

# California Agricultural Land Equity Task Force



LAND USE GOVERNANCE & SOVEREIGNTY SUBCOMMITTEE  
JANUARY 16, 2025 | 10 a.m. – 12 p.m.

# Participation Guidelines



**Share,  
Listen, Learn**



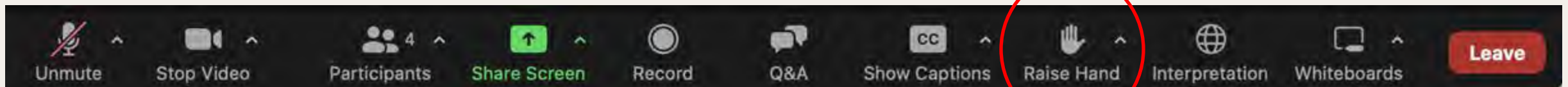
**Respect Different  
Perspectives**



**Stay on Point**

# Zoom Tips

- All participants are **muted** upon entry.
  - You will be unmuted when it is your time to speak.
  - Please remember to mute yourself after speaking.
- Cameras are optional.
- Use “Raise Hand” feature during public comment periods.



# Agenda Review

- **Welcome**
- **Approval of Sept 17, 2024 Summary**
- **Working Session and Next Steps**
  - Staff update
  - Review and discuss Working Group document
  - Review and discuss draft preliminary recommendations
  - Review action items and confirm next steps
- **General Public Comment**

# Roll Call

# Approval of Summary

# Public Comment Process

- Complete form at [sgc.ca.gov/meetings-events](https://sgc.ca.gov/meetings-events)
- Separate form for each item
- Listen for your name and “raise your hand” on Zoom
- Staff will unmute your microphone
- Please adhere to 2-minute time limit

# **Working Session**



# Working Session: Staff Updates

## Guest Speakers

1. Staff have been in contact with The Circle Law Group and are working on finding a time to hear from them
2. Working to find a time to hear from the Indian Land Tenure Foundation
3. Program Administrator of CNRA's Tribal Nature Based Solutions Program, Grants & Resources Research

# Working Session: Staff Updates

## Policy Brief and Workshop Opportunity

- Dr. Gregg Macey, UC Irvine Law Center for Land, Environment and Natural Resources
  - Environmental law researchers examining local land use planning for climate action
    - Funded by the California State Legislature
  - Create policy briefs to assist entities in advancing goals
- Proposal:
  - Meet with identified Task Force members and staff to identify questions related to land use policies and regulations and impacts on equitable agricultural land access
  - Conduct research based on conversations and write policy brief draft
  - Host half-day workshop to discuss and refine policy brief
  - Present final brief for Task Force to consider and include in recommendations if/as relevant
  - Goal: Supplement Task Force's process and goals, provide additional set of research capabilities that can inform the report

# Working Session: Staff Updates

## Research Requests

1. What are municipalities doing to integrate urban ag definitions or priorities into general plan?
  - a. Share general plan database; advisory committee
2. DOC's Farmland Conservancy Program – Grants & Resources  
Research
3. Gov. Newsom's Statement of Administration Policy as it relates to Native American Ancestral Lands – LA3

# Working Session: Staff Updates

## Research Requests, Cont.

1. Cultural Fire Management
  - A. CA Wildfire and Forest Resilience Task Force
  - B. AB 642 (2022: Cultural Burning Liaison to State Board of Fire Services, advise on developing increased cultural burning activity; prescribed fire training center, wildfire risk advisory workgroup, public education, engage in recruitment efforts with Tribal Nations to fill fuel reduction position vacancies)
  - c. SB 926 (2022: Prescribed Fire Liability Pilot Program)

# Working Session: Draft Language Review

## DRAFT definition of sovereignty

Land equity requires stability, autonomy, and sovereignty on land once access is achieved. For the purposes of this report, “sovereignty” means the authority to govern. This expansive definition is applicable in two interrelated yet distinct contexts:

1. sovereignty as a defining characteristic of California Tribal Nations and the foundation for nation-to-nation relations, and
2. land sovereignty as a social justice issue for those who have been deprived of a homeland and who have faced systematic dispossession, including ancestors of enslaved individuals.

In both contexts, control and agency are key. While exercising sovereignty will look different for citizens of Tribal Nations than it will for others, a critical component of land equity is autonomy over land use and decision-making.

# Working Session: Draft Language Review

## DRAFT definition of sovereignty: General Notes & Edits

- Idea of responsibility
  - Move beyond agency and control; sovereignty is only responsible if share responsibility for the greater good of the land
  - Make sovereignty mutual dependent...
- Highlight process – policy recs will require further input, point B b/ A&C; process v. results

# Working Session: Draft Language Review

## DRAFT definition of sovereignty: Notes and Edits pt. 1/3

Land equity requires stability, autonomy, and sovereignty on land once access is achieved. For the purposes of this report, “sovereignty” means the authority to govern.

### Notes:

- Autonomy & Sovereignty distinction and connection; perhaps establish a definition for autonomy
- Sov. Feels more relational, autonomy more independent
- "True autonomy" (land trusts)
- Mutual dependent on care and responsibility, not just control

# Working Session: Draft Language Review

## DRAFT definition of sovereignty: Notes and Edits pt 2/3

This expansive definition is applicable in two interrelated yet distinct contexts:

1. sovereignty as a defining characteristic of California Tribal Nations and the foundation for nation-to-nation relations, and
2. land sovereignty as a social justice issue for those who have been deprived of a homeland and who have faced systematic dispossession, including ancestors of enslaved individuals.

### Notes:

- Regarding Tribal Nations the whole of CA is Native land, articulate that it's not 2 different types of sov. Foundational to start with CA Tribal Nations sov. Foundational.



# Working Session: Draft Language Review

## DRAFT definition of sovereignty: Notes and Edits, pt. 3/3

In both contexts, control and agency are key. While exercising sovereignty will look different for citizens of Tribal Nations than it will for others, a critical component of land equity is autonomy over land use and decision-making.

### Notes:

- Adding "and along with this a process that is reflective of that"
- The process is reflective of the exercise of sov.

# Working Session: Draft Language Review

## Easements & Covenants

### Pros:

- Perpetual – agreements on how the land is stewarded can be safeguarded for future generations
- Conserve agricultural land
- Can reduce market cost, removed development potential
- Can be helpful for organizations that can't hold title to the land – shoestring ag groups, non-federally recognized Tribal Nations

# Working Session: Draft Language Review

## Easements & Covenants

### Cons:

- Easements are first thing landowners are offered when thinking about equity – conversation stopped short; encourage private landowners to reduce tax burden w incentives, not thinking about relationship to land
- Only 501c3s and Tribal Nations can hold, autonomy limitation
- Can limit what landowners can do on the land, make it harder to live on and make a living on the land
- When easement drafted, if certain groups aren't in discussion, their vision for the land not considered – Land Back, not reflective of their needs

# Working Session: Draft Language Review

## Easements & Covenants:

### Ideal Changes:

- Who in discussion?
- What allowable uses? Where? How much?
- Establish best practices that are more informed, have cultural humility when engaging in these conversations
- Allow others to hold easements?
- Issue perhaps not how the statute is written, but how it is being implemented by others, how do nonprofits bring others to the table in the development of these easements?

# Working Session: Draft Language Review

## Easements & Covenants: Civil Code Section 815

### Key Points:

- Definition: “conservation easement means any limitation in a deed, will, or other instrument in the form of an easement, restriction, covenant, or condition... the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition.”
- Voluntarily created, perpetual
- Specific terms determined by instrument that creates or transfers
- Entities eligible to hold conservation easements include qualified 501(c)(3) nonprofits, government entities, and California Native American tribes (federally recognized and not federally recognized)

# Working Session: Draft Language Review

Easements & Covenants: Civil Code Section 815

Suggested Revisions/Notes:

# Working Session: Draft Language Review

## Easements & Covenants: Proposed Recommendations

Amend Civil Code Section 815, which establishes conservation easements, to ensure that easement language allows for the construction of housing and additional infrastructure improvements to sustain successful agricultural operations or advance the sovereignty of Tribal Nations on the land.

# Working Session: Draft Language Review

## Easements & Covenants: Proposed Recommendations

- Support land trusts that want to engage in buy-protect-sell mechanisms for conserving agricultural land.
  - Have accreditation be important for advancing BPS, ensure that easements are well-designed and allow for them to steward the land effectively
  - Still a challenge with selling due to high price of land, even w easements, how do we make land more accessible
- Ensure that easements provide sufficient flexibility for farmers to adapt to evolving environmental and market conditions.
  - Ensuring that the right people are at the table when the easements are created



# Working Session: Draft Language Review

## Easements & Covenants: Proposed Recommendations

- Develop a training program for land trusts focused on how to develop better, more effective easements, implement buy-protect-sell, and advance land trust cultural competency—particularly regarding Tribal Nations.
- Create a land trust accreditation process to educate land trusts and create mechanisms by which to evaluate implementation of best practices
- How does state financial allocation come into play?
  - Potential Criteria: Length of existence, community connections, must meet certain competencies and/or demonstrate the right people will be at the table
  - National land trust accreditation organization; ask that the separate CA commission is focused less on financial logistics, more on cultural competency & equity

# Working Session: Draft Language Review

## Easements & Covenants: Proposed Recommendations

- Require that the sale of property protected by agricultural conservation easements be sold to a qualified agricultural producer.
- Restrict the resale price of properties under agricultural conservation easements to ensure they remain affordable for agricultural producers.
  - Note: Land protected with conservation easements is sometimes less expensive on the market than land without conservation easements
- Define qualified ag producer – meet SDFR, individual entrepreneur, and socially-oriented (Consider: Yeoman farmer, a part of the broader ecosystem, socially integrated, less individualistic); create ag legacy, steward land for future generations – existing BPS framework and next generation of farmers, ensuring access to land for them as well; add cooperative, that they are considered within definition of qualified ag producer

# Working Session: Draft Language Review

## Urban Sprawl: Proposed Recommendation

- The State should develop incentive programs of requirements for local governments to adopt urban growth boundaries and greenbelts that limit the permitted geographical expansion of urban areas and preserve agricultural land and open spaces
- Tension between urban ag, alongside ever-present need for housing
- Sov. Not just access to land, but also necessary resources – how collaborate between urban and rural environments.
  - Create more affordable urban environments, and allow land for people to farm outside of urban areas
  - Use existing urban resources to reduce strain on rural communities; integrate urban rural (living and working farm); resulting in low-intensity land sprawl, take away productive ag land
  - Think bigger than urban farm v affordable housing; have infrastructure that allows people to live in cities and go out and farm
  - hEmphasize need for better urban infrastructure with better infrastructure to access farming land
  - State initiatives – make green space available, but also think about ag – Outdoors for All (CNRA)
    - People in Ag have access to their place of work
  - Urban farms as emergency response to development and infrastructure

# Summarize, Action Items, Next Steps

- Review of Action Items and Follow Up Items
- Decide on next meeting + meeting schedule
- Meeting Notes, Recording, and Materials posted to:

<https://sgc.ca.gov/meetings/caletf/>

# **General Public Comment**

# Public Comment Process

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# Upcoming Meetings

- **January 28, 1:00 – 3:00 pm | LA3**
- **January 29, 10:00 – 12:00 pm | Land Tenure**
- **February 6, 10:00 – 12:00 pm | SNCR**
- **February 12 & 13 | Full Task Force Meeting, Coachella Valley & Virtual**

Meeting Notes, Recording, and Materials posted to: <https://sgc.ca.gov/meetings/caletf/>

**Thank You!**