

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:

Todd P. Haymore
Secretary of Agriculture and Forestry

December 1, 2012

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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 Chesapeake and Natural Resources, 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; and
4. Department of Environmental Quality

Below is a synopsis of information supplied by each of these agencies.

Department of Transportation

The Department of Transportation (VDOT) reports that from July 1, 2011 through June 30, 2012 VDOT purchased 380.34 acres to be used for right of way. Construction projects on this property will begin six months to one year after purchase.

During FY 2012, VDOT estimates that 47.32 acres of farmland and 73.68 acres of forestland will be impacted by future construction projects. Since these estimates are determined during early environmental studies, the conversion may not actually take place for years. “These estimates are preliminary and may decrease as the project develops and avoidance measures are pursued.”

Department of Conservation and Recreation

As a conservation agency, the Department of Conservation and Recreation (DCR) strives to minimize impacts to farm and forest land on its properties. Conversion is minimized because DCR is taking recreational use land and merely changing the type of recreational use.

DCR’s overarching policy is directed toward having the development, whether it be campsites, visitor centers, or parking lots, “lay lightly on the land”. Twenty-four projects were completed between July 1, 2011 and June 30, 2012. A total of 32 acres were converted of which none were farmland; 24 acres were forest land; and eight acres (excluding farm and forest lands) were classified as other. It is a priority of DCR to conserve open space and minimize intrusion by capital improvements.

State Corporation Commission

The State Corporation Commission's (SCC) farm and forest lands protection plan was unchanged during fiscal year 2012. 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

DEQ "strives to ensure that any impacts on the preservation of farm and forest lands resulting from DEQ's actions are necessary to protect and improve the environment for the well being of all Virginians." If DEQ believes that a regulation may potentially impact farm and forest land preservation, the agency ensures that a representative of the farming or forestry community is given an opportunity to serve as a member of any advisory panel established to assist in the development of the proposal. 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.

During this period, DEQ had seven 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. One comment was received regarding the impacts to farm or forest lands during the regulatory comment periods.

- DEQ issued one Notice of Intended Regulatory Action (NOIRA) and issued one notice of public comment period on a proposed regulation.
- The State Air Pollution Control Board issued three notices of public comment on fast track regulations and two comment periods on proposed regulations.
- The Virginia Waste Management Board issued one notice of intent of a regulatory rulemaking.

- The State Water Control Board (SWCB) issued six NOIRA's and two notices of public comment periods on a proposal. Comments relative to farm and forest land preservation were received during one NOIRA comment period.

Last year, DEQ reported receiving comments on a NOIRA for the General Virginia Pollution Abatement Regulations (9 VAC 25-32) that deals with the regulation of biosolids. DEQ received comments from a number of farmers, as well as biosolids land application contractors who felt that certain proposed changes would impact agriculture. In developing the final regulations, the agency considered the comments submitted by the agricultural community and attempted to minimize adverse impacts to the agricultural community while continuing to protect human health and the environment. These regulations have been approved by the State Water Control Board, but have not been approved by the Governor. (See DEQ's attached report for additional information.)

Previously, DEQ reported receiving comments on a NOIRA for the Virginia Pollutant Discharge Elimination System Permit Regulation for Concentrated Animal Feeding Operations (9 VAC 25-191) to reissue and amend the general permit. DEQ worked with a regulatory advisory panel (RAP) to discuss permitting of concentrated animal feeding operations. DEQ also considered the Environmental Protection Agency's (EPA) adoption of specific requirements concerning public comments for concentrated animal feeding operations. In light of EPA's new requirements, current statutes, and the RAP's findings, DEQ decided to use an individual permit instead of a general permit to regulation these facilities. (See DEQ's attached report for additional information.)

DEQ also completed the review of 60 Environmental Impact Reports (EIR) for major state projects. The EIRs were coordinated with the Department of Forestry (DOF) and the Virginia Department of Agriculture and Consumer Services (VDACS). In most cases, both VDACS and DOF indicated that these projects would not adversely affect farm and forest lands except in the case of a Department of Military Affairs' proposal. DOF indicated that this project would have a significant impact to the overall forest resources in the state.

As part of DEQ's agreement with the SCC to coordinate the reviews of environmental impacts of proposed electric generating plants and associated facilities, DEQ coordinated the reviews of ten SCC applications. DOF found three of the ten applications would have significant impacts on forest lands. Those projects included: Virginia Electric and Power Company's (Dominion) application for a Certificate of Public Convenience and Necessity Authorizing Construction and Operation of Transmission Facilities concerning transmission lines in Augusta, Albemarle and Fluvanna counties; Appalachian Power Company's application for a Certificate of Public Convenience and Necessity concerning Falling Branch transmission lines in the Town of Christiansburg and Montgomery County; and Dominion's application for a Certificate of Public Convenience and Necessity to install and operate a new transmission line in Dahlgren. (See DEQ's attached report for a summarization of these projects and the suggested mitigation strategies.)

DEQ also coordinated the review of the proposed Virginia Tech-Montgomery Executive Airport runway extension and associated development in the Town of Blacksburg. During its review,

DOF found that this project will cause a loss of forest cover, tree canopy and the associated benefits.

Of the 162 federal projects coordinated by DEQ, the DOF found that three would have a significant impact on forestry resources and two will have limited impacts. Those projects with significant impact include the Marine Corps proposed Improvements of Range 14 at the Marine Corp Base at Quantico in Prince William County; the Army Corps of Engineers proposals to conduct maintenance dredging of the Tyler's Beach Federal Navigation Project from Burwell Bay to the James River in Isle of Wight County; and the Department of the Army's proposal to construct a multi-purpose weapons training facility at Fort Lee in Prince George County. (See DEQ's attached report for a summarization of these projects and the suggested mitigation strategies.)

APPENDIX



COMMONWEALTH of VIRGINIA
DEPARTMENT OF TRANSPORTATION

1401 E. Broad Street
Richmond, VA 23219
www.VDOT.Virginia.gov

Greg A. Whirley
COMMISSIONER

October 17, 2012

Mr. Matthew J. Lohr, Commissioner
Virginia Department of Agriculture and Consumer Services
P.O. Box 1163
Richmond, Virginia 23218

Attention: Rebecca Askew

Dear Mr. Lohr:

Attached is the Virginia Department of Transportation's current program or plan for implementing policies for the protection of forest and farmland, in accordance with § 3.2-206 of the Code of Virginia. Also included with our plan is the analysis of the impacts of VDOT projects on these lands from July 1, 2011 to June 30, 2012. If you have any questions, please contact Chip Ray at (804) 371-2605. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen J. Long'.

for Stephen J. Long
State Environmental Administrator

Attachment

WE KEEP VIRGINIA MOVING

VDOT's Plan/Program Addressing

Code of Virginia Section 3.2-206

- Estimate the number of acres of farmlands impacted for each VDOT project. Count all farmlands regardless of whether the property has one of the listed characteristics.

- Estimate the number of acres of forestlands impacted for each VDOT project. Count all forestlands regardless of whether the property has one of the listed characteristics.

- Submit the plan annually by September 1.

Analysis of the Impact of VDOT Projects

Total land acreage converted to other use: 380.34
This is the amount of right of way purchased by VDOT in FY12. Construction begins approximately 6 months to 1 year after purchase.

Total farmland acreage planned to be converted: 47.32
This is the amount of farmland estimated in FY12 to be impacted by future construction projects. Since the estimates are determined during early environmental studies, the conversion may not actually take place for years. These estimates are preliminary and may decrease as the project develops and avoidance measures are pursued.

Total forestland acreage planned to be converted: 73.68
This is the amount of forestland estimated in FY12 to be impacted by future construction projects. Since the estimates are determined during early environmental studies, the conversion may not actually take place for years. These estimates are preliminary and may decrease as the project develops and avoidance measures are pursued.

Douglas W. Domenech
Secretary of Natural Resources



David A. Johnson
Director

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street
Richmond, Virginia 23219-2010
(804) 786-1712

October 19, 2012

Commissioner Matt Lohr
Virginia Department of Agriculture and Consumer Services
Commissioner's Office
102 Governor Street
Richmond, Virginia 23219

Subj: FY2012 Farm and Forest Land Protection Status Report

Dear Commissioner Lohr:

Attached is a copy of the Department of Conservation and Recreation's Annual Farm and Forest Land Protection Report that includes an analysis of the impact Agency capital projects had on open space in FY12. As a Conservation agency, the Department always strives to minimize impacts to farm and forest land on its properties. Conversion is often minimized because we are taking recreational use land and merely changing the type of recreational use.

If you have any questions regarding our submittal, please do not hesitate to contact me. I may be reached at (804) 786-2291 or at david.dowling@dcr.virginia.gov.

Sincerely,

A handwritten signature in cursive script that reads "David C. Dowling".

David C. Dowling
Policy and Planning Director

Attachment

Cc: David A. Johnson, DCR Director
Rebecca S. Askew, VDACS Senior Policy Analyst

*State Parks • Stormwater Management • Outdoor Recreation Planning
Natural Heritage • Dam Safety and Floodplain Management • Land Conservation*

Analysis of the Impact of Agency Projects for FY12:

Number of projects completed between July 1, 2011 and June 30, 2012: 24

Total land acreage converted to other use: 32.0 acres

Total farm land acreage converted: 0 acres

Total forest land acreage converted: 24 acres

Total acreage of other lands converted (excluding farm and forest): 8 acres

Park	Project Description	Land Converted to Other Use	Farm Land Converted	Forest Land Converted	Other Acreage Converted
Douthat	Construct Equestrian Camping Area	0			
Natural Tunnel	Construct Cabin/Campground Check-In Building	0.5			0.5
Twin Lakes	Otter Path Trail Improvements	2		2	
Hungry Mother	Clyburn Hollow Trail	2		2	
Staunton River	Construct equestrian camping area picnic shelter and horse stables	15		15	
Occoneechee	Construct Marina	2		2	
High Bridge	High Bridge Rehabilitation	0			
High Bridge	Renovations to 3 Buildings	0		0	
False Cape	Construct Ranger Residence	0.5			0.5
Belle Isle	Repair Sills, Bel Air Mansion	0			
Belle Isle	Replace Drainfield, Asst Park Manager's Residence	0.5			0.5
Chippokes	Replace Main Return Valve at Pool	0			
Chippokes	Replace Water System Pressure Tank, Historic Area	0			
Kiptopeke	Dredge Boat Ramp	0			
Kiptopeke	Resurface Interior of Water Tank	0			
Pocahontas	Replace Roof, Concessions Building	0			
Shenandoah River	Well #1 Improvements	1		1	
Sky Meadows	Repair Roofs	0			
Smith Mountain	Repair Water System	1.5			1.5
Staunton River	Repair Cabin Drainfield	5			5

Park	Project Description	Land Converted to Other Use	Farm Land Converted	Forest Land Converted	Other Acreage Converted
Staunton River Battlefield	Replace Overseer's House Roof, Mulberry Hill	0			
SW Virginia Museum	Repair Fire & Electrical Systems	0			
Twin Lakes	Reroof Doswell Hall	0			
Crow's Nest Natural Area	Parking Lot	2		2	
Totals		32	0	24	8

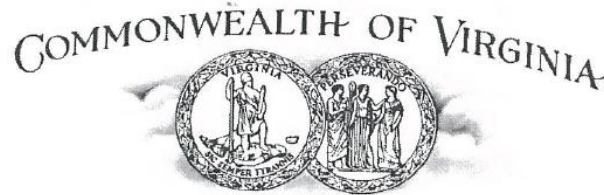
Describe alternatives and mitigating measures that were considered to reduce the total acreage of farm and forest lands converted during the period of July 1 through June 30:

The Department of Conservation and Recreation construction on park properties is governed by a Master Planning process that is used to develop the properties in a manner that will best blend the project with the natural landscape of the property. The Department of Conservation and Recreation is highly sensitive to the conversion of open space, including the conversion of farm and forestry acreage. Every project initiated by the Department undergoes a strict in-house review including the review of the siting of the development. Our overarching policy is directed toward having the development, whether it be campsites, visitor centers, or parking lots, "lay lightly on the land". The Agency works with designers and contractors closely to insure that land impacts are minimized. Conserving open space and minimizing the intrusion by capital improvements remains a priority with the Department of Conservation and Recreation.

MARK C. CHRISTIE
COMMISSIONER

JAMES C. DIMITRI
COMMISSIONER

JUDITH WILLIAMS JAGDMANN
COMMISSIONER



JOEL H. PECK
CLERK OF THE COMMISSION
P.O. BOX 1197
RICHMOND, VIRGINIA 23218-1197

STATE CORPORATION COMMISSION

September 28, 2012



The Honorable Matt Lohr
Commissioner
Virginia Department of Agriculture and Consumer Services
P.O. Box 1163
Richmond, Virginia 23218

Dear Commissioner Lohr:

On behalf of the State Corporation Commission ("Commission"), I am providing a response to your annual request for information pursuant to § 3.2-206 of the Code of Virginia ("Code") regarding the impact of the Commission's projects and regulations on the conversion of farm and forested lands. The discussion herein is substantively the same as the one provided in the Commission's 2011 response.

Section 3.2-206 of the Code requires "an analysis of the impact that the [Commission's] regulations and projects have on the conversion of farm and forest lands." With respect to projects, the Commission anticipates no capital projects that would have an impact on the conversion of farm and forest lands. The remainder of this letter addresses Commission regulations that may have such an impact.

For example, the Commission approves the construction of utility facilities. Commission approval is in addition to the environmental and land-use approvals required for any such construction. The Commission considers the impact of proposed facilities on farm and forest lands and their conversion in its analysis of environmental impacts required by various provisions of the Code, including §§ 56-46.1, 56-259, 56-265.2:1, and 56-580. The Commission regularly requests the Department of Environmental Quality ("DEQ") to coordinate a review of utility applications and to gather information from all state agencies with environmental responsibilities.

In addition, pursuant to §§ 10.1-1186.2:1 B and 56-46.1 G of the Code, the DEQ and the Commission have executed a Memorandum of Agreement regarding coordination of reviews of the environmental impacts of proposed electric generating plants and associated facilities. *See in the matter of receiving comments on a draft memorandum of agreement between the Department of Environmental Quality and the State Corporation Commission, Case No. PUE-2002-00315,*

Order Distributing Memorandum of Agreement (Aug. 14, 2002). When the Commission receives an application for certification of an electric generating facility, such Memorandum of Agreement ensures the coordination of reviews of environmental impacts.

Virginia statutes, however, limit the authority of the Commission over environmental and other matters. Pursuant to § 56-46.1 A of the Code, whenever the Commission is required to approve the construction of any electrical utility facility:

In order to avoid duplication of governmental activities, any valid permit or approval required for an electric generating plant and associated facilities issued or granted by a federal, state or local governmental entity charged by law with responsibility for issuing permits or approvals regulating environmental impact and mitigation of adverse environmental impact or for other specific public interest issues such as building codes, transportation plans, and public safety, whether such permit or approval is granted prior to or after the Commission's decision, shall be deemed to satisfy the requirements of this section with respect to all matters that (i) are governed by the permit or approval or (ii) are within the authority of, and were considered by, the governmental entity in issuing such permit or approval, and the Commission shall impose no additional conditions with respect to such matters.

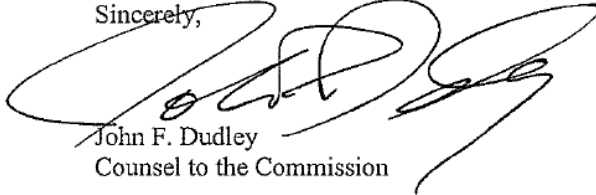
Furthermore, pursuant to § 62.1-44.15:5 D 2 of the Code, the DEQ (on behalf of the State Water Control Board) and the Commission have executed a second Memorandum of Agreement to ensure that consultation by the DEQ on wetland impacts occurs prior to siting determinations by the Commission for facilities and activities of utilities and public service companies. *See In the matter of receiving comments on a draft memorandum of agreement between the State Water Control Board and the State Corporation Commission, Case No. PUE-2003-00114, Order Distributing Memorandum of Agreement (July 30, 2003).* When the Commission receives an application for certification of facilities under §§ 56-46.1, 56-265.2, 56-265.2:1, or 56-580 of the Code, the DEQ prepares a wetland impacts consultation including a summary of findings and any recommendations for the Commission's consideration.

Finally, the Commission's filing requirements for applicants seeking authority to construct and operate electric generating facilities are set forth at 20 VAC 5-302-20. These filing

The Honorable Matt Lohr
September 28, 2012
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requirements direct the applicant to submit, among other things, information on the impact to agricultural and forest resources. *See, e.g.*, 20 VAC 5-302-20 12.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Dudley". The signature is stylized with large, sweeping loops and a long horizontal stroke at the end.

John F. Dudley
Counsel to the Commission



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Street address: 629 East Main Street, Richmond, Virginia 23219
Mailing address: P.O. Box 1105, Richmond, Virginia 23218
Fax: 804-698-4019 - TDD (804) 698-4021
www.deq.virginia.gov

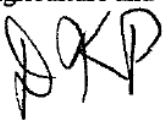
Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

MEMORANDUM

TO: The Honorable Matt Lohr, Commissioner
Department of Agriculture and Consumer Services

FROM: David K. Paylor 

DATE: August 1, 2012

SUBJECT: Preservation of Farm and Forest Lands - Report on Impacts from the Department of Environmental Quality's Programs pursuant to § 3.2-206 of the Code of Virginia

The Department of Environmental Quality (DEQ) strives to ensure that any impacts on the preservation of farm and forest lands resulting from the DEQ's actions are necessary to protect and improve the environment for the well being of all Virginians. The primary goal of the DEQ as it develops regulations is to focus on environmental results, to consider both the environmental benefits and the impacts to those we regulate, and to prioritize our efforts and resources based on potential impact on the environment. Included in each notice of intent or notice of a comment period on a proposal is a specific request for comment on the impacts of the regulation on farm and forest land preservation. If the DEQ believes that a regulation may impact farm and forest land preservation, the DEQ will ensure that a representative of farming and/or forestry is given an opportunity to be a member of any advisory panel established to assist in the development of a proposal. DEQ also coordinates the review of environmental impacts resulting from state construction projects, proposed electric generating plants and associated facilities submitted to the State Corporation Commission, airport projects requiring license from the Department of Aviation, and federal projects. Responsible agencies are asked to identify any such impacts. In addition, the Departments of Agriculture and Consumer Services (VDACS) and of Forestry (DOF) are asked to review those evaluations and make recommendations on how such impacts can be avoided or minimized.

From July 1, 2011, to June 30, 2012, the DEQ (and its regulatory boards) had 7 comment periods on notices of intent (NOIRA) to adopt, amend or repeal a regulation and 5 comment periods on proposed adoption, amendment or repeal of regulatory text. In addition, there were 3 public comment periods for fast-track rulemakings. Comments were received regarding impacts to farm or forest lands during 1 of the regulatory comment periods. The specifics are listed below:

- The DEQ issued 1 notice of a public comment period on a proposed regulation.
- The State Air Pollution Control Board issued 3 notices of a public comment period on fast track regulations and 2 comment periods on proposed regulations.
- The Virginia Waste Management Board issued 1 notice of intent of a regulatory rulemaking.
- The State Water Control Board issued 6 notices of intent of regulatory rulemaking, and 2 notices of a public comment period on a proposal. Comments relative to farm and forest land preservation were received during 1 NOIRA comment period.

DEQ accepted public comments on a NOIRA for the General Virginia Pollution Abatement Discharge Elimination System permit Regulations (9VAC25-800) that deal with the regulation of the application of pesticides. DEQ staff received a comment from the Virginia Forestry Association expressing interest in participating in the Regulatory Advisory Panel (RAP) and suggested including a representative of the Virginia Department of Forestry on the RAP as well. The agency intends to include representatives of both of these groups on the RAP to assist with revising the regulation.

In last year's report, the agency reported receiving comments on proposed Virginia Pollution Abatement (VPA) Regulations (9VAC25-32) that deal with the regulation of biosolids. DEQ staff received comments from a number of farmers as well as biosolids land application contractors who felt that certain proposed changes to the regulations would have an impact on agriculture. The agency presented final regulations to the State Water Control Board in September 2011 and the regulations were adopted as final regulations; however, the regulations have not been approved by the Governor and have not become effective.

In developing the final regulations, the agency considered the comments submitted by the agricultural community and attempted to minimize adverse impacts to the agricultural community while continuing to protect human health and the environment. The agricultural community was concerned that the option for adjacent property owners to obtain additional setback distances upon request would arbitrarily decrease the area in which biosolids could be applied. The Board revised the regulations to state that in order to obtain increased setbacks from their home or property line, an adjacent resident must submit a written request accompanied by a physician's note.

Another agricultural commenter wanted permits issued by the Department of Health to be extended past the December 31, 2012 expiration date proposed in the revised regulations. DEQ did not modify this requirement, since the last Health Department permit was issued based on a five year permit term in December of 2007. Consistent with long-standing DEQ permitting procedures, the final regulations include a provision for administrative extension of the Health Department permits past 2012 if a complete DEQ VPA permit application is received before the expiration date.

The wastewater industry commented that the proposed ceiling limit concentration for molybdenum of 40 mg/kg to grazed lands would limit the amount of biosolids available to be land

applied, and that any reduction in the level should not be adopted until EPA changed the federal rule on this limit. DEQ retained the 75 ppm ceiling concentration for molybdenum, but replaced the 40 ppm restriction for biosolids applied to grazed lands with a footnote describing EPA's research and the potential risk of application of biosolids with molybdenum levels greater than 40 ppm. This information will be included in the fact sheet provided to the landowner.

Previously DEQ reported receiving comments during the notice of intended regulatory action for the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Concentrated Animal Feeding Operations (9 VAC 25-191) to reissue and amend the general permit. The DEQ worked with a regulatory advisory panel, whose membership included representatives of the agricultural community, to discuss permitting of concentrated animal feeding operations. EPA has adopted specific requirements concerning public comment for concentrated animal feeding operations which has complicated the approach used to permit these facilities. After reviewing the changes to EPA's requirements with the RAP and the requirements of Virginia law, the decision has been made to use an individual permit instead of a general permit to regulate these facilities, which provides more flexibility to regulated facilities. DEQ has developed permit templates for individual permits that have been shared with RAP members and submitted to EPA for review. Since the general permit for these facilities has expired, DEQ plans to repeal the general permit.

Review of major state projects

During the past fiscal year (7/1/11 to 6/30/12), the Office of Environmental Impact Review completed the review of 60 Environmental Impact Reports (EIR) for major state projects. The EIRs for these projects were coordinated with the Department of Forestry (DOF) and the Department of Agriculture and Consumer Services (VDACS). In most cases, VDACS and DOF indicated that farm and forest lands would not be adversely affected by these state projects except in the case of the Department of Military Affairs' (DMA) proposal for construction of and training at an urban combat training facility at Fort Pickett (DEQ-12-054S). The document indicated that tree clearing would need to occur to implement the proposed action. Since the site plan is conceptual, a specific amount of tree loss was not estimated. The DOF finds that this project will have a significant impact to the overall forest resources of the Commonwealth, specifically the loss of forest cover, tree canopy and the associated benefits. According to DOF, 154 acres of forestland may be affected by this project. Therefore, DOF states that DMA should mitigate the loss of the forestland. This mitigation could be in the form of reforesting open lands, improving the growth of existing forestlands, or conserving lands through conservation easements so they will remain in forestland for perpetuity.

Review of environmental impacts of proposed electric generating plants and associated facilities

Pursuant to Virginia Code 10.1-1186.2:1 B and 56-46.1 G, DEQ and the State Corporation Commission (SCC) entered into a memorandum of agreement regarding coordination of the reviews of environmental impacts of proposed electric generating plants and associated facilities. DEQ includes DOF and VDACS in the review of SCC applications. DEQ coordinated the reviews of 10 SCC applications between 7/1/11 through 6/30/12. DOF found 3 of the 10 applications would have significant impacts on forest lands and information on these projects is summarized below.

1. Virginia Electric and Power Company (Dominion) applied for a Certificate of Public Convenience and Necessity Authorizing Construction and Operation of Transmission Facilities concerning Doods-Bremo 230 kV Transmission Line Rebuild in Augusta, Albemarle and Fluvanna Counties, Virginia (SCC Case No. PUE-2010-00115 (reviewed under DEQ # 11-097S). DOF finds that this project would have a significant impact on the forest resources of the Commonwealth from the removal of 85.5 acres of forestland. DOF indicated that it welcomes discussions with Dominion concerning potential mitigation options for this project as well as discussing an overall mitigation strategy for future right-of-way clearing projects. DOF recommends that the proposed clearing for the additional 50 feet of right-of-way on the forested 14.1 miles (of the total 17.4 miles) of corridor be mitigated. DOF recommends a mitigation ratio in excess of 1 to 1, more than one acre of land reforested or protected to every one acre cleared for power line right-of-way. Therefore, Dominion would be assisting landowners in the conservation, reforestation and/or purchase of 85.5+ acres within the three county area or statewide.

2. Appalachian Power Company (APCo) applied for a Certificate of Public Convenience and Necessity concerning Falling Branch – Merrimac 138 kV Transmission Line, Town of Christiansburg and Montgomery County (SCC Case No. PUE-2012-00007, reviewed under DEQ 12-048S). DOF finds that this project would have a significant impact on the forest resources of the Commonwealth from the removal of 52 +/- acres of forestland. DOF recommends that the proposed clearing of an additional 4.3 miles of corridor be mitigated with a mitigation ratio in excess of 1 to 1, more than one acre of land reforested or protected to every one acre cleared for power line right-of-way. Therefore, APCo would be assisting landowners in the conservation, reforestation and/or purchase of 52+ acres within the affected area or statewide.

Potential opportunities for mitigation include but are not limited to the following:

- Reforest and protect open company lands within the Commonwealth of Virginia to create forestlands.
- Work with DOF to develop a cost-share program or use an existing program to assist private landowners within the Christiansburg - Montgomery County area or statewide. This program would assist landowners in reforesting harvested timberlands or plant open lands with pine or hardwood seedlings. This potential program would be funded by APCo for mitigation.
- Work with DOF or another Virginia conservation agency or group to create a forest land conservation fund that would be used for the purchase of conservation easements or property acquisitions of forestlands. These purchases could be within the affected area or statewide and would ensure that the forested lands are managed and are retained as working forest lands for perpetuity.

The SCC application for this project states that approximately 19 acres of active farmland is located within the preferred right-of-way. These areas are used for pasture or hay production; however, no prime farmland soils of statewide importance occur within the preferred corridor. Approximately 11.1 acres of Agricultural and Forrestral District land as designated by Montgomery County are crossed adjacent to the Norfolk Southern Railway right-of-way. This crossing is not

The Honorable Matt Lohr
August 1, 2012
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expected to have a significant impact on this property due to its location along property lines. VDACS states that it encourages the minimal transfer of agricultural land to non-agricultural purposes in the development of this project.

3. The Virginia Electric and Power Company (Dominion) submitted an application for a Certificate of Public Convenience and Necessity (CPCN) to the SCC to install and operate a new 230 kilovolt (kV) overhead double circuit transmission line from Dahlgren Junction to a proposed new 230 - 34.5 kV substation at Naval Support Facility (NSF) Dahlgren in King George County (DEQ 11-193S). The proposed new transmission line will be built entirely within new right-of-way. The DOF finds that this project will have a significant impact on the forest resources of the Commonwealth. DOF recommends that the proposed clearing of between 80-88 acres of forestland, depending on the final route chosen, for the right-of-way corridor be mitigated.

Review of airport projects requiring license from the Department of Aviation

Pursuant to Virginia Code section 5.1-7 the Department of Environmental Quality coordinated the review of the proposed Virginia Tech – Montgomery Executive Airport runway extension and associated development in the Town of Blacksburg (DEQ 12-028S). The purpose of DEQ's review is to provide comments to the Department of Aviation concerning the review of environmental impacts of the proposed project as the Department of Aviation considers whether to issue a license for the proposed project. DEQ includes the Department of Agriculture and the Department of Forestry in its review of airport projects. DOF finds that this project will have a significant impact on the overall forest resources of the Commonwealth, specifically the loss of forest cover, tree canopy and the associated benefits. According to DOF, since the environmental assessment indicates that forestland will be cleared or altered by this project, the responsible party should mitigate the loss of forestland. DOF states that the steep slopes of the High Knob area will require close adherence to Forestry Best Management Practices (BMPs). DOF recommendations include the following:

- Follow Forestry BMPs for water quality as outlined by the DOF's *Voluntary BMP Guidelines* publication for all harvesting operations.
- Coordinate with DOF to discuss the options and assist with the mitigation opportunities that are available to the Virginia Tech-Montgomery Executive Airport.

Federal Projects

The DOF also indicated that 3 of the 162 federal projects coordinated by DEQ from 7/1/11 through 6/30/12 would have significant impacts on forestry resources and 2 would have limited impacts. Information on these projects is summarized below.

1. The Marine Corps proposes Improvements of Range 14 at the Marine Corps Base, Quantico in Prince William County, Virginia (DEQ-11-108F). The improvements would primarily expand the area of the range and would require the removal of more than 100 acres of forest. The trees in the cleared area would be harvested, as applicable. DOF finds that this project will have a significant impact to the overall forest resources of the Commonwealth, specifically the loss of forest cover,

tree canopy and the associated benefits. A total of 118 acres of forestland will be cleared by this project. DOF recommends that the Marine Corps mitigate the loss of forestland. The mitigation could be in the form of reforesting open lands, improving the growth of existing forestlands, or conserving lands through conservation easements so they will remain in forestland for perpetuity. DOF is available to discuss options and assist with the mitigation opportunities that are available to the Marine Corps Base.

2. The Army Corps of Engineers proposes to conduct maintenance dredging of the Tyler's Beach Federal Navigation Project from Burwell Bay to the James River in Isle of Wight County (DEQ-11-122F). DOF finds that the project will have a significant impact on the forest resources of the Commonwealth due to the removal of 25 acres of forestland. DOF recommends that the permanent loss of forestland associated with the 25 acres to be cleared be mitigated.

3. The Department of the Army proposes to construct a multi-purpose weapons training facility at Fort Lee in Prince George County (DEQ-11-112F). Approximately 32 acres of forestry clearance would occur to install the targets, establish a network of dirt or gravel service roads, and provide clear line of sight from the firing positions. DOF finds that the project will have a significant impact to the overall forest resources of the Commonwealth, specifically the loss of forest cover, tree canopy and the associated benefits. DOF recommends that Fort Lee mitigate the loss of the forestland. This mitigation could be in the form of reforesting open lands, improving the growth of existing forestlands, or conserving lands through conservation easements so they will remain in forestland for perpetuity.