

ASSEMBLY BILL

No. 823

Introduced by Assembly Member Eggman

February 21, 2013

An act to add Section 21095.5 to the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 823, as introduced, Eggman. Environment: agricultural land: mitigation.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would require a lead agency, for a project that converts agricultural lands for nonagricultural uses, to require mitigation measures consisting, at a minimum, of providing replacement acreage through specified mechanisms to ensure the availability of agricultural production capacity. Because a lead agency would be required to provide a higher level of service by requiring the specified mitigation measure, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares that
2 California agriculture is a \$43,000,000,000 per year industry, one
3 of the state’s largest and most significant industries. California
4 agriculture supplies 90 percent of the nation’s nuts and wine grapes,
5 more than one-half of the country’s fruits and vegetables and is
6 the leading producer of dairy products.

7 (b) It is the intent of the Legislature to enhance the long-term
8 viability of California agriculture by clarifying farmland mitigation
9 requirements under the California Environmental Quality Act
10 (Division 13 (commencing with Section 21000) of the Public
11 Resources Code.

12 SEC. 2. Section 21095.5 is added to the Public Resources Code,
13 to read:

14 21095.5. For a project that converts agricultural lands for
15 nonagricultural uses, the lead agency shall require mitigation
16 measures consisting, at a minimum, of providing replacement
17 acreage through a grant, in perpetuity, of an agricultural or
18 farmland conservation easement, a deed restriction, or other
19 conservation mechanism on the replacement acreage to ensure the
20 availability of agricultural production capacity by limiting
21 nonagricultural development that is inconsistent with agricultural
22 uses and related activities for the benefit of a qualified entity.

23 SEC. 3. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 a local agency or school district has the authority to levy service
26 charges, fees, or assessments sufficient to pay for the program or
27 level of service mandated by this act, within the meaning of Section
28 17556 of the Government Code.

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