

Language for Goal 2 Subcommittee Review

2. Protected and thriving agricultural lands

To ensure the long-term viability of California agriculture, the state's invaluable working lands, especially its prime agricultural soils, must be protected and managed effectively. These efforts should be designed and implemented to reap ecological, social, and cultural benefits by expanding land access opportunities for priority producers and land stewards.

California's agricultural land base is under threat. According to the Department of Conservation, California's farm and grazing lands decreased by more than 1.6 million acres between 1984 and 2018. This loss averages just over 47,000 acres per year, or about one square mile every five days.⁴⁵

Urban development accounts for the vast majority of this loss—more than 1.2 million acres over the 1984–2018 timeframe.⁴⁶ Based on existing trends, American Farmland Trust predicts that California will “pave over, fragment, or compromise 797,400 [additional] acres of agricultural land by 2040.”⁴⁷

California will also lose farmland as lands are fallowed or repurposed to reduce demand for pumping groundwater in critically overdrafted basins, as required by the Sustainable Groundwater Management Act (SGMA). Estimates vary on how much land will need to be taken out of production; for example, in the San Joaquin Valley, recent estimates range from around 500,000 acres⁴⁸ to 1 million acres.⁴⁹

These losses of agricultural land have been called a crisis that is restricting the available land base for priority producers and land stewards and making agricultural land harder to find and more expensive. Another significant impact is the loss of one of California's most valuable and unique resources: soil. Once lost, healthy soil can take centuries, if not millennia, to rebuild. Yet the highest quality agricultural soil in the state, known as Prime Farmland in the Department of Conservation's Farmland Mapping and Monitoring Program, has seen the largest decrease in acreage, with just over 816,000 acres lost between 1984 and 2018.⁵⁰

Protecting California's agricultural land is already a core part of many of California's broader conservation goals, including but not limited to the 30x30 initiative⁵¹, the Nature-Based Solutions Natural and Working Lands Climate Smart Strategy⁵², achieving carbon neutrality by 2045⁵³, and biodiversity protection⁵⁴. In addition to these state-led projects, local governments must play a critical role in preserving agricultural land and reducing barriers to running a viable agricultural operation in urban and rural areas alike.

In order to protect California's Prime Farmland and Farmland of Statewide Importance, the legislature should move to safeguard them in the public domain. The use of public

resources should bring about long-term public benefits, but expending resources (such as grants or down payment assistance) to private individuals who wish to farm does not ensure this. The retirement plans of these individuals will likely require them to replicate the crisis of affordability for the next generation of farmers. This is especially true as investment firms are paying handsome prices for agricultural land. Expending resources on private individuals results in land wealth to once again be siphoned by private individuals, even if those individuals have historically faced systemic barriers to access. This also risks further consolidation of financial ownership of land. In order to avoid continuously having to offer a task force intervention as resources are continuously privatized, removing Prime Farmland and Farmland of Statewide Importance from the market would halt the problem at the root.

Four percent of California's cropland is already owned by local, state, federal or another form of non-Tribal government. According to the 2017 USDA Census of Agriculture, roughly 50% of these 300,000 acres are currently fallowed.⁵⁵ Of these fallowed lands, those that are agriculturally viable, with stable water access, present a significant land access opportunity for priority producers and land stewards. Additionally, improving the leasing processes on publicly owned lands to focus on access, long-term stability, and reducing barriers in collaboration with farmer service providers and land stewards can ensure accessible and secure land tenure.

2.1 Develop a statewide plan for conserving California's agricultural land

- a) Create a statewide plan for conserving California's agricultural land, particularly Prime Farmland and Farmland of Statewide Importance.

2.2 Develop and fund land steward-focused conservation tools

- a) Establish a new fund for eligible entities, like resource conservation districts, land trusts, non-profits, to purchase and then lease or sell agricultural land to priority producers and land stewards. Ensure Tribal Nations are exempt from the requirement to lease or sell the land.
 - i) Prioritize community agricultural projects that facilitate long-term stewardship and tenure of the land by priority producers and land stewards.
 - ii) Encourage conservation tools such as buy-protect-sell+ programs that conserve agricultural land while prioritizing equitable and affordable land access. Require that the properties are sold or leased to priority producers and land stewards and entities that support these communities.
- b) Establish alternative, long-term wealth-building programs to alleviate restrictions on wealth building that provide a financial disincentive for land conservation.
- c) In new and existing programs, prioritize funding for applicants that:
 - i) Fund specific activities and costs:

1. The acquisition of agricultural conservation easements and enhancements that facilitate equitable and affordable land access. Examples of easement enhancements include rights of first refusal, residential restrictions, and options to purchase at agricultural value (OPAV).
 2. Costs of permitting, deferred maintenance, infrastructure, and other expenses needed to bring a property into a ready state to support a viable farm operation so that those costs are not deferred to receiving land stewards.
 3. Transaction costs and legal and technical support for priority producers and land stewards to negotiate and close land transactions, leases, and conservation and agricultural easements with land trusts, public agencies, and private landholders.
 4. Technical assistance to support the implementation of sustainable agricultural practices.
- ii) Meeting the following criteria:
1. Have completed an eligible training program as outlined below.
 2. Are community-based.
 3. Practice cultural humility.
 4. Have demonstrated experience in working with land stewards and priority producers.
- d) Fund the development and implementation of training programs for land trusts, public agencies, appraisers, lenders and other technical assistance providers that will support and teach participants 1) how to develop conservation tools like agricultural and cultural easements, easement enhancements, and equitable leases that directly serve priority producers and land stewards, and 2) cultural humility, especially in relation to working with Tribal Nations.
- i) Training programs should be developed and implemented in partnership with Tribal Nations, diverse producers, and community-serving organizations.
 - ii) Provide funding for land trusts and technical assistance providers to participate in the trainings.
- e) Require land trusts and community-based organizations to co-create conservation goals in collaboration with the communities which they are accountable to, including consultation with Tribal Nations.
- f) Require California funding agencies, like the Department of Conservation (DOC), to update their grant guidelines to allow for traditional Tribal uses and appropriate agricultural uses. Collaborate with Tribal Nations first, before collaborating with other state agencies. Ensure the following:
- i) Encourage cultural land stewardship through traditional ecological management.
 - ii) Provide flexibility for priority producers and land stewards to respond to changing environmental and market conditions.

- iii) Allow for building infrastructure that is necessary to maintain farm viability and for land stewards and farmworkers to live on the land, such as housing, irrigation, water storage, and post-harvest handling infrastructure.
- iv) Update the easement requirements in Chapter 4 (commencing with Section 815) of Title 2 of Part 2 of Division 2 of the Civil Code as needed.
- g) Require parties converting agricultural land to other uses to offset the loss by protecting geographically proximate agricultural land of the same or better quality at not less than a one-to-one ratio. Make offset land available for food and fiber cultivation through a state conservation program.

2.3 Expand and steward state-owned land base suitable for agriculture

- a) Direct a collaboration of state agencies to identify State-owned Prime Farmland and Farmland of Statewide Importance along with other lands suitable for agriculture, to conserve these valuable resources, and to return them to Tribal Nations or make them available to land stewards.
 - i) California Department of Conservation (DOC), California Department of Forestry and Fire Protection (CALFIRE) and the newly created Tribal Lands Return Commission should lead using existing Department of Conservation maps and other resources.
 - ii) If lands are leased, offer below market rate.
- b) Direct a collaboration of state agencies and technical assistance providers with knowledge in equitable contracts to develop models for secure, long-term access agreements that would allow for cultivation of public lands.
 - i) Ensure fair leasing terms based on the recommendations included in this report.
 - ii) Examine existing public land leases and the administrative barriers that make leasing from public agencies inaccessible and prohibitive
- c) Expand state capacity to hold land and to administer leases and requests for proposals for leasing land for priority producers.
 - i) If the state does not have the capacity to serve as landlord, create a program by which land trusts and other community-based organizations can serve as intermediaries between the state and lessees, ensuring the terms of the lease and the conservation goals are followed.
- d) Create a fund to purchase Right-of-First-Refusals by the state on agricultural land, especially Prime Farmland and Farmland of Statewide Importance, that is at risk of going for sale in the next 10 years.

2.4 Incentivize and support local governments to protect and lease viable agricultural land

- a) Support and incentivize local governments to adopt innovative land use planning strategies to limit development on agricultural land:

- i) Establish urban growth boundaries.
 - ii) Implement agriculture preservation overlays.
- b) Support and incentivize the inclusion of urban agriculture in access agreements on public lands run by local jurisdictions such as parks, urban lots, etc.
- c) Support and incentivize local governments to make publicly held land accessible to priority producers and land stewards by providing secure, long-term leases at low or no cost through partnerships with community-based organizations.
 - i) Develop these incentives in consultation with local agencies and organizations.