

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, 2013

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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, 2012 through June 30, 2013 VDOT purchased 381.67 acres to be used for right-of-way. Construction projects on this property will begin six months to one year after purchase.

During FY 2013, VDOT estimates that 45.49 acres of farmland and 46.79 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 lands 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”. Thirteen projects were completed between July 1, 2012 and June 30, 2013. A total of 92 acres were converted: 15 acres were farmland; 12 acres were forestland; and 65 acres 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 substantively the same as that reported 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.

The SCC 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. Additionally, the SCC executed a Memorandum of Agreement (MOA) with DEQ regarding 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 lands 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 fiscal year 2013, DEQ (and its regulatory boards) had five comment periods on notices of intent to adopt, amend, or repeal a regulation and eight comment periods on proposed adoption, amendment, or repeal of regulatory text. DEQ also conducted six public comment periods for fast-track rulemaking. No comment was received regarding the impacts to farm or forest land during the regulatory comment periods. The specifics of the comment periods are as follows:

- DEQ 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 one notice of intent of a regulatory rule making.
- The Virginia Waste Management Board issued two notices of a public comment period on fast track regulations and one notice of public comment period on a proposal.

- The State Water Control Board (SWCB) issued four notices of intended regulatory action and one notice of public comment period on a fast track regulation and six notices of a public comment period on a proposal.

Review of Major State Projects:

From July 1, 2012 to June 30, 2013, DEQ's Office of Environmental Impact Review completed 47 Environmental Impact Reports for major state projects. Both the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Forestry (DOF) indicated that neither farm nor forest land would be adversely impacted by these projects.

DEQ and the SCC entered into a MOA 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 July 1, 2012 and June 30, 2013 and found that two of the 10 applications would have significant impacts on forestland. Information on these projects is summarized below.

- The Virginia Electric and Power Company (Dominion) submitted an application to the SCC for a Certificate of Public Convenience and Necessity (CPCN) to construct a new electric generation facility in Brunswick County and switching stations and transmission lines in Brunswick and Greensville counties. DOF recommended mitigation for the 400-500 acres of forestland lost to the proposed project.
- Appalachian Power Company (APCo) submitted an application to the SCC for a CPCN for the construction and operation of a new 138 kilovolt (kV) transmission line in Wythe County. DOF made similar recommendations for the APCo project as described for the Dominion project above for: (i) Construction Activities, (ii) Invasive Species Management, (iii) Biodiversity Planning and (iv) Forest Resources Impact Mitigation.

For additional information on the review of major state projects, see Appendix D for DEQ's complete report.

Federal Agency Projects:

DEQ coordinated the review of 166 federal agency projects (including private development requiring federal approvals) from July 1, 2012 to June 30, 2013. Of that number, DOF indicated that 11 could have adverse impacts on agriculture and forestry resources and could result in the conversion of more than 1,350 acres of forest and farm lands. Detailed recommendations made by DOF to mitigate these adverse impacts can be found in Appendix D.

APPENDIX A

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VDACS-OPPR

Gregory A. Whirley
Commissioner



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219 2000



August 23, 2013

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/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 are the results of our analysis of the impacts of VDOT projects on these lands from July 1, 2012 to June 30, 2013. If you have any questions, please contact Elizabeth Jordan at (804) 371-0877.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen J. Long".

Stephen J. Long
State Environmental Administrator

Attachment

APPENDIX A

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 had one of the listed characteristics.
- Submit the plan annually by September 1.

Results of the Analysis of the Impact of VDOT Projects

Total land acreage converted to other use: **381.67 acres**
This is the amount of right-of-way purchased by VDOT in FY13.
Construction begins approximately 6 months to 1 year after purchase.

Total farmland acreage planned to be converted: **45.49 acres**
This is the amount of farmland estimated in FY13 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: **46.79 acres**
This is the amount of forestland estimated in FY13 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.

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Douglas W. Domenech
Secretary of Natural Resources



David A. Johnson
Director

COMMONWEALTH of VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION

600 East Main Street, 24th Floor
Richmond, Virginia 23219
(804) 786-6124

October 14, 2013

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

Subj: FY2013 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 FY13. 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. This concept was particularly illustrated this year at the new Powhatan State Park.

If you have any questions regarding our submittal, please do not hesitate to contact us. 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 • Nonpoint Pollution Prevention • Outdoor Recreation Planning
Natural Heritage • Dam Safety and Floodplain Management • Land Conservation*

APPENDIX B

Analysis of the Impact of Agency Projects for FY13:

Number of projects completed between July 1, 2012 and June 30, 2013: 13

Total land acreage converted to other use: 92.0 acres

Total farm land acreage converted: 15 acres

Total forest land acreage converted: 12 acres

Total acreage of other lands converted (excluding farm and forest): 65 acres

Park	Project Description	Land Converted to Other Use	Farm Land Converted	Forest Land Converted	Other Acreage Converted
Fairy Stone	Construct Horse Stables and Road Improvements	0	0	0	0
New River Trail	Construct New Maintenance Complex	1	0	1	0
New River Trail	Renovate Park Office	0	0	0	0
James River	Exhibits for Visitor Center	0	0	0	0
Powhatan	Development of Powhatan State Park Phase I	89	15	10	64
First Landing	Repair Dump Station	0	0	0	0
Lake Anna	Repair Water System	0	0	0	0
Mason Neck	Replace Barn Roof	0	0	0	0
New River Trail	Repair Shot Tower Porch	0	0	0	0
Staunton River	Repair Cabin Drainfield	1	0	0	1
Twin Lakes	Replace Roof on Six Cabins	0	0	0	0
Westmoreland	Replace Drainfield, Potomac River Retreat	1	0	1	0
Westmoreland	Replace Water Tank	0	0	0	0
	Total	92	15	12	65

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

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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.

APPENDIX C

MARK C. CHRISTIE
COMMISSIONER

JAMES C. DIMITRI
COMMISSIONER

JUDITH WILLIAMS JAGDMANN
COMMISSIONER

COMMONWEALTH OF VIRGINIA



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

STATE CORPORATION COMMISSION

September 25, 2013

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VDACS-OPPR

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 prior years.

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.

The Commission approves the construction of utility facilities. Commission approval is in addition to other 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,

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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.

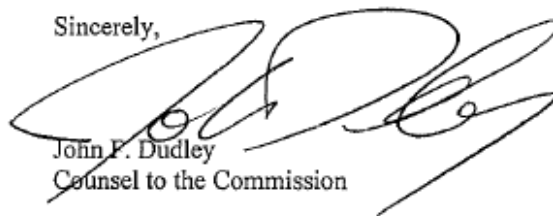
Finally, the Commission's filing requirements for applicants seeking authority to construct and operate electric generating facilities are set forth at 20 VAC 5-302-20. These filing

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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", is written over the typed name and title.

John F. Dudley
Counsel to the Commission

cc: Rebecca S. Askew
Senior Policy Analyst
Virginia Department of Agriculture and Consumer Services

APPENDIX D



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

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Fax: 804-698-4019 - TDD (804) 698-4021

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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 *[Signature]*

DATE: August 13, 2013

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 (SCC), 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, 2012, to June 30, 2013, the DEQ (and its regulatory boards) had 5 comment periods on notices of intent (NOIRA) to adopt, amend or repeal a regulation and 8 comment periods on proposed adoption, amendment or repeal of regulatory text. In addition, there were 6 public comment periods for fast-track rulemakings. No comments were received regarding impacts to farm

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or forest lands during the regulatory comment periods. The specifics on the regulatory comment periods 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 1 notice of intent of a regulatory rulemaking.
- The Virginia Waste Management Board issued 2 notices of a public comment period on fast track regulations and 1 notice of a public comment period on a proposal.
- The State Water Control Board issued 4 notices of intent of regulatory rulemaking, 1 notice of a public comment period on a fast track regulation and 6 notices of a public comment period on a proposal.

Review of major state projects

During the past fiscal year (July 1, 2012 to June 30, 2013), the Office of Environmental Impact Review completed the review of 47 Environmental Impact Reports (EIR) for major state projects and 10 environmental reports for applications to the SCC. The EIRs for these projects were coordinated with the DOF and the VDACS. In all cases, VDACS and DOF indicated that farm and forest lands would not be adversely affected by these state projects.

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 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 July 1, 2012 and June 30, 2013. DOF found 2 of the 10 applications would have significant impacts on forest lands; therefore, information on these projects is summarized below.

1. The Virginia Electric and Power Company (Dominion) submitted an application to the SCC for a Certificate of Public Convenience and Necessity (CPCN) to construct a new electric generation facility in Brunswick County and switching stations and transmission lines in Brunswick and Greensville counties. The power station is proposed to be a 1,358 megawatt (MW) natural gas-fired combined-cycle electric generating facility. The proposed project will encompass approximately 214 acres, located approximately 8 miles east of the Town of Lawrenceville on U.S. Route 58.

Forestry Impacts. DOF stated that between 400 to 500 acres of forest lands will be lost since the entire right-of-way width will be cleared and maintained free of tall-growing trees for the life of the transmission line (most of the right-of-way acreage involved is currently heavily forested land). Transmission construction impacts can include forest fragmentation, changes to the native biodiversity and associated wildlife habitat, aesthetic enjoyment of the resource, loss of timber

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revenues from future timber supplies and impacts to forest industry timber supplies, and negative impacts to water and air quality.

Recommendations. DOF recommended mitigation for the 400-500 acres of forestland lost to the proposed project. Recommendations included the following:

(i) Construction Activities. DOF recommended several activities to minimize construction impacts:

- Restore contours to pre-construction conditions and controlling erosion until re-vegetation stabilizes the disturbed areas.
- Restore vegetation to native species and protect the natural functions of the pre-construction ecosystem where forest clearing was done as part of the construction process and is not part of the necessary right-of-way.
- Reduce soil compaction by using the appropriate machinery and avoid construction activity during periods of wet weather when compaction can easily occur. Combination vehicles weighing more than 10 tons can create compaction as deep as 3 feet which is very difficult to mitigate.
- Develop a Preharvest Plan prior to timber removal from the construction site. This plan should include the careful layout of haul roads and skid trails necessary to transport timber from the site.
- Follow Forestry Best Management Practices (BMPs) for water quality as outlined by DOF's Voluntary BMP Guidelines publication for all harvesting operations.
- Stock pile soil away from trees that are to remain standing. Piling soil at a tree stem can kill the root system of the tree. Soil stockpiles should be covered, as well, to prevent soil erosion and fugitive dust.
- Retain existing groupings and/or clusters of trees and natural vegetation on the sites of the generating and transmission facilities, where feasible, to provide esthetic and environmental benefits, as well as reducing future open space maintenance costs.

(ii) Invasive Species Management. DOF had the following recommendations:

- Consider how invasive species react to increased soil disturbance and sunlight levels reaching the ground from right-of-way clearing. This consideration is important in developing vegetation management strategies.
- Take steps to guard against construction vehicles inadvertently bringing into forest interiors invasive and/or non-native plant species from other locations during construction and follow-on maintenance activities. Weed seed and fungal spores can be transported in the mud or dirt on vehicles. Prior to moving equipment onto and off of an activity area, scrape or brush soil and debris from exterior surfaces, to the extent practical, to minimize the movement of invasive plants, pests and diseases to non-infested areas. Another option is to wash vehicles before they enter a weed-free area or when they leave an infested area. The emphasis of the cleaning should be in the wheels, wheel wells, bumpers and undercarriage of the vehicle where most mud and dirt collects.

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- Use native seed or non-invasive cover plants for revegetation if seeding or planting is necessary to minimize the threat of highly damaging invasive species from spreading.

(iii) Biodiversity Planning. DOF recommended adopting management practices that mitigate potential impacts to biodiversity including:

- Avoiding routes that fragment major forest blocks.
- Keeping right-of-way clearing to the minimum width necessary to prevent interference from trees and other vegetation.
- Including control of invasive species that become established in the right-of-way as part of the right-of-way vegetation maintenance plan.
- Establishing native herbaceous species and shrubs or some low-growing trees that are considered desirable ground cover and valuable wildlife habitat along the right-of-way in the project's vegetation management and revegetation plan.
- Maintaining a scrub habitat, dominated by low growing, bushy vegetation and young trees is preferable to mowing in forest habitats. It can provide quality habitat for wildlife species that are dependent on early successional habitat (birds, reptiles, and amphibians).

(iv) Forest Resource Impact Mitigation. To mitigate that loss, potential opportunities for mitigation of the nearly 500 acres of heavily forested land include but are not limited to the following recommendations:

- Dominion Virginia Power could reforest and protect open company lands within the Commonwealth of Virginia to create forestlands.
- Dominion Virginia Power could work with DOF, forestry consultants, or another Virginia conservation agency or group to create a forest land conservation fund that would be used for various forestry practices. This would include tree planting (creation), management practices that improve forest productivity (restoration), and the development of conservation easements (preservation). These practices could be within the impacted area or statewide and would ensure that the forested lands are managed and retained as forest lands in perpetuity.

2. Appalachian Power Company (APCo) submitted an application to the SCC for a Certificate of Public Convenience and Necessity (CPCN) for the construction and operation of a new 138 kilovolt (kV) transmission line in Wythe County. The project will connect the Jacksons Ferry, Wythe and Progress Park substations. The proposed transmission line will consist of a 100-foot wide right-of-way and the supporting structures and conductors for two new circuits: the Jacksons Ferry – Progress Park 138 kV Circuit and the Jacksons Ferry – Wythe 138 kV Circuit. The application evaluates the Preferred Alternative Route that is approximately 17.6 miles long and a Viable Alternative Route that is approximately 20.1 miles long. APCo will acquire the majority of the right-of-way as easements across private land. The proposed improvements will be contained within APCo's existing property boundaries which is generally rural and agricultural in nature.

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Forestry Impacts. DOF noted that the preferred option requires the least amount of forest clearing due to its passage through largely pasture and farm lands and through commercial and industrial development and the DOF appreciates that consideration. However, for those segments of the right-of-way that go through forested areas, the right-of-way will be cleared and maintained free of tall-growing trees for the life of the transmission line. Transmission construction impacts in these areas can include forest fragmentation, changes to the native biodiversity and associated wildlife habitat, aesthetic enjoyment of the resource, loss of timber revenues from future timber supplies and impacts to forest industry timber supplies, and negative impacts to water and air quality. For these reasons, there are several specific impact issues that DOF considered in its review. They include the following:

- Expected forest loss due to transmission line support structure design and spacing; and land requirements for construction staging areas, substations, or other facilities;
- Routing, including the length, width, and acreage of the proposed right of-way;
- Areas where construction will require permanent clearing of trees, shrubs and herbaceous vegetation;
- Re-vegetation plan for the right-of-way;
- Plans to protect against invasive species; and
- Forest mitigation approach to ameliorate the impact of the permanent loss of forestland on the Commonwealth's inventory of forestland resources along the preferred route of approximately 17.6 miles and the possible alternative route of approximately 20.1 miles.

Recommendations. DOF made similar recommendations for the APCo project as described for the Dominion project above for: **(i) Construction Activities, (ii) Invasive Species Management, (iii) Biodiversity Planning and (iv) Forest Resources Impact Mitigation.**

Federal Agency Projects

The DOF indicated that 11 of the 166 federal agency projects (including private development requiring federal approvals) coordinated by DEQ from July 1, 2012 to June 30, 2013 could have adverse impacts (some significant) on forestry resources. Information on these projects is summarized below.

1. The U.S. General Services Administration (GSA) submitted a draft Environmental Impact Statement (EIS) for the proposed construction of the Foreign Affairs Security Training Center (FASTC) and associated land acquisition in Nottoway County. The proposed project site is located on four parcels of land within and adjacent to the Army National Guard Maneuver Training Center at Fort Pickett, which is operated by the Virginia Army National Guard. The four parcels comprise approximately 1,502 acres. Development would include classrooms, simulation labs, fitness center, driving tracks, mock urban environments, firing and explosives ranges, administrative offices, dormitories, dining hall and facilities for emergency medical response services

Agricultural Lands. The EIS states that the build alternatives would impact 20 acres of prime farmland soils, but the impact would not be significant based on site assessment criteria and coordination with the Natural Resources Conservation Service.

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Forest Lands. The DOF finds that this project will have a significant impact on the forest resources of the Commonwealth from the removal of 525 acres of heavily forested land. This includes areas that have been determined to have a high forest conservation value (FCV) employing the DOF InForest Geographic Information System analysis and evaluation methodology. Urbanization and development represent the single biggest factor in the loss of approximately 16,000 acres of forestland annually in Virginia.

Recommendations. DOF recommended that GSA develop a forest mitigation plan to support the Governor's goal to conserve 400,000 acres of land by the end of his administration and DOF policy objectives for limiting the rate and degree of forestland loss in the Commonwealth as the project moves forward. DOF welcomes discussions with the Foreign Affairs Security Training Center sponsors concerning potential mitigation plan options for this project.

These options could be structured to help meet DOF forest conservation objectives and complement Department of Defense (DOD) and DGIF species habitat considerations, while simultaneously further enhancing forested national security buffers around sensitive areas within the center's development footprint.

2. The Department of the Navy (Navy) proposes to construct the Marine Corps Reserve Training Center (RTC) a Vehicle Maintenance Facility (VMF) at the Naval Air Station Oceana, Dam Neck Annex in the City of Virginia Beach.

Forestry Impacts. Twelve acres of forest will be lost to the development.

Recommendations. DOF recommended that the Navy initiate a dialogue with DOF concerning anticipated future buffer requirements for the Base and how that may complement DOF's mitigation objectives to determine where opportunities for collaboration may exist. In anticipation that there may be a new Base Realignment and Closure (BRAC) initiative within the next year or two and given the level of urban encroachment and the potential threat that represents to Oceana's continued mission, identifying high priority buffer lands and matching them to forestland of high conservation value in the Commonwealth may be a productive exercise.

Private Development subject to Federal Requirements

1. Capital One Financial Services (Capital One) submitted a federal consistency certification (FCC) for the development of a data center site at the Meadowville Technology Park in Chesterfield County. Capital One is constructing the first phase of development with a 150,000-square foot building on the 75-acre site. The site will contain open space and parking areas with approximately 900 parking spaces. Capital One proposes to fill 1.8 acres of forested wetlands, which will require an individual permit from the Corps.

Forest Lands Impacts. DOF analysis identified the project's entire footprint as containing high conservation value forestland (rated 4 on a 1 to 5 point scale with 5 being the highest). DOF understands that with the development of the Meadowville site as the data center site, Capital One is

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under construction with the first phase of development of the 75-acre site. This project will result in forest conversion to a more intensive land use of 75 acres in phase one and the eventual impact could be the loss of up to 1,163 acres.

Agency Recommendations. DOF would like to visit with Capital One about possible approaches to replace this forest lost through afforestation efforts.

2. Base Camp Development Company proposes to develop sections 7 through 11 of Summer Lake Development in Chesterfield County. The project qualifies for a U.S. Army Corps of Engineers (Corps) Individual Permit. The Summer Lake residential development is located on 675 acres of wooded land along Otterdale Road. Each section contains between 40 and 75 lots with a minimum size of 12,000 square feet.

Forestry Impacts. DOF states that the project sponsor is developing 675 acres of wooded land, much of it consisting of upland forest. The size of the project and its impact on forest land is a concern to the DOF given its charge to reduce the rate of forest conversion to non-forest use in the Commonwealth. This conversion issue was also noted in the comments on the project by the Richmond Regional Planning District Commission which stated the proposed project will eliminate a portion of a large block of natural, forested land that had been identified for regional green infrastructure.

Recommendation. Coordinate with the DOF regarding any potential mitigation that may be implemented.

The following general recommendations for the protection of the preserved trees were offered:

- Protect trees not slated for removal from the effects of construction activities by marking the trees and fencing them to at least the drip line or the end of the root system, whichever extends farther from the stem. Marking should be done with highly visible ribbon so that equipment operators see the protected areas easily.
- Ensure that where feasible, existing groupings and/or clusters of trees and natural vegetation remain on the site to provide aesthetic and environmental benefits, as well as reducing future open space maintenance costs.
- Follow Forestry Best Management Practices (BMPs) during all harvesting operations to protect water quality as outlined by the DOF Voluntary BMP Guidelines publication.
- Ensure that any stock piling of soil takes place away from trees. Piling soil at a tree stem can kill the root system of the tree.
- Cover soil stockpiles to prevent soil erosion and fugitive dust.

3. The Smyth Wythe Airport Commission submitted an environmental assessment as part of Federal Aviation Administration's National Environmental Policy Act requirements. The commission proposes to acquire 342 acres of an aviation easement, install a directional approach lighting system, remove approximately 46 acres of trees and grade approximately 5 acres of terrain at the Mountain Empire Airport in Smyth and Wythe counties. The tree removal will occur both on and off airport property, and vegetation will be planted after the tree removal.

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Forestry Impacts. The DOF finds that this project will result in forest conversion to a more intensive land use. There are several forest functions and values lost as a result of this conversion. For example, nutrient and sediment loads will increase as a result of this land cover change. Using the InFOREST application (<http://inforest.frec.vt.edu/>), converting from forestland to grassland will result in nitrogen, phosphorus and sediment load increases of 80.47 pounds per year, 11.46 pounds per year and 12.33 tons per year respectively. Other values such as timber production and cultural values (recreation and aesthetics) could be impacted.

Recommendations. DOF had the following recommendations:

- Follow practices that avoid compaction by equipment, storage of construction materials, and placing fill material in any residual forested area.
- Protect trees not slated for removal from the effects of construction activities by marking the trees and fencing them to at least the drip line or the end of the root system, whichever extends farther from the stem. Marking should be done with highly visible ribbon so that equipment operators see the protected areas easily.
- Ensure that where feasible, existing groupings and/or clusters of trees and natural vegetation remain on the site to provide aesthetic and environmental benefits, as well as reducing future open space maintenance costs.
- Follow Forestry Best Management Practices (BMPs) during all harvesting operations to protect water quality as outlined by the DOF Voluntary BMP Guidelines publication.
- Ensure that any stock piling of soil takes place away from trees. Piling soil at a tree stem can kill the root system of the tree.
- Cover soil stockpiles to prevent soil erosion and fugitive dust.
- Coordinate with DOF to voluntarily mitigate the 46 acres of forest loss. Potential opportunities for mitigation include but are not limited to the following recommendation:
 - Smyth and Wythe counties as the airport authority for the proposed project could work with the DOF or another Virginia conservation agency or group to create a forest land conservation fund that would be used for the purchase or donation of conservation easements, reforestation or property acquisition of forestlands. These activities could be targeted within the impacted region and would ensure that the forested lands are managed and retained as forest lands in perpetuity.

4. The U.S. Department of Housing and Urban Development (HUD) proposes to provide mortgage insurance to the Bonaventure Realty Group, LLC (applicant) to finance the construction of the Quarterpath Apartments near the intersection of Route 199 and Route 143 in the City of Williamsburg. The project involves the construction of a two-hundred twenty five (225) unit multi-family apartment. The site currently consists of approximately 7.20 acres of undeveloped wooded land.

Forestry Impacts. This project will result in forest conversion to a more intensive land use for both the apartment and the road being built to access the project. Under such scenarios, many of the forest functions and values will be lost. Forestland is identified in the Chesapeake Bay model as the best land cover for meeting water quality and Total Maximum Daily Load (TMDL) objectives but there is no discussion in the proposal dealing with plans for mitigating the impacts of the forest loss.

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Recommendations. HUD should coordinate with DOF about possible approaches to address potential forest loss associated with HUD-funded development projects. DOF is interested in understanding how HUD's FY2011 Community Development Block Grant (CDBG) Administrative Manual Environmental Review guidance is being addressed for the project. The Manual's guidance, specifically the following, applies to DOF's evaluation of the project.

- "Indirect – Secondary effects caused by project actions occurring later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other impacts related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.
- "Cumulative Impacts – Resulting when effects of an action are added to or interact with other effects in a particular place, within a particular time. Cumulative impacts accumulate over time, from one or more sources, and can result in degradation of valuable resources. Cumulative impact analysis should focus on the combined effects and resulting environmental damage."

Accordingly, DEQ forwarded DOF's request to the HUD Richmond Office on May 17, 2013. HUD responded that it would coordinate directly with DOF on this matter.

5. The U.S. Department of Agriculture Farm Service Agency (FSA) proposes to provide a FSA loan to an applicant for the conversion of approximately 50 acres of cutover timber land to crop production in Gloucester County. The loan is through the FSA Direct Farm Operating Loan Program. The property is located on Pampa Road near the intersection of Glenns Road. Project activities will include the clearing of stumps, debris, and grading activities. The applicant is required to implement a conservation plan that sets forth practices to protect soil resources and limit erosion and surface water pollution.

Forestry Impacts. DOF had no concerns in this case since the trees had previously been harvested. This land conversion project will result in 50 acres of new agricultural land.

6. The U.S. Army Corps of Engineers (Corps) is reviewing an application from Bacova, LLC for a Section 404 Clean Water Act individual permit for proposed impacts to jurisdictional Waters of the United States from the construction of the Bacova Project in Henrico County. The 135.94-acre Bacova site is located in western Henrico County. The project consists of the construction of suburban mixed use residential housing, office space and a major thoroughfare collector road connecting North Gayton Road to Pouncey Tract Road.

Forestry Impacts. DOF finds that this project is located in an urban area where pockets of residual forest and urban tree canopies provide important environmental services and benefits such as air and water quality, biodiversity, and aesthetics. DOF finds that this project will impact the forest resources of the Commonwealth from the removal of about 50 acres of forestland. In addition, the project is located in the Chesapeake Bay watershed and as such, the impact of the forest loss will have an adverse impact on Total Maximum Daily Load (TMDL) contributions to the watershed. A

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Nutrient and Sediment Runoff Report was developed for the project site by DOF using the agency's InFOREST application. The report shows that nutrient and sediment loadings will more than double as a result of the proposed change in land cover.

Recommendations. DOF recommended that the forest loss be mitigated. Potential voluntary opportunities for mitigation include but are not limited to the following:

- Bacova, LLC project sponsors could reforest and protect open company lands within the Commonwealth of Virginia to create forestlands.
- Bacova, LLC project sponsors could work with the DOF or another Virginia conservation agency or group to create a forest land conservation endowment that would be used for the purchase of conservation easements or property acquisitions of forestlands. These purchases could be within Henrico County or statewide and would ensure that the forested lands are managed and retained as forest lands for perpetuity.

DOF recommended the following measures to address project development:

- protect residual forestland not scheduled to be converted to development;
- follow practices that avoid compaction by equipment, storage of construction materials, and placing fill material in the residual forested area;
- leave islands or groups of existing trees of desirable species, if possible, to incorporate into the development project; and
- exercise care during construction to protect groups of trees as with the forested riparian buffer.

7. The U.S. Department of Housing and Urban Development (HUD) proposes to provide mortgage insurance to Wells Fargo Multifamily Capital to finance the construction of the Fairfax Corner-Government Center Multi-family Apartments in Fairfax County. The apartments would be constructed on an approximately 8.12-acre portion of a 90.388-acre undeveloped wooded tract of land east of I-66 between Route 50 and Route 29.

Forestry Impacts. DOF finds that the proposed action will have a small impact on the forest resources of the Commonwealth. Although the project area is small (8.12 acres), it is comprised of forest cover. In urban areas, pockets of residual forest and urban tree canopies provide important environmental services and benefits such as air and water quality, biodiversity, and aesthetics.

Recommendations. DOF recommended the following:

- protect residual forestland not scheduled to be converted to development;
- follow practices that avoid compaction by equipment, storage of construction materials, and placing fill material in the residual forested area;
- leave islands or groups of existing trees of desirable species, if possible, to incorporate into the development project; and

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- exercise care during construction to protect groups of trees as with the forested riparian buffer.

8. The U.S. Department of Housing and Urban Development (HUD) proposes to provide mortgage insurance to AGM Financial Services, Inc. to finance the construction of The Pointe at Pickett Farms Phase I in the City of Norfolk. The HUD Section 221(d)(4) program provides mortgage insurance for multifamily rental housing for moderate-income families. The Pointe at Pickett Farms Phase I (the first of three phases) will include the construction of a five-building, 120-unit multi-family apartment complex, clubhouse, parking lots, sidewalks, driveways, utilities and landscaping. The 7.7-acre property is located at 5394 Greenplain Road adjacent to Broad Creek and currently consists of wooded land with two ponds and a single-family residential home with associated buildings. All existing structures will be demolished to accommodate the construction of the apartment complex.

Forestry Impacts. According to DOF, it appears this project will have a small impact on the forest resources of the Commonwealth. Although the project area is small (7.7 acres), it is mostly covered with forest and tree canopy. In urban areas, pockets of residual forest and urban tree canopies provide important environmental services and benefits such as air and water quality, biodiversity, and aesthetics.

Recommendations. The following tree protection measures were recommended for this project:

- maintain and protect an adequate forested riparian buffer along Broad Creek during construction;
- follow practices that avoid compaction by equipment, storage of construction materials, and placing fill material in the buffer area;
- incorporate islands or groups of existing trees of desirable species into the development; and
- exercise care during construction to protect tree groupings and the forested riparian buffer.

9. The Stafford Regional Airport Authority proposes to remove obstructions (trees) to the approach to Runway 33 at the Stafford Regional Airport in Stafford County. The Airport Layout Plan denotes a 50:1 approach on the Runway 33 end (south side) of the runway. Properties have been acquired to enable the Airport Authority to remove tree obstructions from approximately 38.7 acres of land in the approach to Runway 33.

Forestry Impacts. DOF finds that this project will impact the forest resources of the Commonwealth. The plan requires the clearing of 37.8 acres of timberland which will result in the conversion of land from forestland to grassland. This conversion will create the loss of commercially valuable timberland and the associated environmental benefits and services provided by forestland.

Recommendations. Based on the current ten year average, the Commonwealth experiences a net loss of approximately 16,000 acres of forestland annually. This continued loss of forest cover impacts water and air quality, biodiversity, and Virginia's forest industry. For these reasons, DOF recommends voluntary mitigation for the loss of this forestland. DOF is available to work with the

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Airport Authority on the development of an appropriate voluntary mitigation response and/or facilitate implementation of forest mitigation activities.