



OCCIDENTAL ARTS
& ECOLOGY CENTER



The Honorable Marc Berman
California State Assembly
State Capitol, Room 6011
Sacramento, CA 95814

April 16, 2019

Re: AB 782 (Support)

Dear Assemblymember Berman,

On behalf of the undersigned sustainable agriculture and conservation organizations, we are pleased to support AB 782. Importantly, the bill clarifies that public agencies may acquire land for conservation purposes, including farmland protection, without first conducting environmental review, but only so long as the public agency has committed to fully comply with CEQA *prior to commencing any physical change to the environment*. AB 782 would thus restore the common practice prior to the more recent line of cases and would provide a bright line rule for courts, land trusts, public agencies, and the public to follow.

Under existing CEQA regulations as reflected in Section 15325 of the CEQA Guidelines, there is a categorical exemption for transfers of ownership interests in land in order to preserve open space, agriculture, habitat, or historical resources. This exemption has made it possible to conserve and protect countless acres of valuable resource lands by allowing state and local agencies and land trusts to purchase private property ‘as is’, without the expense and delay of prior CEQA review in a competitive, fast-paced real estate market.

AB 782 would not create a new CEQA exemption or expand any existing exemption. Rather, it would simply codify the regulatory guidance already provided in CEQA Guidelines section 15325 (Class 25 Exemption for “Transfers of Ownership in Land to Preserve Existing Natural Conditions and Historical Resources”) and section 15004 (“Time of Preparation”). In combining the application of these two Guidelines into a single statutory provision, the author of AB 782 has also made grammatical changes to avoid redundancy and to clarify that applying for and accepting funding for qualifying acquisitions may occur prior to conducting environmental review, as many acquisitions rely on public grant funding.

Because the bill partially codifies the Class 25 regulatory (or “categorical”) exemption by specifying the timing of CEQA compliance for the circumstances covered by this Guideline, the Guidelines “exceptions” to the exemptions would no longer apply. Critically, however, the bill

achieves the same purposes as these exceptions by ensuring that full CEQA compliance *must* occur prior to the agency commencing any physical change in the environment. Any private activities on the property that could potentially impact the environment would remain fully subject to CEQA and would not be affected by the bill.

We would like to thank Assemblymember Berman for his leadership on this issue, and for all the above stated reasons strongly support AB 782.

Sincerely,



Katie Patterson
California Policy Manager
American Farmland Trust



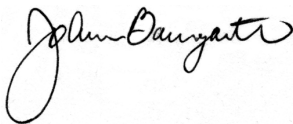
David Runsten
Policy Director
Community Alliance with Family Farmers



Jan Derich
Executive Director
Ecological Farming Association



Dave Henson
Executive Director
Occidental Arts & Ecology Center



Jo Ann Baumgartner
Executive Director
Wild Farm Alliance