

February 28, 2024

**Subject:** **FY 22-23 Sustainable Agricultural Lands Conservation Program Project Award (PP48)**

**Reporting Period:** December 2023 – February 2024

**Staff Lead:** Shanna Atherton-Bauer, Program Manager, DOC

---

## Recommended Action

Approve the staff recommendation to award \$1,030,000 in Greenhouse Gas Reduction Funds to fund the fee acquisition of 368 acres in Mariposa County by the North Fork Mono tribe (identified as SALC22\_PP48\_MPA) through Round 9 of the Sustainable Agricultural Lands Conservation Program.

## Summary

The Sustainable Agricultural Lands Conservation Program (SALC) provides grants to fund agricultural conservation easement and fee title acquisitions, agricultural conservation capacity and project development grants, and local government plans to protect agricultural lands from conversion to more greenhouse-gas-intensive uses.

On December 14, 2023, the Strategic Growth Council (Council) awarded \$4 million to 8 planning grants, \$3,679,838 to 19 capacity grants, and \$108,064,410 to 37 acquisition grants. The Council reserved \$1,030,000 in funding to reconsider the North Fork Mono project at the following Council Meeting on February 28, 2024, in response to public comments submitted by the Southern Sierra Miwuk Nation.

As proposed, the North Fork Mono application includes assurances that the Mariposa Miwuk, also known as the Southern Sierra Miwuk Nation (herein referred to as the “Southern Sierra Miwuk Nation”), will be granted gathering and tending rights on the property as part of the project. Additionally, the applicant provided a follow-up letter that states that all tribes, practitioners, gatherers, and ecological researchers will be granted access to the property as part of the project after formally requesting to enter and committing to follow cultural protocols regarding gathering and tending practices.

## Background

### About the Sustainable Agricultural Lands Conservation Program

Senate Bill 862, Chapter 36, Statutes of 2014, established the Affordable Housing and Sustainable Communities program (AHSC) to be administered by the California Strategic Growth Council (SGC), “to reduce greenhouse gas emissions through projects that implement land use, housing, transportation, and agricultural land preservation practices to support infill and compact development...” (Pub. Resources Code § 75210).

In July 2014, the Council approved the Department of Housing and Community Development (HCD) to help implement the housing, transportation, and infrastructure components of AHSC, and the Department of Conservation (DOC) and the California Natural Resources Agency (CNRA) to help implement the agricultural lands protection component of AHSC, named the Sustainable Agricultural Lands Conservation Program, or SALC.

The SALC Program facilitates the reduction of greenhouse gas (GHG) emissions by protecting agricultural lands, including cropland, rangeland, and lands used by tribes for the cultivation of traditional foods, herbal medicine, fibers, and dyes, at risk of conversion to urban and rural residential development. Federally and non-federally recognized tribes on the contact list maintained by the Native American Heritage Commission are eligible to apply for funds to purchase conservation easements on or fee title to agricultural lands to protect those lands from development.

### **Program Requirements**

SALC ensures maintenance of strategic values identified in fee acquisition project applications through the following three documents negotiated during the grant term and added as exhibits to the grant agreement via amendment once approved by DOC:

- Fee Acquisition and Grantee's Covenants and Declaration of Restrictions
- Notice of Unrecorded Grant Agreement
- Irrevocable Offer to Convey Title in Fee and Declaration of Restrictive Covenants

The latter two documents are recorded on title and run with the land. In all fee acquisition transactions, SALC requires that the strategic values (e.g., public access, soil quality, wildlife habitat, etc.) identified in the project application are incorporated as protected uses of the property in these documents. SALC further requires that if the grantee ever sells the property, they must do so subject to a conservation easement that maintains the strategic values, restrictions, and covenants outlined in the grant agreement exhibits noted above.

### **Project Description**

The project is a fee title acquisition for a 368-acre ranch in Mariposa County. The project has abundant culturally significant resources including native plants, oak woodlands, and historical resources important to the tribes that access the property. The project will support multiple tribes in the implementation of indigenous land management practices, preservation of cultural heritage, gathering of native foods and medicinal plants, and utilization of traditional knowledge to steward the land. The property will also serve as a training ground for education around Indigenous stewardship, including among tribes, local community members, and university students and faculty.

### **Project History**

In a public comment letter dated December 13, 2023, the Southern Sierra Miwuk Nation expressed concerns about the Council funding the North Fork Mono's purchase of property in Mariposa County without first communicating or consulting with the Tribal Council of the Most

Likely Descendent peoples. The Southern Sierra Miwuk Nation also expressed concern that they might be barred access to sacred sites on the property without a collaborative agreement between the North Fork Mono and the Southern Sierra Miwuk tribes that provides formal access.

Following the Council’s decision to reserve funds until the February 2024 Council meeting, staff met with the Chairman of the North Fork Mono tribe to further clarify the tribe’s intent around access to the property. The Chairman reiterated the intent expressed in their application that the Southern Sierra Miwuk Nation would be granted gathering and tending rights as part of the transaction. The Chairman also provided a letter of assurances restating the tribe’s intent to maintain the property for resource cultivation, and that all tribes, practitioners, gatherers, and ecological researchers would be granted access to the property as part of the project upon formal request to enter and agreement to use cultural protocols on appropriate technique in gathering and tending practices. If the project is approved, these assurances will be incorporated into the grant agreement documents as described in the Program Requirements section above.

***Acquisition Project Recommended for Funding***

Applicant / Co-Applicant	Project Number	County	Total Acres	Recommended Award Amount
North Fork Mono Tribe	SALC22_PP48_MPA	Mariposa	368	\$1,030,000

**Next Steps**

Staff have revised the timeline for the Round 10 guidelines release and application process to ensure sufficient time to engage deeply with the concerns raised around the Program’s tribal notification and consultation policy, among other items. The proposed timeline is:

- Draft for public comment: July 2024
- Final Guidelines approved: October 2024
- Acquisition Pre-proposals due: February 2025
- Acquisition and Planning applications due: July 2025

**Council Recommendation**

Should the Council agree with Staff’s recommendation, the following motion language is suggested:

“I move that the Council pass the consent calendar.”

**Attachments**

- Attachment A: Fee Acquisition Grant Agreement Exhibits G through I
- Attachment B: North Fork Mono Presentation Summary

