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SENATE BILL NO. 396

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on January 31, 2000)

(Patron Prior to Substitute—Senator Hanger)

A BILL to amend and reenact §§ 3.1-18.4, 3.1-18.5, 3.1-18.6, and 3.1-18.8 of the Code of Virginia, relating to protection of farm and forest lands.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-18.4, 3.1-18.5, 3.1-18.6, and 3.1-18.8 of the Code of Virginia are amended and reenacted as follows:

CHAPTER 3.2.

PRESERVATION OF IMPORTANT FARMLANDS

PROTECTION OF FARM AND FOREST LANDS.

§ 3.1-18.4. Duties of public agencies generally.

A. The General Assembly finds that ~~important farmlands~~ *farm and forest lands* are being converted to nonagricultural use. The loss of this land undermines the Commonwealth's food and forest production capabilities. Agriculture, forestry, and related enterprises comprise a significant segment of the Commonwealth's economy *and play a critical role in defining the character of the Commonwealth*, and their preservation should be encouraged.

The policies and actions of various state agencies account for a significant portion of ~~important farmlands~~ *farm and forest lands* being converted to nonagricultural use. Where possible, state policies and actions should encourage the preservation of ~~important farmlands~~ *farm and forest lands*.

B. All agencies of the Commonwealth, in promulgating regulations and undertaking capital projects, shall encourage the preservation of ~~important farmlands~~ *farm and forest lands*.

§ 3.1-18.5. Characteristics to be considered in evaluating impacts on farm and forest lands.

~~As used in this chapter, "important farmlands" shall consist of land that has historically produced or is producing agricultural or forestal products and is soil. In preparing environmental impact reports in accordance with § 3.1-18.8, state agencies shall consider the impact of the major state project on all farm and forest lands that:~~

~~1. Have soil classified as class 1, 2, 3 or 4; or shall consist of:~~

~~1. Prime farmland, which are lands that have the best~~

~~2. Have an exceptional combination of physical characteristics for the production of food, feed, fiber, forest products, forage, oilseed and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion. Prime farmland includes land that possesses the above characteristics but is currently being used to produce livestock and timber. It does not include land already in, or committed to urban development or water storage;~~

~~2. Unique farmland which are lands other than prime farmland that are used~~

~~3. Are valuable for production of specific high-value food and fiber crops, It has the such as fruits, vegetables, and nursery crops and have a special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific such crops when treated and managed according to acceptable farming methods. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits including grapes and apples, and vegetables; and~~

~~3. Farmland, other than prime or unique farmlands, that is of statewide;~~

~~4. Are of statewide or local importance for the production of food, feed, fiber, forest products, forage or oilseed crops;~~

~~5. Have been recognized under a state program such as the Clean Water Farm Award or the Century Farm Program;~~

~~6. Are part of an agricultural or forestal district or are participating in a use value assessment and taxation program for real estate devoted to agricultural, horticultural or forest use in accordance with the provisions of Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1; or~~

~~7. Make a significant contribution to the local economy or the rural character of the area in which the land is located.~~

The governing body of each county, city and town, with the cooperation of the United States Department of Agriculture, ~~shall be responsible for designating~~ *may designate* the important farmlands within its jurisdiction. In designating important farmlands the governing body shall demonstrate that adequate provision has been made for nonagricultural uses within its jurisdiction.

§ 3.1-18.6. Certain agencies to prepare plans for implementation of policy; Secretary of Commerce and Trade responsibilities.

Each of the following agencies shall prepare a plan for the implementation of the policies set forth in

60 this chapter:

- 61 1. Department of Transportation;
- 62 2. Department of Health;
- 63 3. ~~State Water Control Board;~~
- 64 4 3. Department of Conservation and Recreation;
- 65 5 4. State Corporation Commission;
- 66 6 5. Department of Environmental Quality.

67 The plan shall contain an analysis of the impact which the agency's regulations and projects have on
68 the conversion of ~~important farmlands~~ farm and forest lands. *The plan shall be updated and submitted*
69 *to the Secretary of Commerce and Trade and the Secretary of Natural Resources annually. The*
70 *Secretary of Commerce and Trade shall review the plan in consultation with the Commissioner of*
71 *Agriculture and Consumer Services and the State Forester, and may recommend improvements to the*
72 *plan. The Secretary of Commerce and Trade shall submit a written report by December 1 of each year*
73 *to the chairmen of the House Committee on Agriculture and the Senate Committee on Agriculture,*
74 *Conservation and Natural Resources on the impacts of state agency actions on the conversion of farm*
75 *and forest lands.*

76 § 3.1-18.8. Review of capital projects.

77 In preparing its report on each major state project, as required in Article 2 (§ 10.1-1188 et seq.) of
78 Chapter 11.1 of Title 10.1, each state agency shall demonstrate that it has considered the impact that
79 project would have on ~~important farmlands~~ farm and forest lands as required in §§ 3.1-18.4 and
80 3.1-18.5, and further has adequately considered alternatives and mitigating measures. ~~The Council on the~~
81 ~~Environment~~ Department of Environmental Quality, in conducting its review of each major state project,
82 shall ensure that such consideration has been demonstrated and shall incorporate its evaluation of the
83 effects that project would have on ~~important farmlands~~ farm and forest lands in its comments to the
84 Governor. *The procedures for review of highway and road construction projects established in*
85 *accordance with subsection B of § 10.1-1188 shall include provisions requiring that the factors listed in*
86 *§ 3.1-18.5 are considered as part of the review of each project.*