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Tim Carpenter

*Erosion & Sediment*

*Control Program Administrator*

Bona Fide Agricultural Land-disturbing Activity Claim Form

 Virginia Erosion & Sediment Control Law § 120-2 exempts the following agricultural activities “tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.”

The exemption does not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of the Virginia Department of Forestry Seed Tree Law.

The definition of land-disturbing activities specifies which agricultural activities are exempted. The construction of agricultural buildings is not included. Therefore, the agricultural exemption does not apply to the construction of farm buildings such as barns, stables, livestock houses, etc. The reference to ponds applies to ponds that are used primarily for agricultural purposes such as irrigating crops, watering livestock, etc.

In accordance with the provisions of §10.1-1163, “evidence of intent of bona fide agricultural or improved pasture use shall require, as a minimum and within twelve months from the date of completion of commercial cutting, that the land intended for such use be cleared of all trees, snags, brush, tree tops, and debris by piling and burning or otherwise disposing of same, or by enclosing the area with a well-constructed fence and planting grass seed thereon so as to make a bona fide improved pasture.”

A property owner who disturbs 10,000 square feet, or more, of land and claims that the activity is exempted from the requirements shall have one year from the date of commencement of the activity to demonstrate to the Erosion & Sediment Control Enforcement Authority that the activity is exempt. **If a nonexempt status is determined by the E&S Program Authority, all E&S laws and regulations will be immediately enforced.**

Any complaints made to the E&S Program Authority regarding an agricultural land-disturbing activity will be reported to the Virginia Department of Agriculture and Consumer Services.

 A tax map has been attached that shows the portion of the property where the agriculture exemption is being claimed.

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , hereby make this claim to the County of Carroll Erosion & Sediment Control Program Administrator, that the true intent of the land-disturbing activity which has taken place on property that I own (tax parcel id(s):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) Is a bona fide agricultural land-disturbing activity.

Address:

Signed: \_\_\_\_\_\_\_\_\_\_\_\_ Date: