no capital projects that would have an impact on the conversion of farm and forested lands. The SCC 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 and requires applicants to submit information on the impact to agricultural and forest resources.

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) “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, 2007 through June 30, 2008, DEQ, “coordinated the review of 134 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 and DOF indicated that farmlands would not be adversely affected by these state projects. DEQ’s responses to proponent agencies include recommendations for the protection of existing trees to provide aesthetic and environmental benefits when applicable.

During this period DEQ had eleven comment periods on notices of intent to adopt, amend, or repeal a regulation and seven comment periods on proposed adoption, amendment, or repeal of regulatory text. DEQ also conducted six public comment periods for Fast-Track rulemaking. 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 Virginia Pollution Abatement (VPA) Permit Regulation for Poultry Waste Management (9 VAC 25-630) that will address concerns regarding transfer and off-site management of poultry waste in the Commonwealth. DEQ is currently in the process of reviewing the comments received and discussing issues with stakeholders. An advisory committee is being utilized to assist with the development of a proposed regulation. Further information on this regulation will be provided in next year's report.