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CALIFORNIA LAND CONSERVATION ACT STILL KEEPS MILLIONS OF ACRES IN AGRICULTURAL USE

SACRAMENTO – Acreage set aside for agriculture and open space under California’s Land Conservation Act program remains steady, according to the Department of Conservation (DOC). Approximately 15.4 million acres were reported as being enrolled statewide in 2013 – a slight increase over the 2012 total of 15 million acres.

“What this tells us is that local governments have a strong desire to preserve their agricultural and open-space land and they continue to see the Land Conservation Act as a viable way to do so, even in the absence of financial incentives from the state,” said John Lowrie, who heads DOC’s Division of Land Resource Protection.

The 2014 status report represents “Williamson Act” data submitted to DOC by local cities and counties for 2012 and 2013. The 2013 total represents about 50 percent of California’s farmland total, or about 31 percent of the state’s privately owned land. Three counties had more than one million acres enrolled in the program in 2013: Kern, Fresno, and Tulare, at 1.7, 1.5, and 1.1 million acres, respectively.

The increase from 2012 to 2013 likely represents improved reporting rather than actual enrollment increases. Overall, county reporting has become less consistent since 2010. Some counties have indicated that the inconsistency in reporting is due to the decrease and eventual loss of Open Space Subvention payments to local government from the State General Fund.

Under the Land Conservation Act, begun in 1965, landowners can contract with participating counties or cities to keep their property in agricultural or open-space use for terms of 10 or 20 years in exchange for a property tax reduction. Of California’s 58 counties, 52 have executed contracts under the Land Conservation Act Program. For the 2012 and 2013 reporting period, 45 counties and 3 city governments submitted information to DOC.

Local governments claimed a combined total of \$70.78 million in Open Space Subvention Act payments during 2012 and 2013. These payments would partially replace the property tax revenue that local governments forego in exchange for supporting agricultural conservation contracts. Subvention payments were effectively

eliminated beginning in Fiscal Year 2010-11. Open Space Subvention payments totaled more than \$863 million between 1971 and 2010. Adjusted for inflation, the State's investment in agricultural subventions to counties totals nearly \$1.5 billion.

"Despite the fiscal challenges, contracts between landowners and local governments continue," noted Molly Penberth, manager of the Land Conservation Act program. "In 2013, 19 counties accepted new contracts totaling more than 27,000 acres."

Legislation to lessen the impact of subvention payment losses to local governments was passed in 2010, offering a decrease of the term of the rolling contracts to 9 years for regular Land Conservation Act contracts or 18 years for Farmland Security Zone contracts. To date, 11 counties have opted for this compromise.

"That legislation has had a very beneficial effect in terms of making it easier for counties to hold the line on the Land Conservation Act rather than getting out," Penberth said.

Imperial County is the only county to exit the program. All of the more than 100,000 acres enrolled in the Act are now in nonrenewal and will be out of the program within the next decade. In 2013, a total of 477,852 acres of contracted land were reported to be at some stage of the nonrenewal process around the state, constituting 3.0 percent of statewide Land Conservation Act enrollment.

Legislation signed in 2014 provides an option to rescind Land Conservation Act contracts on land that has been compromised due to chemical, physical, or water-related limitations and replace them with Solar-Use Easements. Investor-owned electric utilities in California are required to have 33 percent of their retail sales derived from renewable sources by 2020 and 50 percent by 2030.

During fiscal years 2012 and 2013, DOC reviewed 52 petitions to cancel Land Conservation Act contracts, 30 of which were proposed for commercial solar facilities. These cancellations, once completed, will result in more than 9,000 acres of contracted land being converted to a commercial solar use. These cancellations are focused mainly in southern San Joaquin Valley counties.

"Agricultural land is of interest to photovoltaic solar developers due to its level terrain, existing land disturbance, decreased likelihood of hosting species of concern, and proximity to transmission lines or substations," Lowrie said.

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