



Todd P. Haymore  
Commissioner

COMMONWEALTH of VIRGINIA  
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October 1, 2009

**MEMORANDUM**

TO: The Honorable Robert S. Bloxom *rsb*  
Secretary of Agriculture and Forestry

FROM: Todd P. Haymore *[Signature]*  
Commissioner

SUBJECT: State Agency Farm Land and Forest Land Protection Annual Report

Section 3.2-206 of the Code of Virginia requires your office to submit a written report to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources and the House Committee on Agriculture, Chesapeake and Natural Resources by December 1 of each year on the impact of state agency actions on the conversion of farm and forest lands. VDACS has prepared that document and attached it for your review. Filing this report with the Division of Legislative Automated Systems prior to December 1 will satisfy the abovementioned reporting requirement.

Should you or your staff have any questions or if I can be of further assistance, please do not hesitate to contact me.

Attachment

c: William P. Dickinson, Deputy Secretary of Agriculture and Forestry  
Donald G. Blankenship, Deputy Commissioner

# **ANNUAL REPORT**

## **State Agency Farm Land and Forest Land Protection**

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:

Robert S. Bloxom  
Secretary of Agriculture and Forestry

December 1, 2009

## ***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 four named agencies contribute to this report:

1. Department of Transportation
2. Department of Conservation and Recreation
3. State Corporation Commission
4. 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, 2008 through June 30, 2009. VDOT purchased 287.17 acres in FY08-09 to be used for right of way. Construction projects on this property will begin six months to one year after purchase.

During FY08-09, VDOT estimated that 104.47 acres of farmland and 5.77 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 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. Their overarching policy is directed toward having the development, whether it be campsites, visitor centers, or parking lots, “lay lightly on the land”. Twenty-five projects have been completed between July 1, 2008 and June 30, 2009. These projects affected a total of 6.5 acres, three acres were forest land and 3.5 acres were other lands. No farm land was affected by the above-referenced projects. The Agency works closely with designers and contractors 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 2009. 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. The Commission's filing requirements further require applicants seeking authority to construct and operate electric generating facilities to submit, among other things, information on the impact to agricultural and forest resources.

### *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, 2008 through June 30, 2009, DEQ "coordinated the review of 107 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 five comment periods on notices of intent to adopt, amend, or repeal a regulation and five comment periods on proposed adoption, amendment, or repeal of regulatory text. DEQ also conducted three 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.

Last year the agency reported comments were received during the Notice of Intended Regulatory Action for the Virginia Pollution Abatement (VPA) Permit Regulation for Poultry Waste management (9VAC25-630) that addresses concerns regarding the transfer and off-site management of poultry waste in the Commonwealth. This regulatory action is being undertaken to ensure that poultry waste is being used in a manner in which state waters are being protected and nutrient losses are being reduced and that these reductions can be measured. During the past year an advisory committee that included key representatives from the agricultural and

conservation sectors met to discuss issues related to the management of off-site poultry waste and how concerns could be addressed in the regulations. With the assistance of stakeholders, a proposal was developed and comments are currently being received from the public on the proposal. Additional information will be provided next year on how any concerns expressed during the comment period on the proposal relating to farm and forest land preservation are being addressed.