



AB 823 – California Farmland Protection Act

SUMMARY

AB 823 would adopt a minimum statewide standard for the purpose of mitigating the loss of farmland when a project results in the conversion of farmland to non-agricultural uses, including residential, commercial, civic, industrial, and infrastructure projects. AB 823 would also create certainty for developers by clearly detailing what measures would be recognized as having fully mitigated the project level and cumulative impacts on agricultural resources.

BACKGROUND

Agriculture has long been an essential pillar of the California economy. In 2011, agriculture contributed \$43 billion to the state’s economy. Agriculture supplies 90% of the nation’s nuts and wine grapes, more than one-half of the country’s fruits and vegetables and is the leading producer of dairy products. A thriving agricultural sector is critical to the long-term strength of California’s economy and our food security; we must ensure that appropriate policies are in place to preserve valuable agricultural land.

In addition, the preservation of agricultural land is of vital importance in limiting the impacts of climate change. California’s Global Warming Solutions Act, AB 32, requires the state to reduce its greenhouse gas (GHG) emissions to 1990 levels by 2020. Research funded by the California Energy Commission’s Public Interest Research (PIER) program found that an acre of irrigated cropland emits 70 times fewer GHG emissions than an acre of urban land. Unfortunately, an average of 30,000 acres of California farmland is permanently converted to non-agricultural uses every year.

Current policy tools are failing to adequately mitigate for the permanent loss of agricultural land and its consequences. Despite the analysis and mitigation requirements of the California Environmental Quality Act (CEQA) with respect to projects that result in the conversion of agricultural land, lead agencies do not consistently require mitigation for this loss of land and its related impacts.

THIS BILL

This proposal would – for the first time – establish clear minimum requirements for mitigating the loss of agricultural land related to a project, including requirements to: conserve agricultural lands that are at least the same acreage as the farmland that is being converted to nonagricultural uses; establish that the soil quality of the conserved land is at least comparable to the converted agricultural land; ensure that the conserved land has an adequate water supply for agricultural purposes, and that the conserved land is located as close to the converted land as feasible.

In addition, AB 823 would provide certainty for developers by detailing additional steps they could take so that the project could be deemed by statute to have been fully mitigated with regard to the impacts associated with the loss of agricultural land. A project would be deemed to have met this threshold if the mitigation ratio of conserved land to converted land is two acres for every one acre of converted land or – for a project within existing city limits – the mitigation of acreage of conserved land is at least equal to the acreage of the converted land is either a high-density residential housing, mixed-use, or commercial development project.

Co-sponsors

American Farmland Trust
California Climate and Agriculture Network
Community Alliance with Family Farmers

Opposition

None Identified

Status

Introduced

FOR MORE INFORMATION

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