

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: February 16, 2021	TYPE OF AGENDA ITEM: <input type="checkbox"/> Regular <input type="checkbox"/> Timed <input checked="" type="checkbox"/> Consent
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DEPARTMENT: Board of Supervisors
APPROVING PARTY: Paul Roen, Supervisor, District No. 3
PHONE NUMBER: 530-289-3295

AGENDA ITEM: Approval of letter submitted to the California Department of Conservation regarding the California Farmland Conservancy Program-Draft Guidelines.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other
See attached Letter

BACKGROUND INFORMATION: The Board authorized the Director of Planning and Supervisor Roen to attend the Public Workshop on the California Farmland Conservancy Program - Draft Guidelines held on January 27, 2021. Public comments on said guidelines were due by February 12, 2021. In order to meet the comment deadline, the Director of Planning submitted the attached letter to the Department of Conservation. This is a request to retroactively approve the letter submitted on February 11, 2021.

FUNDING SOURCE: N/A
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2021- _____ Agreement 2021- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD _____ DATE _____

SIERRA COUNTY

Board of Supervisors
P.O. Drawer D
Downieville, California 95936
Telephone (530) 289-3295
Fax (530) 289-2830



February 11, 2021

State of California, Department of Conservation
Division of Land Resource Protection
801 K Street
MS 14/15
Sacramento, California 95814

RE: California Farmland Conservancy Program-Draft Guidelines

This letter and comments is provided on behalf of the Sierra County Board of Supervisors as the California Farmland Conservancy Program and Agricultural Conservation Easement grant program, as well as other similar programs offered through the Department of Conservation, are of significant interest to the agricultural economy in Sierra County. It is appreciated that the California Farmland Conservancy Program was the subject of an informative workshop recently and the following comments represent concerns and comments on the draft guidelines which are due on February 12, 2021. These comments will be mailed with the postmark of February 12, 2021 and will also be submitted via email at CFCP@conservation.ca.gov.

We have attached the comments from Sierra County dated January 24, 2020 and timely submitted regarding the draft guidelines for the California Sustainable Agricultural Lands Conservation Program. These comments are attached to this letter in order to express that the comments at that time, reflect the current position of the County today, with respect to the various programs offered through the Department of Conservation involving farmland acquisition, conservation easements, and other like programs where record title and/or easement acquisition is a primary product of the program. While some of the comments were implemented in the final guidelines, please accept this letter as an additional listing of comments and concerns beyond which may be offered in this letter.

Sierra County strongly supports, protects, and when necessary, defends sustainable agriculture as a priority land use and this is strongly implemented in existing County policies and regulations developed through the County General Plan process. The General Plan clearly states that "The economic viability of agriculture in Sierra County-Sierra Valley and Long Valley in particular-will depend upon maintenance of large parcel requirements and the prevention of subdivision or conversion activity". The majority of ranches being family oriented and/or working ranches and their respective focus being sustainable agriculture is a high priority for the Board of Supervisors-past and present-to protect and enhance.

Please consider the following comments:

- 1) Often this and other programs can create unintended conflicts with existing agricultural programs such as the Land Conservation Act (Williamson Act) contracts; Farmland Security Program contracts; and Important Farmlands Program./ Acquisitions or imposition of

conditions or deed restrictions can create conflict with existing long-term contracts in place between the County and the landowner. Breach conditions can result and loss of sustainable agricultural lands can also occur and this condition should not be allowed to occur without consultation and review by the County.

- 2) The County strongly supports the language proposed that states "Timing for public notice and resolution of support-Both public notice and a resolution of support from local government is a required component of the application". This is a critical insert into the guidelines and the Board of Supervisors appreciates this inclusion of this language and strongly supports that it remain in place. It protects the interest of the property owner as well as the integrity of any existing agricultural contracts and any grant application.
- 3) Please provide a recognition and a specific mechanism that consultation and notice to local government over the assessment of impacts resulting from any grant application are a fundamental obligation in the grant application process. The County in administering the California Environmental Quality Act, whether as lead agency or as a responsible agency, has a specific role and obligation to assess impacts and become involved in the early stages of grant application-not at the end of the process.
- 4) The County is strongly supportive of the inclusion of language that reaffirms the legislative intent of the program to "maintain agricultural viability and protect flexibility required to maintain permanent agriculture". This is critical so that unintended conflicts or breaches of existing agricultural contracts does not occur; that County General Plan language is understood and respected; that sustainability of agriculture becomes a goal; and that local environmental impacts are identified, assessed, and understood early in the application process.
- 5) The Board of Supervisors supports the maintenance of the proposed language in the draft guidelines that allows appurtenant activities. This section identifies "customary part-time or off-season rural enterprises or activities, including hunting, fishing, habitat improvement, timber harvesting, firewood production, predator control" and this should remain in place in the guidelines.

In summary, please evaluate and implement the comments herein as well as the appropriate comments attached hereto in the form of a letter from this Board of Supervisors dated January 24, 2020. We would respectfully request your acknowledgement of these comments and any reply accordingly and we look forward to working with you on this and like programs.

Thank you.

Sincerely,

Sierra County
Board of Supervisors



By: Tim H. Beals
Director of Public Works and Planning

SIERRA COUNTY

Board of Supervisors
P.O. Drawer D
Downieville, California 95936
Telephone (530) 289-3295
Fax (530) 289-2830



January 24, 2020

Sustainable Agricultural Lands Conservation Program
Sent Via US Mail and By Email
801 K Street
MS 14-15
Sacramento, California 95814

Attn: Ms. Virginia Jameson
Program Manager

Thank you for the opportunity to provide comments on the draft guidelines for the California Sustainable Agricultural Lands Conservation Program dated December 20, 2019. This program and how it is administered and implemented is of significant interest to this Board of Supervisors. These comments were approved for submission to the Department of Conservation by the Board of Supervisors on January 21, 2020.

By way of brief background, this subject and related topics were the subject of a workshop held in Calpine, Sierra County (Sierra Valley) on November 6, 2019. This workshop was sponsored by the County Agricultural Extension Office and included two representatives from the Department of Conservation as well as many others. As was evident during this workshop, as well as being evident through other correspondence that the County has generated recently, the conservation easement program, other programs offered with like results from the Natural Resources Conservation Service, agricultural acquisition projects, and numerous other programs where record title and/or easement acquisition is funded through a number of sources is becoming a cause of concern for the Board of Supervisors. These reasons for cause and concern are as follows:

- 1) There exists language in the acquisition or easement documents that when implemented, will reduce agricultural use on a given piece of property and over time creates serious concerns for the sustainability of agriculture in the region; and,
- 2) There exists no obligation for any party involved in negotiations (the Department (DOC), the landowner, any involved land trust organization, etc) involving land or easement acquisition to consult with local government during the process; and,
- 3) The language of the acquisition or easement program can be in direct conflict with existing agricultural programs such as the Land Conservation Act and the resultant contracts that are in place between a landowner and the County. Examples are the Williamson Act (Land Conservation Contracts); the Farmland Security Zone (FSZ), Important Farmlands, and other related Program, where implementation of the restrictions or conditions of an acquisition or easement can create direct conflicts with existing long-term contracts in place between the landowner and the County posing serious threats to the property owner being in breach of the

contract creating fiscal uncertainty and legal entanglement, not to mention possible threats to sustainable agricultural practices on the property involved.

- 4) The acquisition or easement together with restrictions can be found to be in potential conflict with the County General Plan and as in the case of Sierra Valley can pose serious threats to the sustainability of agriculture and poses threats to the continued operation of small family ranches that have historically been the land use pattern as well as the "economic engine" for the County economy. Easements and acquisition can create conflict between neighbors and as just one example, acquisitions or easements for wildlife habitat or for wetlands that contain restrictions reducing agricultural use now or in the future, can stymie agricultural sustainability if not properly structured. Local agency review of proposed restrictions is a significant deficiency in the present guidelines.
- 5) There exists no mechanism presently to address impacts created by the program through the process outlined under the California Environmental Quality Act. As a result, consultation, notice, and appreciation for the potential impacts of the funding for, implementation of, or otherwise consideration of an agricultural acquisition or easement is not a part of the process, leaving the County to often become involved, if at all, well after negotiations have occurred and likely been completed.

For the above stated reasons, and in the spirit of good and transparent public policy, it is in the best interest of the Sustainable Agricultural Lands Program to continue the deadline for comment and immediately move to undertake specific discussions to resolve these critical policy implications that are arising out of the implementation of this program. We would respectfully request that the deadline be extended and the Department immediately undertake these discussions. Sierra County would be most-interested to participate in such discussions.

Sierra County requests that amendments to the guidelines be developed and implemented. When properly applied, easements and/or acquisitions can assist rather than impede agricultural sustainability. The program needs to build into its guidelines, a required early consultation process that involves local government so that locally initiated land conservation contracts, local General Plan policy, and other factors are considered. This early consultation is critical and fundamental to the ongoing success of the program and the sustainability of agriculture. The Department of Conservation, other involved agencies such as NRCS, all have the resources to provide this effective, front-end discussion and its result will remove neighbor conflicts, will resolve local government conflicts, and will garner the proper involvement and support of these key parties.

Sierra County requests that the proposed program guidelines include mandatory consultation and notice to local government when the Department is involved at any stage of the easement or acquisition process. How consultation is provided, the form of notice, the timing of the consultation, and other terms can be discussed and resolved through amendment to the program guidelines that assures local government involvement. At minimum, local government may be a trustee or responsible agency under the California Environmental Quality Act and the notification to local government is critical in assuring effective notice and communication.

Sierra County requests that the creation of acquisition or easement terms contain a consultation requirement with local government so that any policy ramifications, property tax issues, and contractual conflicts with the Land Conservation Act/FSZ Program be identified "up front" in the process. Easement or acquisition terms can have significant impacts on neighboring properties, can create breach status or significant issues with existing land conservation or FSZ contracts, and can over time, diminish

sustainability of agriculture. As just two examples, two recent easements in Sierra County that were Department sponsored together with NRCS, have risen to a County Counsel opinion that existing Land Conservation and/or FSZ contracts may now be in breach status placing a difficult situation for the landowner who likely had no idea of the ramifications. Thus the need for mandatory early consultation. This needs to be reviewed at a very early stage, at the time an acquisition or easement is considered by the Department, and should include a disclosure of the immediate impacts as well as the impacts occurring in the future through implementation of terms or restrictions well after completion of the acquisition or easement process.

Please give these comments a most-serious consideration. We respectfully request your written acknowledgement and reply to the proposed amendments. We want to work with the Department and avoid any adversarial environment over the status of the proposed program guidelines going forward but this Board of Supervisors cannot stress in stronger terms that these matters require your attention. We will look forward to working closely with the Department to resolve the stated concerns.

Thank you.

Sincerely,

Sierra County
Board of Supervisors



Jim Beard
Chairman of the Board

CC: Senator Brian Dahle
Assembly Member Dahle
Plumas County Board of Supervisors
Sierra Valley Resource Conservation District
County Agricultural Extension Office
Plumas-Sierra County Cattlemen
Plumas-Sierra County Farm Bureau
RCRC