



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

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Sandra J. Adams
Commissioner

MEMORANDUM

TO: SWCD Chairpersons, SWCD Directors, SWCD Staff (via all-district email)

FROM: Darrell Marshall 
Agricultural Stewardship Act Program Manager

DATE: September 16, 2015

RE: SWCD Policies for Handling Agricultural Stewardship Act Complaints
(Va. Code § 3.2-400 *et seq.*)

Since 1997, the Agricultural Stewardship Act (ASA) program has worked cooperatively with Soil and Water Conservation Districts (Districts) from across the Commonwealth in responding to water pollution complaints on agricultural operations. When the ASA program was developed in 1996, each District was asked to develop a policy regarding the implementation of the program. Those policies included a contact person or persons designated by that District Board that would be notified upon the Commissioner receiving a complaint. That policy also included how the District preferred to address complaints received by the Commissioner. Each District notified VDACS whether it generally preferred to investigate complaints, accompany VDACS staff and perform a joint investigation, or not participate in the investigation. The ASA provides the District five calendar days to notify the Commissioner as to how it intends to address the complaint.

Since the first policies were developed 19 years ago, the staff and Board member composition of many Districts has changed significantly. Due to personnel changes, maturation of the ASA program, and the changing agricultural and environmental landscape, it is appropriate to update the policies that ASA staff has on file for the Districts. By copy of this memorandum, I am respectfully asking each District to update its policy with respect to addressing ASA complaints by completing the attached **Soil and Water Conservation District Policy for Handling Agricultural Stewardship Act Complaints** and return to me electronically by **November 30, 2015**.

I would also like to take this time to provide guidance on the handling of active ASA investigations. Recent concerns regarding the discussion of ASA complaints in an open or public meeting during the "active investigation" stage of the ASA process warrant the development of the attached **Open Meeting Guidelines for Discussion of Active ASA Complaint Investigations**. It is imperative that active investigations not be discussed in public during monthly District Board meetings prior to the Commissioner making a case decision, as records of these active investigations are required by Va. Code § 3.2-103(4) to be held in confidence unless otherwise directed by the Governor or the

Board of Agriculture and Consumer Services. Details of the complaint may only be discussed in an open or public meeting once the Commissioner has issued a case decision.

The success of the ASA program is directly related to the positive relationship we have with the 47 Districts across the state and the assistance they provide in carrying out the provisions of the ASA. I look forward to continuing to build upon these relationships and to strengthening the ASA program.

If there are any questions regarding the attached documents, please contact me at (804) 786-2658 or by email at darrell.marshall@vdacs.virginia.gov.

cc: DCR- CDCs (via email)
enclosures (2)