



**ANNUAL REPORT  
ON THE  
AGRICULTURAL STEWARDSHIP ACT**

**Joseph Guthrie  
Commissioner**

**August 31, 2024**

# **VIRGINIA AGRICULTURAL STEWARDSHIP ACT ANNUAL REPORT**

**For Program Year April 1, 2023 - March 31, 2024**

## **BACKGROUND**

The 1996 Session of the General Assembly enacted the Agricultural Stewardship Act (ASA) (Va. Code § 3.2-400 et seq.), which requires the Commissioner of Agriculture and Consumer Services (Commissioner) to administer and enforce the ASA program. Through an effort of cooperation and coordination involving Virginia's Soil and Water Conservation Districts (SWCD), the Virginia Department of Agriculture and Consumer Services (VDACS), and the agricultural community, the ASA program provides a common-sense solution to water pollution problems caused by agricultural operations.

Subsection B of Va. Code § 3.2-408 requires the Commissioner to compile a report by August 31 of each year listing the number of complaints received, the nature of each complaint, the actions taken in resolution of each complaint, and any penalties that may have been assessed. Additionally, the Commissioner is required to (i) provide this report to the Soil and Water Conservation Board, the Department of Conservation and Recreation, and to every SWCD; (ii) publish notice in the Virginia Register that the report is available; and (iii) make the report available to the public upon request.

The following report on the ASA program is for the program year April 1, 2023, through March 31, 2024.

## **PROGRAM OBJECTIVES**

The ASA program is designed to:

- Identify water quality problems and help farmers correct these problems in a common-sense manner that accommodates both the farmer and the environment;
- Establish a system that respects both the farmer and the person voicing concerns about water quality;
- Educate farmers about stewardship and encourage them to enhance it even in instances in which a water quality problem cannot be proven;
- Support farmers in their efforts to strengthen their stewardship practices, provide them with the information they need, and help link them to resources that can provide assistance; and,
- Educate Virginia citizens about normal farming practices and the impact those practices may or may not have on the environment.

## **HOW THE PROGRAM WORKS**

Complaints alleging that a specific agricultural activity is causing or will cause water pollution are received by the Commissioner. If a complaint meets the criteria for investigation, the Commissioner, through ASA program staff, contacts the appropriate SWCD about investigating the complaint. If the district declines, ASA program staff conducts the investigation on behalf of the Commissioner. In most cases, a joint investigation involving local district staff and ASA program staff is performed.

The purpose of the investigation is to determine whether the agricultural activity is causing or will cause water pollution. If no causal link is found, the Commissioner determines that the complaint is unfounded. If the Commissioner determines that the activity is the cause of pollution, the farmer is given up to 60 days to develop an agricultural stewardship plan to correct the identified water pollution problems. The local district typically reviews the plan, and the Commissioner will approve the plan when it is determined that it meets the necessary requirements to solve the water pollution problem.

The ASA provides the farmer up to six months from the date of the Commissioner's determination that a complaint is founded to start implementing the agricultural stewardship plan and up to 18 months from the date to complete plan implementation. The timing allows the farmer to take advantage of suitable weather conditions for outside work or required construction. If a farmer fails to submit a plan for approval or implement a plan within the given timeline, the Commissioner is required by law to take enforcement action.

## **AGRICULTURAL ACTIVITIES**

The ASA program received numerous inquiries regarding possible agricultural pollution during the program year of April 1, 2023, through March 31, 2024. Thirty-nine of these cases became official complaints. The official complaints fell into 12 categories according to the type of agricultural activity:

- Beef (13)
- Land Conversion (12)
- Other (5)
- Beef, Dairy (1)
- Beef, Land Conversion (1)
- Cropland (1)
- Cropland, Land Conversion (1)
- Equine (1)
- Equine, Llamas, Alpacas (1)
- Equine, Goats, Swine, Other (1)
- Equine, Other (1)
- Poultry, Sheep (1)

## **TYPES OF POLLUTION**

The ASA addresses water pollution problems caused by nutrients, sediment, and toxins entering state waters from agricultural activities. The ASA program received complaints based on the following nine pollution categories during the program year of April 1, 2023, through March 31, 2024:

- Sediment (19)
- Nutrients, Sediment (9)
- Nutrients (6)
- Bacteria, Nutrients, Sediment (4)
- Bacteria, Nutrients (1)

## **COMMISSIONER'S FINDINGS**

During the program year, 17 (44 percent) of the 39 official complaints were determined to be founded and required agricultural stewardship plans to address water pollution problems. In each founded case, there was sufficient evidence to support the allegations that the agricultural activities were causing or would cause water pollution.

Seven (18 percent) of the 39 official complaints received during the program year were determined to be unfounded because there was either insufficient evidence or no evidence of water pollution. In some instances, farmers involved in the unfounded complaints voluntarily incorporated best management practices into their operations to prevent more complaints or to prevent potential problems from becoming founded complaints.

Fifteen (38 percent) of the 39 official complaints received during the program year were dismissed for various reasons. Many of the complaints that were dismissed were situations where a water quality concern existed but was remedied prior to the completion of the investigation process. Others were cases in which the ASA program had no jurisdiction in the matter, were withdrawn by the complainant, or were dismissed because insufficient information was provided by the complainant.

In general, farmers involved in the complaint and correction process were cooperative in meeting the deadlines established by the ASA and it was not necessary to assess any civil penalties. Under the ASA, the Commissioner issues a corrective order when an owner or operator fails to submit and complete the implementation of the agricultural stewardship plan based on the findings of a conference held to receive the facts on a case. One corrective order was issued during the 2023 - 2024 program year for failure to maintain the measures necessary to prevent water pollution that were included in the approved agricultural stewardship plan.

## **ASA CASE DECISION TABLES**

The following tables provide the information about the individual ASA cases that were received, investigated, and decided during the 2023 - 2024 program year.

<b>CASE DECISIONS</b> April 1, 2023 - March 31, 2024 <b>Founded Complaints</b>			
<b>Complaint Number</b>	<b>Locality of Complaint</b>	<b>Activities Category</b>	<b>Complaint Type</b>
1294	Rockingham County	Beef, Dairy	Nutrients, Sediment
1295	Smyth County	Other	Sediment
1297	Louisa County	Cropland	Sediment
1301	Halifax County	Land Conversion	Sediment
1303	Shenandoah County	Beef	Nutrients, Sediment
1308	Wythe County	Land Conversion	Sediment
1309	Patrick County	Other	Nutrients
1316	Grayson County	Other	Nutrients
1317	Rappahannock County	Land Conversion	Sediment
1318	Rappahannock County	Land Conversion	Sediment
1319	Rockingham County	Beef	Nutrients, Sediment
1321	Goochland County	Land Conversion	Sediment
1324	Washington County	Beef	Nutrients, Sediment
1326	Frederick County	Beef	Nutrients, Sediment
1327	Rockingham County	Beef	Nutrients, Sediment
1329	Albemarle County	Other	Sediment
1331	Albemarle County	Cropland, Land Conversion	Sediment

<b>CASE DECISIONS</b> April 1, 2023 - March 31, 2024 <b>Unfounded Complaints</b>			
<b>Complaint Number</b>	<b>Locality of Complaint</b>	<b>Activities Category</b>	<b>Complaint Type</b>
1293	Loudoun County	Beef	Nutrients, Sediment
1302	Lunenburg Coounty	Poultry, Sheep	Sediment
1312	Floyd County	Land Conversion	Sediment
1313	Buckingham County	Beef	Nutrients
1315	Orange County	Other	Nutrients
1320	Rockbridge County	Beef	Sediment
1328	Orange County	Equine, Other	Nutrients

<b>CASE DECISIONS</b> April 1, 2023 - March 31, 2024 <b>Dismissed Complaints</b>			
<b>Complaint Number</b>	<b>Locality of Complaint</b>	<b>Activities Category</b>	<b>Complaint Type</b>
1296	Accomack County	Equine, Llamas/Alpacas	Nutrients, Sediment
1298	Bedford County	Land Conversion	Sediment
1299	Augusta County	Beef	Bacteria, Nutrients, Sediment
1300	Pittsylvania County	Land Conversion	Sediment
1304	Albemarle County	Land Conversion	Sediment
1305	Shenandoah County	Equine	Bacteria, Nutrients
1306	Patrick County	Land Conversion	Sediment
1307	Frederick County	Beef	Nutrients
1310	Nelson County	Beef	Bacteria, Nutrients, Sediment
1311	Craig County	Beef	Nutrients, Sediment

1314	Buckingham County	Beef, Land Conversion	Sediment
1322	Nelson County	Equine, Goats, Other, Swine	Bacteria, Nutrients, Sediment
1323	Albemarle County	Land Conversion	Sediment
1325	Rockingham County	Beef	Bacteria, Nutrients, Sediment
1330	Prince William County	Land Conversion	Sediment

## **CASE TRENDS**

Compared to the previous program year, the ASA program experienced a 15 percent reduction in official complaints, from 46 to 39. There was a 55 percent increase in the total number of founded complaints requiring plans, from 11 to 17. Unfounded complaints decreased by 61 percent, from 18 to 7, while the overall percentage of unfounded complaints decreased from 39 percent to 18 percent of the total number of official complaints. There was a 12 percent decrease in the overall number of dismissed complaints, from 17 to 15.

## **COMPLAINT TRACKING**

With the assistance of the Virginia Department of Conservation and Recreation (DCR), the ASA program uses a geographic information system (GIS) to track and report certain best management practices implemented to address water pollution on founded complaint sites. This GIS tracking module will assist ASA staff in the verification process and contribute to the goals outlined in the Chesapeake Bay Phase III Watershed Implementation Plan. The ASA program has prioritized visiting past complaint sites to measure, document, and verify the livestock exclusion fencing that was implemented as a result of stewardship plan implementation prior to the ASA program having the GIS capability to track best management practices. During the 2023-2024 program year, ASA program staff recorded a total of 10,733 linear feet of livestock exclusion fencing and 24.1 acres of buffer installed from current and past complaint sites statewide. These figures include only the livestock exclusion fencing and buffer acres installed without cost-sharing assistance involving past ASA complaints.

## **CONTACTS**

Questions regarding this report should be directed to the ASA office at 804-786-2658, or to [darrell.marshall@vdacs.virginia.gov](mailto:darrell.marshall@vdacs.virginia.gov).