
SENATE COMMITTEE ON AGRICULTURE
Senator Andreas Borgeas, Chair
2021 - 2022 Regular

Bill No: AB 2964 **Hearing Date:** 6/21/22
Author: Committee on Agriculture
Version: 3/14/22
Urgency: No **Fiscal:** Yes
Consultant: Reichel Everhart

Subject: Agricultural land conservation: California Farmland Conservancy Program Act

SUMMARY:

This bill revises and recasts provisions of the California Farmland Conservation Program (CFCP) Act under the California Department of Conservation (DOC) to, among other things, abolish the California Farmland Conservancy Program Fund, authorize the CFCP to offer financial aid for projects and activities on agricultural lands that support conservation and sustainable land management, expand the authorization of the DOC to pay direct costs associated with the acquisition of an easement or fee title, repeal matching requirements for funding under the program, and revise requirements on the department to be fulfilled before disbursing funding under the program, as specified. Finally, the bill authorizes continuous appropriation of donations to the DOC for purposes of this program.

BACKGROUND AND EXISTING LAW:

Existing law:

- 1) Establishes the California Farmland Conservancy Program Act, administered by the California Department of Conservation (*Public Resources Code Section 10200*).
- 2) Creates the California Farmland Conservancy Program Fund within the DOC and requires moneys in the fund to be used to purchase agricultural conservation easements, fee title acquisition grants, and land improvement and planning grants (*Public Resources Code Section 10200*).
- 3) Authorizes the California Department of Food and Agriculture (CDFA) to accept donations if the department is the designated beneficiary of the donation and agrees to use the moneys for the California Farmland Conservancy Program in a county specified by the donor (*Public Resources Code Section 10231*).

PROPOSED LAW:

This bill:

- 1) Establishes the California Farmland Conservancy Program within the California Department of Conservation.
- 2) Eliminates the California Farmland Conservancy Program Fund.
- 3) Authorizes the program to offer financial assistance, including grants or contracts for projects and activities on agricultural lands that support agricultural conservation and sustainable land management., including, but not limited to:
 - a. Acquisition of agricultural conservation easements or fee title to protect the land's agricultural use or capacity.
 - b. Improvements to land protected by a conservation easement, deed restriction, or similar long-term agreement as determined by the director.
 - c. Plans to protect and conserve agricultural lands and plans to protect, conserve, restore, or enhance resources or values located on or adjacent to agricultural lands or that were historically present on agricultural lands.
 - d. Technical assistance to develop projects, prepare applications, and implement projects.
 - e. Capacity building.
 - f. Technology transfers.
 - g. Administrative costs incurred by the department to administer the program.
 - h. Any other purposes approved by the Legislature in a funding appropriation for the program.
- 4) Allows funding to be used in accordance with the expenditures and distributions authorized, required, or otherwise provided in the program for grants for the acquisition of agricultural conservation easements for fee title.
- 5) Expands the authorization of the department to pay direct costs associated with the acquisition of an easement or fee title.
- 6) Allows the department to pay direct costs associated with the acquisition for costs incurred during the grant term.
- 7) Allows the department to accept donations of funds to the Soil Conservation Fund, established pursuant to Section 51283 of the Government Code. Funds donated pursuant to this section are hereby continuously appropriated to the department for the purposes of the program.
- 8) Defines the following:
 - a. "Agricultural Conservation Easement" or "conservation easement" or "easement" to mean an interest in land, less than fee simple that

represents the right to prevent the development or improvement of the land, as specified in Section 815.1 of the Civil Code, for any primary purpose other than agricultural production.

- b. “Applicant” to mean an entity listed in Section 815.3 of the Civil Code that applies for a grant authorized pursuant to this division (Division 10.2).
- c. “Agricultural land” to mean prime farmland, farmland of statewide importance, unique farmland, farmland of local importance, and grazing land as defined in the Guidelines for the Farmland Mapping and Monitoring Program, pursuant to Section 65570 of the Government Code.
- d. “Restriction” to have the same meaning as defined in Section 784 of the Civil Code, which states “restriction”, means a limitation on, or provision affecting, the use of real property in a deed, declaration, or other instrument, whether in the form of a covenant, equitable servitude, condition subsequent, negative easement, or other form of restriction.”
- e. “Nonprofit organization” to mean an organization described in subdivision (a) of Section 815.3 of the Civil Code.
- f. “Secretary” to mean the secretary of the Natural Resources Agency.
- g. “Resource conservation district” to mean a resource conservation district established pursuant to Division 9 (commencing with Section 9001) of the Public Resource Code.

ARGUMENTS IN SUPPORT:

According to the author:

AB 2964 will modernize the California Farmland Conservancy program (CFCP) by improving efficiencies, cost-effectiveness, and streamlining. This bill will also remove barriers such as complicated application processes and requirements that often prevent access for farmers and ranchers.

COMMENTS:

The Senate Rules Committee has double referred this bill to the Senate Natural Resources and Water Committee as the second committee of referral. Therefore, if this measure is approved by this committee, the motion should include an action to re-refer the bill to the Senate Committee on Natural Resources and Water.

PRIOR ACTIONS:

Assembly Floor:	75 - 0
Assembly Appropriations Committee:	16 - 0
Assembly Agriculture Committee:	10 - 0

SUPPORT:

American Farmland Trust (Sponsor)

OPPOSITION:

None received

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